

INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES ARISING FROM THE POLICIES
AND PRACTICES OF ISRAEL IN THE OCCUPIED
PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM**

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THE DYNAMICS OF THE RISE OF THE TEMPLE MOVEMENTS AND THEIR IMPLICATIONS

MARCH 1, 2013





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TABLE OF CONTENTS

Preface: The Need for a New Analysis of the Temple Mount/Haram al-Sharif. 5

Introduction: Temple Mount/Haram al-Sharif as a Focal Point
of the Israeli-Palestinian Conflict 7

Part 1: The Growing Activity of the Temple Movements in Israel:
Historic and Ideological Background 11

Part 2: Organizations and Movements for the Temple 33

Part 3: Ties between Government Institutions and Temple Movements 53

Conclusion and Recommendations 75

Reactions 79

PREFACE: THE NEED FOR A NEW ANALYSIS OF THE TEMPLE MOUNT/ HARAM AL-SHARIF

The Temple Mount/Haram al-Sharif is one of the most complicated and sensitive issues on Israel's agenda, activating friction points between Israel and the Palestinian population, the Arab nations surrounding Israel, the Muslim world and domestically, within the Israeli Jewish community itself.

Over the past several hundred years, a status quo has been maintained according to which the Temple Mount/Haram al-Sharif area (henceforth: the Mount) is an area reserved for Muslim prayer and the Western Wall is a prayer area reserved for Jews. Over the last decade, the status of these areas has gradually shifted, driven by a revival of activity by Jews determined to strengthen the status of the Temple Mount/Haram al-Sharif complex as a Jewish religious center and to marginalize the claims of Muslims to the Mount. In the past year alone, hundreds of national religious Jewish pilgrims have ascended the Mount, including groups of rabbis, women, members of Knesset and recently, soldiers in uniform.

It is necessary to take a sober look at the activities of the organizations advancing this agenda and to examine the official institutional support Israel allocates to underwrite their activities. As will become clear, the Jerusalem Municipality and other government ministries directly fund and support various activist organizations driven by the mission to rebuild the Temple.

This report aims to present information about the growing activity of organizations working to change the status quo on the Temple Mount/Haram al-Sharif and, in some cases, to actually erect the Third Jewish Temple upon it. The report describes the historic, legal and halachic background of the state of affairs on the Temple Mount/Haram al-Sharif complex today, introduces the main players within the pro-Temple movements and demonstrates the deepening association between these movements and official Israeli authorities.

The sensitive political and religious status of the Temple Mount/Haram al-Sharif and the impact of activities conducted there on Israel's future are clear. The movements' growing momentum and dangerous provocations to change the status quo are not receiving adequate attention, nor is the disturbing connection between these movements and official Israeli institutions. This report seeks to expose these trends—to present and analyze the dynamics of the growth of the Temple movements, their insidious leaching into the public domain and political center in Israel and the nature and depth of ties between Temple groups and the Israeli establishment.

Ir Amim | Keshev

This report focuses on a site that, by Jewish tradition, is referred to as the Temple Mount and by Islamic tradition, Haram al-Sharif. To avoid complication, the terms “Temple Mount” or “the Mount” will be used, while stating in advance that wherever these terms appear, they refer to the site known as the Temple Mount/Haram al-Sharif.

INTRODUCTION: TEMPLE MOUNT/ HARAM AL-SHARIF AS A FOCAL POINT OF THE ISRAELI-PALESTINIAN CONFLICT

The significance of the Temple Mount in Jewish tradition requires little elaboration. Its paramount importance is reflected in Jewish law, prayer and holiday traditions. However, since its destruction, the Temple has remained largely symbolic—an object of longing, deferred to a seemingly unattainable future era, and framed by a system of restrictions and rituals that moderate preoccupation with the question of its reconstruction. It is precisely because of the sanctity of the Temple Mount complex—the site of the First and Second Temples—that there is a halachic prohibition against visiting the Mount, as differentiated from the case of the ritual sacrifice service, which found a substitute in public prayer in synagogues.

The Islamic name given to the Temple Mount complex is Haram al-Sharif—for Muslims, the third holiest site in Islam after Mecca and Medina. The Islamic Waqf, responsible for oversight of the complex, is appointed by Jordan and its status is anchored in the peace agreement between Israel and the Hashemite Kingdom. The Islamic shrines located on the Mount—the Al-Aqsa Mosque and the Dome of the Rock— have become fundamental symbols of Palestinian nationality that unify Muslims and Christians, both secular and religious. In recent decades, the strengthening of Islamic movements has led to the elevation of the site's importance in the Muslim world. At the same time, elements within these movements have increased their tendency to deny the Jewish people's historic attachment to the Temple Mount.

The religious and political conflict surrounding the Temple Mount/Haram al-Sharif has provoked violence and bloodshed in the past and continues to constitute one of the central obstacles to resolution of the Israeli-Palestinian conflict. When the status of the Temple Mount came onto the agenda between Israel and the Palestinians during the Oslo peace process, Israel raised the possibility of permitting Jews the right to pray on the Mount. At no stage of the negotiations did Palestinians indicate willingness to discuss concessions regarding an exclusive Muslim presence on the Mount. In unofficial talks, Palestinian representatives advised Israeli representatives not to raise the suggestion of granting rights of worship on the complex to Jews, a development that would have the potential to elevate conflict over the Mount to the status of a religious war. Ultimately, the question of a settlement on the Temple Mount/Haram al-Sharif became a central stumbling block in the negotiations, which have been dormant for more than a decade,

Ir Amim | Keshev

between the Taba conference in 2001 and the recent resumption of negotiations in 2013.¹

The objection to any arrangement granting prayer rights to Jews on the Temple Mount/Haram al-Sharif recurs in statements made by various Muslim religious and public figures. For example, Sheikh Akrama Sabri, President of the High Muslim Council and former Mufti of Jerusalem, has claimed that the area of the Al-Aqsa Mosque belongs exclusively to Muslims and denies any Jewish rights to the area. Sabri has firmly resisted any agreement allowing Jews to pray in the Temple Mount/Haram al-Sharif plaza². Muhammad Hussein, the Mufti of Jerusalem, and other religious figures have made similar claims.

Attempts to forcibly realize Jewish worship rights on the Mount therefore constitute an explosive religious and political issue. In recent years unofficial and private Jewish organizations have been progressively escalating activities surrounding the Mount. Being careful to note the differences between them, the activists and organizations promoting these ideas will henceforth be referred to as "the Temple movements." These groups receive support and assistance from government bodies, as well as the encouragement of a public political lobby. Their purpose is to raise awareness and stress the importance of the Mount and the Temple for the Jewish people today. These developments have considerable public significance.

This report will examine the significance of Temple movement activists' demands and actions, exploring the people and groups behind efforts to change current arrangements on the Mount and the network of ties between these groups and the Israeli establishment, including the provision of public, political and economic assistance.

The decision to focus on Temple group activists and their ties to the establishment was precipitated by the considerable expansion of Jewish circles with the overriding objective of advancing construction of the Third Temple while harming Islamic holy sites, or working, as an interim goal, toward a unilateral change of arrangements on the Temple Mount/Haram al-Sharif. Their deepening ties to the Israeli political and official establishment have only exacerbated concerns. It should be stated here that this document does not intend to review Islamic activities to expand prayer areas on the Mount, the archeological damage caused by such expansion or Islamic denial of the historic connection between the Jewish people and the site. Neither does it intend to examine the activities of fundamentalist Christian groups, who also have motives related to the status of the Mount.

There is mutual and reinforcing interaction between Muslim and Jewish trends: the Temple movements bolster themselves with quotes from Muslims and Arabs who negate

1 See Shlomo Ben Ami, **A Frontline without a Home Front: Journey to the Limits of the Peace Process**, [Hebrew] "Yedioth Ahronoth", Tel Aviv, 2004; Gilead Sher, **The Israeli-Palestinian Peace Negotiations 1999–2001: Within Reach** (New York: Routledge), 2006; Menachem Klein, **Shattering a Taboo: The Contacts Toward A Permanent Status Agreement in Jerusalem 1994-2001** (Jerusalem: The Jerusalem Institute for Israel Studies), 2001; Robert Malley, Hussein Agha, "Camp David: The Tragedy of Errors", **The New York Review of Books**, July 12, 2001; Akram Haniyah, "Special Document: The Camp David Papers", **Journal of Palestine Studies** 30 (Winter 2001): 75-79; Charles Enderlin, **Shattered Dreams: The Failure of the Peace Process in the Middle East 1995-2002**, trans. Susan Fairfield (New York: Other Press), 2003.

2 See for example, Elad Benari, "Terrorists Warn Israel: Harming Al-Aksa Will Open Gates of Hell", **Arutz Sheva**, August 22, 2012.

Dangerous Liaison

Jewish attachment to the site and the Temple while Islamic movements buttress their arguments by stressing Jewish threats to worship arrangements and Islamic shrines on the Mount. Islamic construction work undertaken without archaeological supervision, and Israeli archaeological excavations and construction plans surrounding the Mount, also intensify mutual suspicion, accusations and pretexts for action. This feedback loop escalates the discourse and actions taken by both sides and strongly influences decision makers from both camps. Though Arab and Islamic activity has attracted public interest and government response, we suggest that the considerable dangers posed by the Jewish Temple movements, their goal of achieving a radical unilateral change in the system of arrangements on the Temple Mount and the problematic nature of government collaboration with these groups has not received the public attention it merits. The immediate dangers threatened by these civil and political activities, and the role of the Israeli administration in exacerbating them, provide a strong rationale for turning the spotlight on the Temple movements.

After Israel conquered the Mount in 1967, a status quo was reached between Israel and the Muslim Waqf governing worship arrangements on and around the Mount. Since then, Jewish Temple activists have attempted on several occasions to physically vandalize Islamic shrines on the Mount in order to promote the construction of the Third Temple and the process of redemption as they understand it. In the last three decades, there has been a considerable increase in movement-sponsored public education activities and dozens of organizations have arisen with the goal of raising public awareness about the importance of the Temple Mount and its reconstruction. These groups are backed by an increasing number of public figures, Knesset members and state institutions. It should be stressed that while most of these groups' activities are legal, the conflict of interests raised by the cooperation and funding they receive from government bodies cannot be taken for granted.

The Temple movements promote an ideology that places the Temple at its center—not as a symbol or distant goal but as a real object of political, religious and cultural actions to force a fundamental change of the existing arrangements on the Mount. For these groups, building of the Temple is an action plan and a theological and practical operational order. Considering the Temple Mount/Haram al-Sharif's religious, cultural, political and symbolic status, and in light of past attempts to alter the status quo, a forced and unilateral change of arrangements violates the right of Muslims to determine worship arrangements for their holy sites and therefore has a tremendously explosive potential.

While state authorities may exercise their prerogative to support movements and organizations operating within the law, they must do so with transparency and with full responsibility for the potential consequences of their actions. Furthermore, with regard to educational activities, the historic and halachic status of the Mount must be presented comprehensively and without bias, acknowledging the Mount's sanctity and status in Islamic tradition and Israel's duty to defend the religious aspirations of Muslims—an acknowledgement clearly not reflected in Temple movements' activities. This report does not aim to present a normative, political, religious or moral approach to the question

Ir Amim | Keshev

of Jewish or Muslim rights to the Temple Mount/Haram al-Sharif, nor to advocate a particular political solution or take a stand on questions related to the Temple and its reconstruction, whether by man or by God. The goal is to present data collected about the growing activity of the Temple movements and to evidence their connection to Israeli government and public bodies.

The material on which this report is based was collected from four primary sources: field research; monitoring of sectarian and general media coverage; a literature review; and interviews with key players and activists.

PART I: THE GROWING ACTIVITY OF THE TEMPLE MOVEMENTS IN ISRAEL: HISTORIC AND IDEOLOGICAL BACKGROUND

While there is no doubt as to the central status of the Temple in Jewish tradition, most religiously observant Jews are not moved to action when they pray three times a day in the “shemoneh esreh” prayer, “May our eyes behold your return to Zion” and end with the personal whispered prayer, “May it be your will... that the Temple be rebuilt speedily in our days”. Many commandments and holidays are connected to the Temple, mourning for its destruction has not ceased for 2,000 years and many hope, believe and expect it to be rebuilt “speedily in our days” or “in the days of the Messiah”. Mount Moriah, on which the First and Second Temples stood, is the site where the Third Temple is intended to be built.

Today there are two main buildings on the Mount: the Al-Aqsa Mosque and the Dome of the Rock, built during the first Islamic period in the seventh century BC. Beyond the sanctity of Al-Aqsa and the Dome of the Rock to Muslims, these sites have become central symbols of Palestinian nationality that unite Christians and Muslims—secular and religious—in the same way the Western Wall cements Israeli nationality. It is noteworthy that in the Islamic faith, the entire Mount is considered to be a mosque. Social, political and religious developments, the strengthening of Islamic movements and the Palestinian national struggle have all played a role in elevating the site's importance over the last decades for the Muslim and Arab worlds and among Palestinians.³

3 Political connection and religious connection are not two completely disparate matters, of course, but do have an influence on each other. As Yitzhak Reiter writes in the context of the Temple Mount: “The level of a site's sanctity is linked to the political conditions around it. Even though in ancient times there was no separation between religion and politics (and some would say the same is true in the modern age), considerations that we would call political had an influence then as they do today on the centrality of a sacred site in religious faith and on the intensity of the religious sentiment that developed towards it.” Yitzhak Reiter, “Introduction” in Yitzhak Reiter, ed., **Sovereignty of God and Man: Sanctity and Political Centrality on Temple Mount** (Jerusalem: The Jerusalem Institute for Israel Studies, 2001), 6. For an in-depth review of the process of elevating the sanctity of Al-Aqsa and al-Quds in the Muslim world and denying the Jewish connection to the holy sites in Jerusalem, see the Jerusalem Institute for Israel Studies’ report: Yitzhak Reiter, **From Jerusalem to Mecca and Back. The Islamic Consolidation of Jerusalem**, (Jerusalem: The Jerusalem Institute for Israel Studies), 2005.

PRESENT ARRANGEMENTS ON THE TEMPLE MOUNT/ HARAM AL-SHARIF

The current situation at the holy sites in Jerusalem is rooted in the status quo established during the Ottoman era.⁴ The overriding principle guiding worship arrangements over the past 500 years is the separation of worship sites: Muslims conduct their religious worship in Al-Aqsa Mosque and the Dome of the Rock and Jews worship at the Western Wall. This principle was revalidated after Israel occupied the Temple Mount/Haram al-Sharif in 1967. Ten days after the occupation, on June 17, Defense Minister Moshe Dayan and the members of the Higher Muslim Council agreed that IDF soldiers would vacate the Mount area and deploy around it, allowing internal supervision to remain under the purview of the Waqf and designating authority for external security to Israel's security forces. The interdiction against Jewish prayer on the Mount was accepted by a ministerial committee for the protection of holy sites and was tacitly indicated by halting Rabbi Goren's activity on the Mount and ordering security forces to evict Jewish worshipers attempting to pray on the Mount.⁵ This arrangement satisfied both the Waqf and the Orthodox Rabbinate. The "constructive ambiguity" that enabled the status quo of 1967 has now become an opening for disrupting the arrangement developed at that time.

The Waqf manages the Mount and controls the opening and closing of its gates, except for the Mughrabi Gate. It establishes the rules of conduct and attire and is responsible for maintenance. The Waqf also maintains the right to collect entrance fees for the Al-Aqsa Mosque and the Dome of the Rock but not to the Mount itself. It is also prohibited from waving flags or performing work or excavations without coordination with Israel.⁶ In July 2012, Attorney General Yehuda Weinstein instructed legal advisors to the Israel Antiquities Authority, the Jerusalem Municipality and the Israel Police that the Mount is part of Israeli territory and therefore Israeli law, including the Antiquities Law and the Planning and Building Law, applies to its governance.⁷ He went on to instruct that because of the unique nature of the site, the law should be applied with extreme sensitivity and attention

4 See Yiftah Zilberman, **The Struggle over Mosque/Temple in Jerusalem and Ayodhya** (Jerusalem: The Jerusalem Institute for Israel Studies), 1997.

5 Shlomo Goren, **Temple Mount Book - Meshiv Milchama**, Part 4, 1992, 15; Amnon Ramon, **The attitude of the state of Israel and different sections of the Jewish public to the Temple Mount (1967-1996)** (Jerusalem: The Jerusalem Institute of Israel Studies, 1997), 7.

6 In October 2007 the Knesset's State Control Committee asked the State Comptroller to write an opinion about repair work the Waqf initiated on the Temple Mount. The Comptroller checked the conduct of the Israeli authorities – the Prime Minister's office, the Justice Ministry, the Foreign Ministry, the Ministry of Domestic Security, the Israel Police, the Israel Antiquities Authority, the Jerusalem Municipality and the Israeli committee to UNESCO operating in the Education Ministry, mainly in the years 2001-2007, and completed the inquiry in 2010. After completing the examination, the Comptroller showed his findings to the Knesset committee that in consultation with the comptroller, the Prime Minister's Office, the Ministry of Domestic Security, the Justice Ministry, the Foreign Ministry, the Shabak, the Police, the Israel Antiquities Authority and the Jerusalem Municipality decided not to present the opinion to the Knesset (which is to say, not to publish it), and to publish only its introduction and conclusions "to protect national security and prevent harm to Israel's foreign relations." The material for which publication was permitted is available here.

7 **Reshet Bet News**, July 17, 2012.

Dangerous Liaison

to pragmatic considerations.⁸ The peace agreement between Israel and Jordan states that the Hashemite Kingdom has preferential status on the Temple Mount/Haram al-Sharif; therefore, any change in arrangements on the Mount necessarily involves the Hashemite Kingdom and Israel's relations with it.

Israel maintains a security presence in the Temple Mount/Haram al-Sharif envelope and in special emergencies, within the complex itself. At times, it imposes various restrictions on entry for stated security reasons (for instance, prohibiting entry of Muslim worshipers under the age of 45 or barring the entry of Jews on Muslim holidays), and deploys an Israeli police presence in the complex in the "mahkama" building. The State allows the entry of non-Muslims, Israeli Jews and tourists into the site through the Mughrabi Gate during designated hours coordinated with the Waqf. Because non-Muslim visitors do not have worship rights, Jewish prayer and rites are forbidden at the site. Furthermore, the Israeli Police bars the entry of certain individuals it considers provocateurs from entering the Mount. The list of people barred from entrance currently includes 20 activists from the Temple movements.⁹

Israel does not have a coherent and conclusive policy regarding arrangements on the Mount.¹⁰ The present status quo barring Jewish prayer on the Mount was accepted and ratified by the Supreme Court, which considered the issue on several occasions in response to petitions submitted by the Temple movements. The Supreme Court recognized that Jews have a right to pray on Temple Mount/Haram al-Sharif; however, it ruled that the executive branch maintains the discretion to forbid Jewish prayer for security reasons.¹¹ Recent evidence points to the Police practice of allowing people who enter the Mount complex to pray silently but not publicly.¹²

The status quo in effect since 1967 stems from the need to balance conflicting interests: on the one side, Israel's desire to impose Israeli sovereignty on the Mount and on the other, various commitments to defend the holy sites of other faiths¹³. The fear of violent flare-ups within the Muslim public, the reaction of the Muslim world and the criticism of

8 Yitzhak Reiter points out that the Waqf claims that Police permission for the activity of the Temple movements proves that the Israeli government stands behind them. Reiter believes that any provocation by Temple activists such as a demonstrative prayer by Jews on the Mount could lead to a violent outbreak, because "gas fumes" fill the air and the slightest spark would be enough to ignite them. Yitzhak Reiter, interview with author, November 28, 2012.

9 Yizhar Be'er, interview with Yehudah Glick, May 7, 2012.

10 According to Ami Ayalon, "The Israeli government, at least in my time, never developed a clear policy that was turned into directives on the subject of Temple Mount." Ami Ayalon, interview with Yizhar Be'er and Yehudit Oppenheimer, December 12, 2013. The conduct of the cabinet ministries and security agencies, as it emerges from the data and findings that will be presented herein, indicates that the government still has no coherent policy on this subject today.

11 HCJ 257.89; HCJ 2410/90. For further information, see Ramon, 9.

12 According to the testimonies of Temple movement activists, they were promised this by the site commander, Deputy Commander Avi Biton. See Shlomo Pyotrakovsky, "Rabbi Ariel allowed to return to Temple Mount," **Besheva**, September 20, 2012 (<http://www.inn.co.il/Besheva/Article.aspx/12343>); Hagai Huberman, "Shame on Temple Mount," **Matzav Haruach**, October 12, 2012 http://the--Temple.blogspot.co.il/2012/10/blog-post_1741.html (May 5, 2013).

13 See Zilberman, 1997. Among other sources, the undertakings that stem from the Declaration of Independence, the Oslo accords, and the peace accord with Jordan.

Ir Amim | Keshev

the international community are also significant factors. Over the years, the status quo has been modified and maintained through informal and unwritten contacts between the Israeli authorities and the Waqf, which answers mainly to Jordan.¹⁴

After 1996, following the opening of the Western Wall Tunnels, contacts between Israel and the Waqf diminished, almost breaking off completely. Today Israel interacts with the Waqf almost entirely through the Police. Such breakdowns in cooperation increase the possibility of violent outbursts resulting from provocation, incitement or a unilateral attempt to change the status quo. Violent outbreaks have occurred in the recent past in response to perceived attempts to change the status quo on and around the Temple Mount/Haram al-Sharif.

According to Ami Ayalon, former head of the Israel Security Agency (a.k.a. the "Shabak"):

"The very fact that Jews who want to change the status quo, whether it is Feiglin or anyone else, ascend the Mount and pray, is a recipe for explosion. We [Shabak] have said that even though the status quo is problematic, stability is very valuable and anyone who wishes to change the status quo must do so very patiently, in the broadest circles. Such a process must include the kings of Morocco, Jordan and Saudi Arabia as well as the president of Egypt. The second circle includes the leadership of the Palestinian Authority. [...] All of this must be part of a broader political process. Only a combined treatment by all of these parties might bring about a change in the status quo on the Mount."¹⁵

Cmdr. Mickey Levy, former commander of the Jerusalem District of the Israel Police, states:

"The status on [the] Temple Mount should be maintained as it is. The Court has ruled that any [Jew] who wants to worship God should be directed by Police forces to the Western Wall. Period. Any attempt to change the status quo on the Temple Mount will be perceived as an emotional-religious attempt, and we cannot even begin to imagine the destruction, the damage, the casualties and the loss of life in vain. Nobody can measure that. [...] There is no choice. This is the lesser evil. I was at that site for so many years. So many times stones were thrown at us from there and I burst into the Temple Mount at the head of police forces to quell riots. When I was there I compared myself to the Dutch boy with his finger in the dyke to prevent the water from bursting out. I, too, pushed my finger into the Western Wall and prevented the outbreak. If we are not exceedingly cautious, World War III will start here. We must be careful and act with wisdom, exercising caution and not arrogance."¹⁶

Hundreds of Jews and tens of thousands of tourists ascend the Mount every month. For example, in October 2012, 840 Jews and 31,058 tourists ascended it.¹⁷ In recent

14 Yitzhak Reiter, **Options for the Administration of the holy places in the Old City of Jerusalem**, (Jerusalem: The Jerusalem Institute for Israel Studies), 2008.

15 Ami Ayalon, interview with Yizhar Be'er and Yehudit Oppenheimer, December 13, 2012.

16 Interview by Arnon Segal with Mickey Levy, "House of my dreams," **Makor Rishon**, January 11, 2013.

17 Arnon Segal, "Daf Habayit," **Makor Rishon**, November 16, 2012.

Dangerous Liaison

years there have been 10-15,000 ascents by Jews every year (often serial ascents by the same people).

TRADITIONAL JEWISH BARRIERS RESTRAINING THE GROWTH OF TEMPLE MOVEMENTS

Despite the centrality of the Temple in Jewish tradition, after the destruction of the Second Temple in the Middle Ages a system of restrictions and substitutes was developed which prevented Jews from engaging in practical questions regarding building of the Temple and prohibited their entrance to the Mount complex. Thus, the desire to build the Temple was postponed until the "days of the Messiah", the rite of animal sacrifice was supplanted by public prayer in synagogue (considered to be a "miniature Temple") and the paschal sacrifice was replaced by use of the shank bone on the Seder plate during Passover. From the 16th century the Western Wall, rather than the Temple Mount, became the direct object of prayers, longing and yearning.

Many supreme halachic authorities such as Rashi, Maimonides and Nachmanides ruled that the Third Temple would be built by God rather than by human action.¹⁸ This position was advanced by those seeking to restrict the scope of permissible actions toward reconstruction of the Temple for Jews and to neutralize some of the messianic tension fanned by the hope of its construction. In the modern era, Rabbi Zvi Yehuda Kook, the leader of Gush Emunim, as well as large segments of religious Zionism, ruled that one must not act now—in the current era—to rebuild the Temple.¹⁹

Even if we were to ignore these principled rulings, the very ascent to the Temple Mount by Jews has been forbidden by various halachic rulings. The interdiction is rooted in the laws of purity and impurity, based on the idea that all Jews today are polluted by the "impurity of death" through primary or secondary contact with the dead. According to halachic tradition, one must not enter the area of the Temple without being cleansed from the impurity of death. This purification ritual is no longer possible given the

18 The source of the idea is the apocalyptic literature of the first centuries of the Christian era, and especially the Book of Zerubavel attributed to the seventh century. A number of tractates of the Gemara also use the phrase "the Temple will be built speedily", which the early commentators understood as evidence that the Third Temple would be built by Heaven. For example, Rashi writes in two places: "But the future Temple we await will be revealed, built and perfected and will come from Heaven, as Scripture says 'your hands will establish God's Temple.'" Maimonides opined that the Third Temple would be built by the Messiah. In *Laws of Kings*, in his book *Mishneh Torah*, he writes that "the Messiah King is going to restore the Kingdom of David to its old grandeur of the first government and build the Temple and gather the dispersed of Israel" (*Laws of Kings and Wars*). Nachmanides, in *The Book of the Dispute*, also supports Maimonides' approach: "The Messiah will build the Temple in Jerusalem" (writings of Nachmanides, Part 1, 315).

19 "When people come to me claiming it is time to build the Temple, I tell them: what you are demanding does not stem from your great Torah learning but from your Torah ignorance. Construction of the Temple is not a commandment upon the individual but upon the public, of the Jewish community, and just like there is a commandment to build the Temple, there is also an order to the Commandments... I told the people who demand to build the Temple: are you in a hurry to build the Temple? There is no hurry. First let us establish the Kingdom of Israel" (*Conversations of Rabbi Zvi Yehuda, Messiah Chapters 4; Talmud Torah, addition 2*).

Ir Amim | Keshev

requirement of a special rite involving the ashes of a red heifer, which cannot be found today.²⁰

Doubts as to the exact location of the Temple also contributed to prohibitions against Jews' ascent. Though the Temple did not extend over the entire area of the Mount, inability to specify its location led great interpreters of halachic Judaism to rule that one must not ascend the Mount area



at all. Before the Mount was captured in 1967, the interdiction against Jewish ascent to the Mount was accepted by all mainstream interpreters of halachic Judaism. Even after Jerusalem was "united" in 1967, the Chief Rabbinate, the Haredi rabbinical leadership and the national religious rabbinical leadership reiterated the prohibition against the entry of Jews to the Mount. Over the years, leading rabbis such as Ovadia Yosef, Mordechai Eliahu, Eliahu Bakshi Doron, Moshe Amar, Shlomo Aviner and many others maintained the absolute ban.²¹ The Chief Rabbinate even fixed a sign at the entrance of the Mughrabi Gate prohibiting entry to the Mount "according to Torah law."

In recent years we have witnessed a change in the definitions of the prohibition by religious Zionist rabbis, who call on Jews to ascend certain areas of the Mount "in a state of purity" and even lead such ascents themselves. They rationalize these actions based on the belief that they have the ability to identify where the boundaries of the ancient Temple ran and to direct their students accordingly. Among these rabbis are many of the leaders of the historic Gush Emunim, rabbis of the "settlement enterprise" and students of Rabbi Zvi Yehuda Kook (who himself opposed ascending the Mount), including Rabbis Chaim Druckman, Dov Lior,

20 There have been attempts in the past to find the red heifer, which continued this stage, but so far without success. See Gershon Gorenberg, **The End of Days: Fundamentalism and the Struggle for the Temple Mount**, (Oxford: Oxford University Press, 2000), 7-29.

21 The mainstream position among Haredi Judaism about the Temple Mount is represented well by MK Moshe Gafni of the Torah Judaism faction, as he expressed it in the Knesset in 2009: "This situation of Jews ascending the Temple Mount and bringing up the terrible dispute between Jews and Muslims is an unacceptable phenomenon. First, ascending the Temple Mount is forbidden. It is not allowed, punishable by extirpation. Second, what do they want to gain by ascending the Temple Mount? Do they want there to be bloodshed in the most severe sense of the word? There cannot be greater bloodshed" (Knesset session no. 64, October 28, 2009). Haredi objection to ascending the Mount can also be discerned from the reaction of the Lithuanian-Haredi publication Yated Neeman to the ascent of the Mount by the Religious Zionist rabbis. The journal called those rabbis "idol worshipers", "Reform Jews" and "merchants of the Torah's commandments." Another article in Yated Neeman said "those who worship the Zionist calf are willing to bend anything for that calf even if they are the last ones who still worship it"; "They wish to desecrate and pollute the Temple Mount, the site of our Temple, out of faith in the false worship of Zionist redemption, as if by Jews ascending the site of the Temple, redemption will be brought nearer" (according to Yair Ettinger, "Haredim: the rabbis who ascended Temple Mount are idol worshipers," **Haaretz**, May 15, 2007).

Dangerous Liaison

Nachum Eliezer Rabinowitch, Eliezer Waldman, David Dudkevitz and Rabbi Yisrael Ariel, head of the Temple Institute.²²

This change in halachic policy arose in response to the Oslo accords.²³ Negotiations with the Palestinians ignited fears that a compromise with the Muslim world would also include renunciation of the Mount. As a reaction, members of the Movement for Temple Renewal acted to increase the number and frequency of ascents to the Mount to signal to decision makers, as well as to Muslims, that there would be no concessions on the Mount. The Movement for the Temple Renewal found their allies in the Yesha (Judea and Samaria) Rabbis Committee. In 1996, after consulting members of the Movement, the Yesha Rabbis Committee ruled that ascent to the Mount was permitted and called on every rabbi "to ascend, himself, and to instruct his community that one must ascend while respecting all the boundaries of Jewish law."²⁴

The Temple movements were able to reap the fruits of that halachic change in 2003, when the Mount reopened to non-Muslims after being closed for three years following the outbreak of the Al-Aqsa intifada. Since the Yesha Rabbis Committee issued their halachic ruling, additional rabbis have added their signatures to it and it is periodically updated and appended. Those who oppose entry of Jews to the Mount are also active, publishing updates that forbid ascent to the Mount. A halachic update reiterating the prohibition against ascending the Mount was published in 2004, signed by former Chief Rabbi Ovadia Yosef, Chief Rabbi Yonah Metzger, Chief Rabbi Shlomo Moshe Amar and others. Another update was published in 2011 (see photos of notices of those rulings below).

Today various rabbis from religious Zionist circles openly call for ascent of the Mount. A distinction should be made between the call to ascend the Mount, which actually refers to walking around the perimeter of the complex to avoid entering an area that requires halachic purification, and the call for reconstruction of the Temple. Many of the rabbis who support ascending the Mount reject the call for construction of the Temple, some maintaining that such action is not politically or halachically acceptable. However, Temple movement activists driven by the goal of rebuilding the Temple draw encouragement from the permission to ascend issued by the more moderate rabbis, perceiving it as one of a series of stages on the way to realizing their ultimate goal.

22 On the increasing stream of Jews who ascend the Mount by permission of the Yesha Rabbis Council we can learn from the words of Yehuda Glick in an interview with Yizhar Be'er (May 7, 2012) : "When I ascended the Temple Mount for the first time in 1990, we used to go in one at a time. Today people go in even in groups of fifty. At that time we were barely a quorum of ten Jews because of the halachic perceptions. Today there are more and more; we have made great strides. Even rabbis Yuval Sherlo, Rabbi Shai Piron and Nachum Langental [leaders of the moderate stream of religious Zionism, Y.B.] ascend the Mount. Within the national public, the Temple and the Temple Mount are mainstream issues. How do I know? Almost every other week the chief rabbis issue a counter poster [against ascending the Temple Mount, Y.B.]. They don't issue posters against eating cats, but in our case they are worried."

23 After the Mount was captured in the Six-Day War, the Chief Military Rabbi Shlomo Goren ascended it and held a prayer on it but his activity was stopped by Defense Minister Moshe Dayan. See Shabtai Ben Dov, "A ladder to the destined kingdom of Israel," **Sulamot** 3, 170-171.

24 The full decision is on the yeshiva website, www.yeshiva.org.il/forum/print.asp?id=49886 (May 5, 2013). The rabbis who call to ascend the Temple Mount also believe one must not access the center of the Mount and the permission they grant is good only for the peripheral area of the Mount, which they believe we can be sure was not part of the Temple.

Ir Amim | Keshev

Today, discourse surrounding the Temple has infiltrated mainstream Religious Zionism, with commentary about the Temple Mount heard in every quarter. For example, Rabbi Yaacov Medan, head of the Har Etzion Yeshiva and considered a moderate, focuses on acceptance of the idea by secular Jews:

"Everybody wants very much for the Temple to come down from heaven in a ball of fire, because that would release us from the need to confront the secular Jews about it. After all, we have much more important fights like the service of women in the IDF. So who wants to fight about the Temple, too? We rabbis also have work to do on this matter, in two forms: First of all, to tell the public that rebuilding of the Temple is vital, and secondly that it is possible. In the immediate range, we must promote ascents of the Mount, in a state of purity, of course."²⁵

Medan's appeal was joined by Rabbi Shabtai Rappaport, head of the seminary of the High Torah Institute, and Rabbi Yaacov Ariel, the Rabbi of Ramat Gan and the president of the Tzohar rabbis organization. On the other end of the spectrum come the words of Rabbi Shmuel Eliahu, the Rabbi of Safed:

"The kingdom of which we dream knows how to defeat its enemies and vanquish them. It leaves no wounded in the field to plan the next war. The kingdom is full of glory and there is no glory but the Temple. It is a kingdom that says wholeheartedly that it wants the Temple – city of justice, faithful city, an establishment that will shine light on the nations, even if we have to erase the mosques from this holy Mount."²⁶

IMPRESSIONS FROM A GROUP OF RABBIS ASCENDING THE TEMPLE MOUNT

On May 17, 2012 a researcher of Keshev and Ir Amim joined a rabbis' pilgrimage to the Mount. The group included at least 17 rabbis of Religious Zionism. Among the pilgrims were Rabbis Yisrael Ariel, Dov Lior and Yehuda Kreuzer.

The rabbis walked around the perimeter of the Mount's plaza on a route circumventing the Dome of the Rock in order to avoid the danger of entering the estimated location of the Temple. The group was accompanied by Police charged with protecting the area, diverting curious passersby and ensuring the rabbis satisfied all of the rules set forth for their visit. During the tour, Rabbi Yisrael Ariel spoke at length about his participation in capturing the Mount during the Six-Day War, recounting that Rabbi Zvi Yehuda Kook and Nazirite Rabbi David Cohen, who had ascended the Mount that very night, rationalized their entry by virtue of the laws of "conquest". In this

25 Uri Polack, "Rabbis Medan, Ariel and Rapoport: Hasten to build the Temple," **Kipa**, May 24, 2012.

26 Uri Polack, "Rabbi Eliahu: Dreaming of a kingdom that erases the mosques from the Temple Mount", **Kipa**, May 23, 2012.

Dangerous Liaison

Rabbi Yisrael Ariel (holding the umbrella)
with Rabbi Dov Lior at his right



Photos: Researcher of Keshev and Ir Amim

way, the rabbi attempted to condition his response on what he had already stated in other places—namely, that even today, despite halachic questions, it is possible to permit ascent to the Mount on the basis of the "commandment of conquest". Temple movement activists like Rabbi Ariel broaden the range of interpretations deriving from the commandment to conquer the Land of Israel, which appears in several places in the Bible, to include the question of control of the Mount and reconstruction of the Temple.

The rabbis also devoted time to the question of women's ascent to the Mount. Though some supported sanctioning women's ascent, Rabbi Dov Lior avoided a direct response to the question. According to Rabbi Lior, the time is not yet ripe to issue a general permit for women's ascent though women may contribute to the struggle in other ways. He also suggested establishing a women's section on the edge of the Mount. Another Rabbi opined that it was by the merits of righteous women that Jews made the Exodus from Egypt, surmising that it would also be by the merits of righteous women that Jews would "manage to liberate this Mount more than it is liberated today. And the adroitness of women will achieve what men cannot achieve." Rabbi Dov Lior added that the initial takeover of Beit Hadassah in Hebron was achieved by women. Rabbi Yisrael Ariel had the last word: "For a holy war you take even a groom from his chamber and a bride from her wedding canopy. Does anyone here doubt that this is a holy war?"

Before leaving the area, the rabbis had their picture taken in front of the Dome of the Rock and thanked the police for their fair treatment while passing through the gate. Once in the plaza outside the Mount, the rabbis began dancing in a circle, singing "God is Mighty! May he soon rebuild his Temple. Speedily, speedily, in our day, soon" and "May the Temple be built and the City of Zion be filled. And there we will sing a new song and with joy ascend." Some ripped a tear in their shirts as a sign of mourning for the destruction of the Temple.

בס"ד, אייר תשס"ו:
קריאת הרבנים
אל העולים להר הבית בטהרה

מלאת ארבעים שנה לשחרור ירושלים עיר הקודש, הר הבית ומקום המקדש, שזכינו לחזור אליהם בחסדי השם יתברך ונפלאותיו – עלינו להתעורר בלב ונפש לדרישת המקום הקדוש ולעסוק בלימוד ענייני המקדש כהכנה להחזרת השכינה לציון.

אנו קוראים לכל הציבור הקדוש העולה להר הבית בטהרה, לבוא ולעלות בימים אלו אל המקומות המותרים בכניסה בהר הבית – בטהרה ובמורא מקדש על פי הוראות הרבנים – לעורר את האהבה למקום הקדוש, ב"עבודה שבלב" במקום הזה שבו נשמעת התפילה ביותר.

הרב נחום אליעזר רבינוביץ'
ראש ישיבת ברכת משה, מעלה אדומים

הרב אברהם צוקרמן
ראש ישיבות בני"ע, כפר הרוזה

הרב צפניה דרורי רב העיר וראש ישיבת קרית שמונה	הרב דב ליאור רב העיר קרית ארבע חברון	הרב חיים דרוקמן ראש ישיבות בני"ע, אור עציון
הרב מרדכי רבינוביץ' כוכב יעקב	הרב יצחק לוי ר"מ בישיבת הר עציון	הרב ישראל אריאל ראש מסנ המקדש, ירושלים ת"ו
הרב ישראל חזן ראש מסנ צמח	הרב יעקב מרן ראש ישיבת הר עציון	הרב בנימין ברוני ראש ישיבת הווסדר צפת
הרב שלמה רחנפלד ראש ישיבת הווסדר שדמות נדיה	הרב מנחם מקובר ראש ארגון זוריאנו בניצוי	הרב שלום גולד רב מייסד קהילת זכרון יוסף, הר נוף
הרב שלמה ריסקין רב העיר אפרת	הרב בן ציון עמר רב הישוב שבזת רחל	הרב גבריאל גולדמן רב הישוב כפר אדומים
הרב שבתאי רמפורט ראש ישיבת שבזת ישראל, אפרת	הרב חנן מורת כפר עציון	הרב אברהם ניטר רב הישוב עפרה
הרב יהודה שביב ר"מ בישיבת הר עציון	הרב יוסף מלאי אגודת אל הר המזרחי	הרב דוד דורקביץ' רב הישוב יצור
הרב דניאל שילה קודמים	הרב מנחם מליקס אלון מורה	הרב רא"ם הכהן ראש ישיבת עתניאל
הרב יצחק שילת ר"מ ישיבת מעלה אדומים	הרב גדעון פול רב הישוב אלון שבזת	הרב אליעזר ולדמן ראש ישיבת ויר קרית ארבע
הרב יהושע שמידט ראש הישיבה ורב הישוב שבי שומרון	הרב משה צוריאל מחבר ספר אצרות הראיה, בני ברק	הרב אברהם וסרמן ר"מ בישיבת רמת גן
הרב יהודה שלוש מנחה	הרב בנימין קלמנטון ראש ישיבת עתניאל	הרב יוסף טוליראנו רב העיר נבזת זאב
הרב יצחק שפירא ראש ישיבת "עוד יוסף חי"	הרב יגאל קמינצקי רב ישובי נוש קטיף תונב"א	הרב נחמן כהנא מחבר ספר פי מנחות, ראש סלל תון ישיקאל
	הרב יהודה קרויזר רב הישוב מצפה יריחו	הרב דניאל כהן רב הישוב בת עין

גם מי שמעורר בלב בני אדם אהבה למקום הקדוש הזה ראוי לשכר בלא ספק והוא מקרב עת בוא תקוותנו. כמה שנאמר "אתה תקום תרחם ציון כי עת לחגלה כי בא מועד בי רצו עבדיך את אבנה ואת עפרה יחננו" ואת אומות ירושלים לא תפנה כי אם כאשר ישתוקפו אליה בני ישראל תפליה תשוקה עד אשר יחננו את אבנה ואת עפרה.

(תפילה נוספת לספינתנו)

אגודת 'אל הר המזרחי' - עליה להר הבית בטהרה ע"פ ההלכה | להכנה והדרכת קבוצות לקראת עליה להר הבית | לתרומות ולפעילות בעז - 052-4767136 | elhamor@gmail.com ת.ד. 34562 ירושלים

Poster reads: "Call of rabbis to those who ascend the Temple Mount in purity: On the 40th anniversary of the liberation of the holy city of Jerusalem, the Temple Mount and the site of the Temple, to which we merited return by the grace of God Almighty and his wonders, we must awaken in heart and soul to care for the holy site and learn the affairs of the Temple as preparation for returning the holy presence to Zion.

We call on the whole holy public ascending the Temple Mount in purity to come now and ascend the places where entry is permitted to Temple Mount in purity and awe of the Temple by the guidance of the rabbis – to arouse love for the holy site, by worship of the heart, at the site where prayer is heard the most."

Dangerous Liaison

Rabbi Abraham Zuckerman, head of Bnei Akiva Yeshiva, Kfar Haroeh
Rabbi Nachum Eliezer Rabinowitz, head of Birkat Moshe Yeshiva, Ma'ale Adumim
Rabbi Chaim Druckman, head of Bnei Akiva yeshivas, Or Etzion
Rabbi Dov Lior, rabbi of Kiryat Arba, Hebron
Rabbi Zefania Drori, rabbi of city and yeshiva of Kiryat Shmona
Rabbi Yisrael Ariel, head of the Temple Institute, Jerusalem
Rabbi Benayahu Brunner, head of Safed hesder Yeshiva
Rabbi Shalom Gold, rabbi and founder of Kehilat Zichron Yosef, Har Nof
Rabbi Avram Gisser, rabbi of Ofra
Rabbi David Dudkevitz, rabbi of Yitzhar
Rabbi Reem Hacohen, rabbi of Otniel Yeshiva
Rabbi Eliezer Waldman, rabbi of Yeshivat Nir, Kiryat Arba
Rabbi Avraham Wasserman, teacher at Ramat Gan Yeshiva
Rabbi Yosef Toledano, rabbi of Givat Ze'ev
Rabbi Nachman Kahane, author, head of Chazon Yehezkel Yeshiva (Kolel) Seminary
Rabbi Daniel Cohen, rabbi of Bet Ayin
Rabbi Yitzhak Levy, teacher at Har Etzion Yeshiva
Rabbi Yaacov Meda, head of Har Etzion Yeshiva
Rabbi Menachem Makover, head of Veheranu Bevinyano Organization
Rabbi Ben Zion Amar, rabbi of Shvut Rachel
Rabbi Hanan Porat, Kfar Etzion
Rabbi Yosef Peli, El Har Hamor
Rabbi Menachem Felix, Alon Moreh
Rabbi Gideon Perl, rabbi of Alon Shvut
Rabbi Moshe Zuriel, author, Bnei Brak
Rabbi Binyamin Kalmanson, head of Otniel Yeshiva
Rabbi Yigal Kaminsky, rabbi of Gush Katif yeshivas
Rabbi Yehuda Kreuzer, rabbi of Mitzpe Jericho
Rabbi Mordechai Rabinowitz, Kochav Yaacov
Rabbi Yisrael Rosen, head of Tzomet Institute
Rabbi Shlomo Riskin, rabbi of Efrat
Rabbi Shabtai Rappaport, head of Shvut Yisrael Yeshiva, Efrat
Rabbi Yehuda Shaviv, teacher at Har Etzion Yeshiva
Rabbi Daniel Shilo, Kedumim
Rabbi Yitzhak Shilat, teacher at Ma'ale Adumim Yeshiva
Rabbi Yehoshua Schmidt, yeshiva head and rabbi of Shavei Shomron
Rabbi Yehuda Chelouch, Netanya
Rabbi Yitzhak Shapira, head of Od Yosef Chai Yeshiva

["Signed El Har Hamor Association, Ascending Temple Mount in Purity by Halacha, for preparation and guidance of groups ahead of ascent of Temple Mount. For donations: Boaz, 052-4767136, elhamor@gmail.com, PO Box 34462, Jerusalem"]

איסור העליה להר הבית

אזהרה לרבים

בעה"י אחינו היקרים הבאים לעיר קודשנו ירושלים ת"ו מקרוב ומרחוק השמרו נא

מהאיסור החמור של הכניסה למקום המקדש והר הבית (קריאת הרבנות הראשית ופוסקים אחרונים)

הרב חיים נתנזון "עבודה תמה"	הרב רפאל אלפאנדי "דרך הקודש ע"פ חסידים ואנשי מעשה"	הרב ישראל משקלאוו "פאת השולחן"	הרב אשתורי הפרחי "כפתור ופרח"	הרב אברהם יצחק הכהן קוק ראש רבני ארץ ישראל	הרב שמואל סלאט רב העיר ירושלים
הרב מאיר אורבך "אמרי בינה"	המהר"ל דיסקין הרב מברסק	הרב אליהו דוד ראבינוביץ תאומים האדרת הרב העיר ירושלים	הרב הלל משה העשיל "משכנות לאביר יעקב"	הרב יעקב צבי שפירא "תפארת יעקב"	הרב יצחק הלוי הרצוג הרב הראשי לישראל "היכל יצחק"
הרב אליעזר יהודה וולדינגברג "ציץ אליעזר"	הרב צבי פסח פראנק "מקדש מלך" וכן בשם הרא"י אורלנסקי הי"ד	הרב יחיאל מיכל טוקצינסקי "עיר הקודש והמקדש"	הרב יחזקאל אברמסקי נשיא ועד הישיבות, מלפנים רב וגאב"ד לונדון	הרב יצחק ניסים ראשון לציון, הרב הראשי לישראל ונשיא בית הדין הגדול	

לכל אחינו בני ישראל בארץ ובחוץ לארץ הי"ו

אלו תשכ"ז
אנו חוזרים ומזהירים על מה שהזהרנו מכבר, שבל יהיו איש ואשה להיכנס לכל שטח הר הבית, בלי הבדל דרך איזה שער וכנסים בו, ומלבד עצם הזהירות מאיסור חמור זה של פגיעה בטהרת מקום הקודש והמקדש, יש גם מצוה רבה של מורא המקדש ושמיירתו.

הרב שלמה זלמן אורבך ראש ישיבת קול תורה	הרב יוסף שלום אלישיב חבר בית הדין הגדול	הרב צבי יהודה הכהן קוק ראש ישיבת מרכז הרב	הרב משה שטרנבוך אב"ד דהעדה החרדית	הרב איסור יהודה אונטרמן הרב הראשי לישראל	הרב חיים דוד הלוי רב ראשון לציון וחבר מועצת הרבנות הראשית לישראל
הרב עובדיה הדיא מלפנים חבר בית הדין הגדול ומועצת הרבנות הראשית לישראל	הרב ישראל אליזרע רב העיר אשדוד	הרב מ.י. הלוי אושפיזאי רב העיר רמת גן	הרב יצחק אבוחצירא רב העיר רמלה-לוד (כבא חאקי)	הרב שאול ישראל חבר בית הדין הגדול ומועצת הרבנות הראשית לישראל	הרב שלמה יוסף זיון חבר מועצת הרבנות הראשית לישראל
הרב בצלאל זילטי חבר בית הדין הגדול	הרב אברהם ורנר רב העיר נתניה	הרב יוסף משאש רב העיר לחיפה	הרב יהושע קניאל רבה"ע ח"פה וחבר מועצת הרבנות הראשית לישראל	הרב שלמן חוגי עבדי חבר בית הדין הגדול ומועצת הרבנות הראשית לישראל	הרב אפרים סוקולובר רב העיר רעננה
הרב יעקב נדא רב העיר בני ברק	הרב שמחה הכהן קבלן רב זאב בית דין האזורי צפת	הרב אליהו קושלבסקי אב בית דין באר שבע	הרב שלמה קרליץ אב בית הדין פתח תקוה	הרב יצחק קוליץ אב בית דין תל אביב	הרב רפאל הכהן קוק רב זאב בית דין האזורי טבריה

אב תשס"ד

לאור ההזנחה בימינו, הננו לחזור ולהזהיר ששום דבר לא השתנה והאיסור החמור במקומו עומד בכל שטח הר הבית, ודי' יראנו ישועתו בקרוב.

הרב עובדיה יוסף שליט"א הראשון לציון	הרב אברהם אלקנה שפירא ראש ישיבת מרכז הרב לפנים הרב הראשי לישראל	הרב מרדכי אליהו הראשון לציון	הרב אליהו בקשי דוון ראש מוסדות "בנין אבי" הראשון לציון	הרב שלמה משה עמאר הרב הראשי לישראל	הרב יונה מצגר הרב הראשי לישראל
הרב אביגדור נבנצאל רב העיר העתיקה	הרב שלמה חיים הכהן אבינר ראש ישיבת "עטרת כהנים"	הרב שלום כהן ראש ישיבת פורת יוסף	הרב יהושע נויבירט "שמירת שבת כהלכתה"	הרב דוד חי הכהן רב שכונת בבת ים וראש ישיבת לנתיבות ישראל	הרב שמחה הכהן קוק רב העיר רחובות וראש אבות בני הדין

הרב אברהם יצחק הכהן קוק (איגרות ב איגרות תרעו) ביחס לעליתו של הברון להר הבית

"פגימה אחת בקדושת בית חיינו עולה לנו (מבטלת) על כל מליונים של ישובים מעשיים"

הרב צבי יהודה הכהן קוק (שיחות חוב מס 21)

"יש להיתהלך בחרדה ופחד מסביב להר הבית. כל המחקרים וכול החיטוטים בין אלה המכוונים הלכתיים ובין אלה המכוונים מדעיים נכללים בכלל ריקקה מקל וחומר"

הרב אברהם אלקנה שפירא בתגובה לכרזת הקורא לעלות להר הבית, ביום ירושלים בישיבה.

"חל איסור על יהודים לעלות להר הבית"

Dangerous Liaison

Poster reads:

"Prohibition to ascend Temple Mount

Warning to the public

To our dear brothers coming to our holy city Jerusalem from near and far

Beware

The grave prohibition

To enter the site of the Temple and Temple Mount

(Call of Chief Rabbinate and late interpreters of halachic Judaism)"

[Signed by 17 rabbis]

1967

"To all our fellow Jews in Israel and abroad

We repeat the warning we have recently issued, that no man or woman should dare enter any part of the Temple Mount, regardless of which gate one enters, and beyond the caution against violating the purity of the holy site of the Temple, there is also a preeminent commandment to stand in awe of the Temple and to respect its protection.

Signed by Rabbi Shlomo Zalman Auerbach, Rabbi Yossef Shalom Elyashuv, Rabbi Zvi Yehuda Hacohen Kook and 21 more rabbis]"

2004

"In light of the disregard observed today, we hereby reissue the warning that the grave prohibition still applies to the entire area of the Temple Mount/Haram al-Sharif. And may God show us his redemption soon."

Rabbi Ovadia Yosef, Chief Rabbi, and 11 more rabbis

Rabbi Avraham Yitzhak Hacohen Kook, about the Baron ascending Temple Mount:

"One blemish in the sanctity of the Temple costs us (cancels) millions of actual settlements."

Rabbi Zvi Yehuda Hacohen Kook:

"We must tread in awe and fear around the Temple Mount. All of the research and all of the inquiries, whether they are called halachic or scientific, are just as forbidden as spitting."

Rabbi Avraham Elkana Shapira in response to a poster calling to ascend the Temple Mount on Jerusalem Day at his yeshiva:

"Jews are forbidden to ascend the Temple Mount."

GOALS OF TEMPLE MOVEMENT ACTIVISTS

The goals and actions of Temple movement activists occupy a broad spectrum, from those advocating use of public, political, cultural and educational actions to enable Jews to pray on the Mount to extremists who call for the destruction of Islamic shrines and construction of the Temple in their places. Some limit themselves to encouraging Jewish ascent of the Mount.

To appreciate the significance of these goals, we must first understand the worldview of Temple movement activists, which can be broken down into four categories: nationalist, halachic, spiritual-romantic and messianic. This is merely a schematic division as these elements combine and reinforce one other across Temple movements' motives and actions. It should be stressed that despite their extensive activity, Temple movement activists are only a small percentage of the national religious public.

NATIONALISM

Nationalism has been a central underpinning of the Temple movement since the time of Brit HaBironim (The Strongmen Alliance) in the 1920s. Alliance members Abba Ahimeir, Uri Zvi Greenberg and Joshua Heschel Yeivin viewed the resurrection of the Jewish nation and the establishment of a kingdom (rather than a democratic state) as the goal of Zionism. At the center of this kingdom would sit the Third Temple. In 1940, Avraham Stern (Yair) formulated the "Principles of the Resurrection", a document defining the ideological platform of the Lehi movement. The eighteenth and final article of the platform states that it is necessary "to build the Third Temple as a symbol of the era of full redemption." This view was maintained by Yisrael (Sheib) Eldad's Sulam (Ladder) group.

Today the nationalist yearning to build the Third Temple can be seen among Temple movement activists like Gershon Salomon and Arieh Eldad, who do not observe the commandments (at least not in the formal sense). There is no doubt that this nationalistic dimension also fuels more religious activists, driven by their own brand of radical religious nationalism. These Temple movement activists view the Temple as a means for unifying the nation under a single center, a single leadership and a single Jewish ideology. Their desire to rebuild the Temple is deeply tied to Israeli nationhood—first because rebuilding the Temple became a more viable possibility only after the State of Israel was founded and, more emphatically, after the Six-Day War. Second, and more important, the Temple embodies a yearning to unite the whole Jewish people under a single religious leadership, which became a much more realistic goal after the State of Israel was established.

These activists aspire to reconstruct an era in which (officially, mythically) the whole Jewish people had only a single religious center. The nationalistic yearning for the Temple is therefore a yearning for the people, the nation, for national unity. It is a kind of national religious radicalism, which, unlike Haredi society, has no problem reconciling itself with modernity or contact with the industrial and connected world but which nonetheless rejects the values of that world on two grounds: the individualism and demythologization that characterize it.

Dangerous Liaison

According to this philosophy, the Temple serves as a vehicle for the creation of order and unity, both by overriding ideological public disputes and uniting the public under a single flag, and by neutralizing individualism and fusing the public into a united organic body.²⁷ The desire to rebuild the Temple is a desire to establish a new national and religious order defined by unity, stability and eternity.

JEWISH HALACHA (JEWISH LAW)

Jewish Halacha provides the primary motive for building the Temple, if only because one third of the commandments detailed in the Torah concern sacrificial rites and the Temple. Existence of a temple (or, at minimum, ascent to its mount) is therefore requisite to fulfillment of as many commandments as possible, synonymous with the fulfillment of God's will.

Rabbi Yisrael Ariel from the Temple Institute frequently addresses this point:

"There is a commandment to ascend the Mount at all hours so that anyone who ascends the Mount is fulfilling a positive precept from the Torah [...] Before you ask a Torah scholar what he thinks about ascending Temple Mount, ask him: What does your honor think about the fact that the perpetual daily sacrifice was not sacrificed in the Temple this morning? [...] Anyone who doesn't care that worship in the Temple is not taking place, and anyone who doesn't care that 200 commandments of the Torah are not being fulfilled, why should he care that Jews are not on Temple Mount? After all, what business do they have there?²⁸

This yearning for the Temple derives from a fundamentalist religious philosophy expressed by the desire to fulfill what is seen as the fullness and completeness of Jewish law or even Judaism itself.

ROMANTIC SPIRITUALITY

The idea that if the Temple were built, Jews could establish a more genuine and intimate connection with God, is an expression of romantic spirituality. Conversely, proponents of this philosophy believe that the absence of a Temple interferes with the cultivation of deep religiosity. This perception is shared by many Temple movement activists. Here, for instance, is Moshe Feiglin's analysis:

"The whole point of the Temple is the direct connection between man and God. The religion was created when the Temple was taken away from us. All the authenticity that is missing from religious ritualism—the shudder that goes through the secular mind when it sees the supposedly meaningless routine within the narrow confines

27 See details in Tomer Persico, "The liberation of Jerusalem and two waves of Jewish fundamentalism", **God's Loop**, June 1, 2011 http://tomerpersico.com/2011/06/01/second_order_jewish_fundamentalism/ (May 5, 2013).

28 Ma'ayanei Hayeshua, Vol. 510, 15.

Ir Amim | Keshev

of Halachah, which is all we have since the Temple was destroyed and which in fact substitutes it— all of that disconnection between religion and life, all are the result of the loss of the Temple."²⁹

In many cases these Temple movement activists seek to ascend the Mount in order to generate powerful religious experiences made possible only through proximity to the holy site. Usually groups of women who ascend the Mount report the unparalleled profoundness of their experiences at the site.³⁰

MESSIANISM

The construction of the Temple is associated with messianism—a particular genre of messianism in this case. There are many among those interested in building the Temple who believe it to be a critical step in inducing redemption, though not everyone compelled by the idea of redemption is invested in building the Temple. If we look at the most important messianic movement in Israel since the state was established, Gush Emunim, we see that most of its members—as well as the mainstream of the movement—were not at all concerned with building the Temple, at least not until recently. Gush Emunim presented a brand of messianism that institutionalized settlement of Judea and Samaria, perceived as progress towards redemption, but did not attempt to upset the status quo on the Mount.

The attempt by the "Jewish Underground" to blow up the Dome of the Rock in the early 1980s was a significant deviation from Gush Emunim's messianism. It was an expression of a private, avant-garde and revolutionary initiative that challenged the existing state of affairs and sought to instantly change the entire nation's consciousness. Its planners intended to generate a massive transformation in the attitude of the Jewish population in Israel towards Jewish tradition—specifically to shake people out of their complacency and acceptance of the present situation and move them to firmly demand concrete and immediate redemption. In this way, members of the Underground viewed themselves as a prophetic avant-garde leading a change in the course of the nation.

Gush Emunim under the leadership of Rabbi Zvi Yehuda Kook was a collective and public movement and always viewed itself as expressing the deep and authentic will of "the Jewish people." The people's will granted legitimacy to the acts of the faithful vanguard, namely settlement in Judea and Samaria. Conversely, the members of the underground did not deny their lack of support from the general public. To the contrary, the underground intended to carry out its mission against the public's will and without its permission in order to realize total redemption.³¹

29 Moshe Feiglin, **Makor Rishon**, June 3, 2011.

30 See for instance the August 5, 2011 issue of the **Nashim** magazine of **Makor Rishon**.

31 Comments by Yehuda Etzion and Menachem Livni, the operation's planners, in Haggai Segal, **Dear Brothers: the West Bank Jewish Underground**, (Jerusalem: Keter, 1987), 62-63, 277-278.

Dangerous Liaison

Even in its early days, the underground's platform stood contrary to the Gush Emunim position, which maintains that one must not stray into areas that have no legitimacy with the people. According to Gush Emunim philosophers, a change of the people's consciousness is a prerequisite, not a result, of building the Temple.³² An examination of the philosophical background of Menachem Livni and Yehuda Etzion, the planners of the attack on the Dome of the Rock, reveals that they did not rely on the core ideology of Gush Emunim but rather on the teachings of Shabtai Ben Dov.³³ Ben Dov was a prolific religious Zionist thinker who proposed a Nietzschean messianism³⁴ that relies on the free and rebellious spirit of the individual, who decides for himself and is not dependent on the decisions or opinions of the great decision makers of the nation. The religious authority of the Nietzschean prophetic activist comes from within himself (although by divine inspiration), out of the intuitive voice that whispers to him that he must act for the good of society—even though society may be disinterested in his action. Ben Dov's philosophy is therefore revolutionary with regard to both the role of the Jew in relation to Jewish Halacha and in relation to the Jewish people as a whole.

In the end, the operation's planners retreated from the philosophy, doubting their ability to sway the people's spirit.³⁵ After members of the "Jewish Underground" were arrested, Yehuda Etzion, one of its leaders, an ideologue of the Temple movement and a planner of the explosion of the Dome of the Rock, admitted that "the generation was not ready." Etzion wrote the following while he was serving his prison sentence:

"We must build a new force that grows very slowly, moving its educational and social activity into a new leadership. Of course I cannot predict whether the Dome of the Rock will be removed from the Mount while the new body is developing or after it actually leads the people, but the clear fact is that the Mount will be purified with certainty..."³⁶

Etzion admits that the idea of building the Temple had not yet captured the hearts of the people, and that cultural and religious preparation must be carried out **before** the second and more practical stage of removing the Dome of the Rock. The idea of purifying the Temple Mount from the Islamic shrines is legitimate, he argued; the Jewish Underground simply acted 20 years too early.³⁷ When Etzion got out of prison, he established the Chai Vekayam movement, which follows the idea of molding public opinion in preparation for

32 See for example the comments by Rabbi Moshe Levinger, *ibid.*, 108-109, or the debate between Etzion and Rabbi Yoel Ben Nun, *ibid.*, 113.

33 Ben Dov himself drew inspiration from even more nationalist Temple advocates such as Yisrael Eldad and became religious after absorbing the principles of their philosophy. See more about him and his thought in Motti Inbari, **Jewish fundamentalism and the Temple Mount** (Jerusalem: Magnes Press, 2007), 56-67.

34 In the words of Shlomo Fisher, who distinguishes between the different kinds of messianism in his unpublished doctoral thesis, **Self-Expression and Democracy in Radical Religious Zionist Ideology**, Hebrew University of Jerusalem, January 2007.

35 Segal, 137.

36 *Ibid.*, 279.

37 *Ibid.*, 278-279.

Ir Amim | Keshev

the purification of the Mount. A call for a gradual shift in public opinion, only after which political power could be amassed to change the status quo on the Mount, was also voiced by the leader of the Movement for Temple Renewal, Yosef Elboim:

"This is the way of revolutions: you seek legitimacy, you fight to increase your share and then you compete for the ascendancy and finally push the stranger outside of the law."³⁸

The Temple Institute and other organizations act according to a similar assumption (for details of the modes of action of these organizations see Part 2 below).

A SUMMARY OF THE GOALS OF TEMPLE MOVEMENT ACTIVISTS: INCREASING BOLDNESS AND DANGER OF OUTBREAK

In the last 30 years, dozens of organizations have sprung up with the goal of promoting Temple awareness in Israel. These organizations are acting with the intention of shaping public opinion to embrace a change in worship arrangements on the Mount and ultimately to advance the construction of the Third Temple.

Amassing of power and expansion of activities focused on building the Temple is therefore considered to be a gradual pursuit. While the final goal Temple movement activists have set for themselves—"to lead the nation," in the words of Yehuda Etzion, and to build the Third Temple—may still be remote, after 30 years of activity, activists have managed to achieve impressive results within the national religious public. They have successfully changed the halachic position concerning ascent to the Mount among the Council of Yesha Rabbis and even to expose rifts within the Haredi public, for which activity promoting the rebuilding of the Temple as a practical program was once entirely insupportable (see comments on the Movement for Temple Renewal below). What began as an idea among a small group of people has—after almost 30 years of educational and political activity—become a legitimate subject of public discourse and even of concrete action plans.

The failure of the Jewish Underground's machinations modified messianic tensions and changed the course of action of the underground and other affinity groups. Instead of immediate, revolutionary action to spur redemption out of crisis, they turned to a long-term action plan incorporating education and preparation of the Jewish public, from which public support and demand for building the Third Temple would eventually arise.

Since the Jewish Underground affair, and especially since the Oslo accords, the strengthening of the Temple movements and increase in Temple awareness—especially within the national religious sector—can be seen as a realization of part of Yehuda Etzion's vision that connects to the official Gush Emunim philosophy emphasizing change "from below" through public opinion. The process of "preparing the hearts" that precedes the practical stage of removing the Dome of the Rock is now underway in full force and has brought discussion about

38 Inbari, 131.

Dangerous Liaison

changing arrangements of control on the Mount and building the Temple into the Israeli public and political discourse.

Although the present focus on educational activities signals a temporary postponement of violent attempts to change the status quo on the Mount, the behavior of group members is also dependent on the direction of the national leadership and the status of negotiations with the Palestinians. It is important to remember that the Jewish Underground plan to blow up the Dome of the Rock developed out of Gush Emunim's despair over the signing of the peace agreement with Egypt and preparations for the Israeli withdrawal from Sinai. These developments propelled Yehuda Etzion to design an independent strategy to induce redemption.³⁹ Following the decision on the "Disengagement" from the Gaza Strip, parties in the security establishment assessed the possibility of an attempt to attack the shrines on the Mount, prompting a special Knesset hearing.⁴⁰ The former head of the Shabak, Ami Ayalon, said:

"We [the Shabak] found a direct link between the degree of tolerance and even support that government bodies show towards comments by rabbis and political leaders, as seen in events such as, for example, Zion Square [ahead of the Rabin assassination] and political violence. [...] On the question of uprooting a settlement, for example, that percentage [that views violent action as an option] will grow in accordance with the atmosphere of legitimacy."⁴¹

Scholar Motti Inbari sees the growing increase in interest in the Temple and the change of attitude in religious Zionism from cautious distance to passionate involvement as a "dramatic" development. Inbari believes the change stems from despair over the slow pace of progress toward redemption and an attempt to find a "shortcut" to that end.⁴² One can assume that a political development viewed by Temple movement activists as a reversal of progress toward redemption would catapult the possibility of a unilateral and revolutionary action to achieve redemption back to center stage.

39 Ibid., 43.

40 The Israel Knesset, **Motions for the Agenda: Security Establishment Assessment of Risk of Attack on the Temple Mount and Assassination Attempt on Public Figures following the Decision on the Disengagement**, 16th Knesset, 160th sess., July 28, 2004 (Jerusalem: Knesset, 2004), http://knesset.gov.il/tq1/knesset_new/knesset16_huka/HTML_28_03_2012_04-52-37-PM/FTR_160-04JUL28_SIFRIA-042.html (May 6, 2013).

41 Interview by Yizhar Be'er and Yehudit Oppenheimer with Ami Ayalon, December 13, 2012.

42 From an interview with him on Tomer Persico's blog, "God's Loop": http://tomerpersico.com/2012/10/21/inbari_interview/ (May 6, 2013).

THE MUGHRABI BRIDGE AFFAIR

The Mughrabi Bridge affair involved a number of bodies and interests at an acutely charged juncture in time and elucidates the potential for a political and religious conflagration surrounding the Temple Mount/Haram al-Sharif. According to Muslim tradition, the earth bank under the existing bridge covers the al-Buraq Mosque built on the spot where the Prophet Muhammad tethered his horse of that name.⁴³ The affair involved the governments of Israel, Jordan and Egypt; the Jerusalem Municipality; security forces; and “hilltop youth” (extremist nationalist youth used to establish illegal settlement outposts). Jordan and Egypt warned that the affair could spark riots in their countries. The affair was brought to an end when the Court ordered a stop work order on the bridge and Israeli Prime Minister Benjamin Netanyahu was forced to halt the works.

The Mughrabi Bridge is the only entrance to the Temple Mount/Haram al-Sharif complex for Jews and tourists and is secured by the Israel Police, responsible for deciding, based on its assessments, who can ascend the Mount and whose entry is barred. The existing bridge is a provisional structure built after the earth bank on which the previous structure stood collapsed in 2004 as a result of rain and a minor earthquake. At the end of 2006, Israel began repair works on the bridge without a building license, under the pretext of conducting maintenance work. The work triggered an immediate diplomatic crisis with the Waqf (Islamic religious endowment) and the Jordanian kingdom. The crisis was brought under control after a request by City Council Member Pepe Alalo of the Meretz party and lawyer Danny Seidemann, on behalf of Ir Amim, forced the Municipality to order the preparation of a proper building plan. The plan, Number 12472, published in October 2010, proposed destroying the existing provisional bridge, expanding the Western Wall prayer plaza and building a new ascent to the gate.⁴⁴

The Municipality’s plan envisioned a large bridge with seven support pillars, “four within

43 See mention in Uri Tal, **Work on the Mughrabi Ascent – Submitted to the Knesset Interior and Environmental Committee**, February 11, 2007, 5.

44 The plan includes: 1. A change of the land designation system as follows: From the Temple Mount and the Western Wall plaza to open public space, from open public space to the Temple Mount and the Western Wall plaza. 2. Canceling the provisions of plan no. 5354 concerning the construction of guard booth c. 3. Establishing development provisions for an open public space. 4. Establishing development provisions for the Temple Mount and the Western Wall plaza. 5. Providing construction for building a pedestrian bridge for ascent to Mughrabi Gate. 6. Establishing building lines for the bridge, for the Western Wall worshippers’ booth. 7. Establishing maximum building areas in the boundaries of the plan. 8. Establishing construction provisions and architectural design provisions. 9. Setting terms for issuing a building permit and completion certificate. The plan can be seen on the Municipality site: [http://www.mmi.gov.il/IturTabot/ta4.asp?MsTochnit=12472&kod=3000&gis=fal](http://www.mmi.gov.il/IturTabot/ta4.asp?MsTochnit=12472&kod=3000&gis=false)se

Dangerous Liaison

the archeological garden and three in the area of the earth bank".⁴⁵ Construction of the new bridge would have replaced the old structure—an anticipated improvement in aesthetics and security—expanded the women's section and provided access to large police forces (as many as 300 at a time), military vehicles and APCs (armored personnel carriers).⁴⁶ There were also plans to build a hanging surface at the end of the bridge and outside the area of the Mount to accommodate the building of a synagogue.⁴⁷ Egypt and Jordan warned that riots would break out in those countries if the plan was advanced. Cabinet secretary Zvi Hauser traveled to Jordan in October 2011 to sign a memorandum of understanding but his request was refused.

On December 8, 2011, the Jerusalem Municipality's engineer, architect Shlomo Eshkol, ordered the provisional bridge to be demolished within one week, threatening to obtain an injunction for its immediate closure if orders were not heeded.⁴⁸ The next day, Jordanian Foreign Minister Nasser Joudah issued a firm message that "Jordan opposes any Israeli attempt to influence holy sites in Jerusalem, including the Mughrabi Bridge."⁴⁹ "Governmental elements believe that the location of the Mughrabi Ascent in the Western Wall Plaza and the Israeli law that applied Israeli law and jurisdiction to East Jerusalem, suffice to determine that construction at that site is a domestic Israeli affair that does not require approval or coordination. The government of Jordan does not see it this way. It considers the Western Wall Plaza and the whole area surrounding the Mount to be part of al-Haram al-Sharif. The Jordanians claim that Israel has recognized Jordan's rights at this site both in the peace accord between the two countries and by recognizing the Jordanian Waqf's management of the site over the years."⁵⁰

On the morning of December 12, 2011, the Western Wall Heritage Fund closed the Mughrabi Bridge at the instruction of the Jerusalem Municipality.⁵¹ That evening, forty "hilltop youth", most of whom were members of the "Nablus group", breached the border fence between Israel and Jordan near Allenby Bridge and the Christian

45 Tal, 3.

46 Yitzhak Reiter, **The Mughrabi Bridge: a question of political wisdom**, Efishar Lahshov - Can Think, July 19, 2011, <http://canthink.co.il/ישראל/גשר-המוגרב-ים-שאלה-של-תבונה-מדינית/> (May 6, 2013).

47 Nadav Shragai, "Higher than Al-Aqsa," **Haaretz**, October 30, 2006, <http://www.haaretz.co.il/misc/1.1149713> (May 6, 2013).

48 Yossi Eli, "Jerusalem Municipality engineer: Closure order for Mughrabi Bridge," **Maariv Nrg**, December 8, 2011, <http://www.nrg.co.il/online/1/ART2/314/278.html> (May 6, 2013).

49 News agencies, "Jordan warns Israel: do not close the Mughrabi Bridge," **Maariv Nrg**, December 9, 2011, <http://www.nrg.co.il/online/1/ART2/314/658.html> (May 6, 2013).

50 Reiter, "The Mughrabi Bridge: a question of political wisdom," <http://canthink.co.il/ישראל/גשר-המוגרב-ים-שאלה-של-תבונה-מדינית/>.

51 Eli, "Mughrabi Bridge closed; no passage from Western Wall Plaza to the Temple Mount," <http://www.nrg.co.il/online/1/ART2/314/278.html>.

baptismal site of Qasr al-Yahud. The right wing activists took over a building in the no man's land on the border between Jordan and Israel and refused to evacuate it, explaining their actions as a message to the Jordanian government not to meddle in Temple Mount affairs.⁵² This event reveals a clear connection between events on and around the Mount and "price tag" actions—retaliatory warnings made in response to perceived threats to Jewish sovereignty on the Mount—made, in this case, against a foreign government. Inevitably, the plan to build the new bridge was abandoned at the instruction of Prime Minister Netanyahu, out of concern that the work would spark severe reactions from Egypt and Jordan.⁵³

52 "The young people are protesting the Jordanian government's interference in the matter of the bridge, which is part of the Al-Aqsa complex: 'If they have claims to the Temple Mount, they should know we have claims to Jordan,' said their leader, outpost activist Meir Bertler. In response to the Jordanian threats against closing the Mughrabi Bridge, the young settlement activists decided to carry out a protest action that would come to the attention of the Jordanian government. "The Jordanian impertinence in the Temple Mount affair led us to send a message to Jordan," Bertler told nrg Maariv. "They must not interfere in Israel's internal affairs." Bertler, a member of Likud, added: "Every Likud member knows the song 'the Jordan River has two banks, this one is ours and so is the other one.' The Jordanians better know that we do not forget that song." Amichai Atali, "Dozens of youths from the settlements crossed the fence to Jordan and built an outpost," **Maariv Nrg**, December 12, 2011, <http://www.nrg.co.il/online/1/ART2/315/516.html> (May 6, 2013).

53 **Reshet Bet News**, November 29, 2011.

PART 2: ORGANIZATIONS AND MOVEMENTS FOR THE TEMPLE

The Temple Mount and Temple agenda is being promoted by organizations, bodies and activists who share a common ideology and goals. However, these groups can be distinguished according to their goals:

- The building of the Third Temple by man: The Temple Institute, The Movement for Temple Renewal, The Temple Treasury Trust, Women for the Temple
- Promotion of the Temple or Temple Mount as the cultural center of Israel: The Temple Mount Faithful, El Har Hamor.
- Granting of worship rights to Jews on the Temple Mount: Human Rights on Temple Mount
- "Capturing the Temple Mount from 'enemy hands'" and "Judaizing" the Temple Mount (usually through the use of blatant incitement and racism): Temple Mount is Ours: The Headquarters for the Rescue of the Nation and the Temple
- Study of the religious laws of the Temple and sacrifice services: The Temple Studies Institute at Mitzpeh Yericho, Yeshivat Torat Habayit, the Temple Mount Yeshiva
- Creation of the sacred vessels for Temple rites: The Temple Institute – Home of the Hebrew Artisan, Machon Maasei Habayit
- Education and dissemination of information about the Temple: The Midrasha, founded by the Temple Institute

Some of these bodies operate on several fronts at the same time. The Temple Institute, for instance, is involved in research, education and reconstruction of ritual vessels. The Institute's leaders have been unambiguous in declaring their final goal: building the Third Temple in our day and removing the "abomination".⁵⁴

It is useful to analyze more detailed information about some of the main bodies actively promoting a Temple agenda. The oldest and most active Temple organizations are the Temple Mount Faithful (established in 1982) and the Temple Institute (1984). In the last three decades since the Temple Mount Faithful began operations, almost 20 more organizations concerned with the Temple and the Temple Mount have been registered (see list in Appendix A at the end of this chapter). Additional bodies, not registered as organizations, are also active in this area.

54 This is how Moriah Yosef of the Midrasha, for example, calls the Dome of the Rock. **Tal Shamayim – The Monthly for Religious Youth**, 66, Tammuz 5769, 28.

THE TEMPLE CULTURE IN THE MEDIA

The pro-Temple movements generate extensive media activity, both on websites dedicated to the subject and in the right wing and national religious press. The question of rebuilding the Temple is also widely covered in newspapers, portals and news sites such as Arutz Sheva, Makor Rishon, Kipa, the Jewish Voice and Chabad Info, as well as in some of the Sabbath flyers distributed every Sabbath in synagogues. In 2011, Makor Rishon started running a weekly section about the Temple Mount called "Amud Habayit", written by journalist Arnon Segal. The page includes a primary article about a current issue related to the Temple Mount, a column called "The Redemption Index: Daily Update from the Temple Mount" and a section called "My House of Dreams", where well known personalities relate their personal connection to the Temple. Though not all of this discourse concerns practical and action oriented plans to build the Temple, it should be seen as an integral part of the larger Temple discourse.

There are also communication channels devoted solely to the question of the Temple Mount and the Temple. The Movement for Temple Renewal publishes a monthly bulletin called "Yibaneh Hamikdash" (May the Temple Be Rebuilt) in newspaper format, in addition to the movement's electronic bulletin. There are unique websites on the subject of the Temple, including the Temple Institute's website, the Temple Institute's YouTube channel, Yisrael Hamikdashit, Beit Hamikdash TV, the Temple Mount Faithful website and websites that include images of the Temple. The most active site on this subject, which also publishes the most radical and racist statements, is Har Habayit Shelanu (The Temple Mount is Ours).

THE TEMPLE MOUNT FAITHFUL

Start of activity: Registered as an association in 1982

Stated goal: To realize the Jewish people's belief and historic calling, anchored in the Jewish Torah, that Temple Mount is the religious, national and spiritual center of the Jewish people and the Land of Israel"⁵⁵

Scope of activity: The organization employs one paid employee and operates an English-language website. According to its report to the Registrar of Associations, the movement has 957 volunteers. At a demonstration by the Temple Mount Faithful on Hanukkah of 2011, Keshev researchers observed dozens of participants filling one bus. In 2010, the organization spent NIS 225,000 on activities and information dissemination.

55 According to the goal given to the Registrar of Associations

Dangerous Liaison

Main channels of activity: The Temple Mount Faithful is the oldest of the Temple movements. Its supporters are drawn from circles of the Greater Land of Israel's proponents, graduates of the pre-state Etzel and Lehi underground movements and messianic religious circles. Every year members of the movement demonstrate and apply to the police to ascend the Mount and pray on regular occasions: Rosh Hashanah, Yom Kippur, the eve of Sukkot, Hanukkah, Passover, Shavuot, Independence Day, Jerusalem Day and Tisha B'Av. On these occasions, the Temple Mount Faithful conduct various ceremonies, including laying the cornerstone for the Temple, pouring water at the Spring of Gihon and conducting a Jewish wedding at the Mughrabi Gate.⁵⁶ Gershon Salomon, the movement's chairman, is not religiously observant and according to the typology proposed above, the movement's motivation is more nationalist than religious.

Main figures: Gershon Salomon heads the movement. In the early 1990s, religious members of the movement left to establish the Movement for Temple Renewal. Since then, the movement's influence has begun to wane.

Location: The organization's offices are located on Eliash Street in Jerusalem.

Noteworthy activities: Every year the Temple Mount Faithful conducts demonstrations and marches, mainly around Jewish holidays.⁵⁷ The organization posts signs all over Jerusalem preceding these activities. Organizers are careful to note in their promotional materials that their ascents to the Mount have been coordinated with security forces and approved by the Police. The heads of the Waqf perceive these claims as evidence of secret cooperation between state authorities and the Temple Mount Faithful.⁵⁸

Muslims perceive the movement's public activity as incitement. In October 1990, following an event in which members of the movement planned to lay a "cornerstone" for the Temple, riots broke out on the Mount. As police stormed the complex, they opened fire and killed 17 Palestinians. Palestinians commemorate the incident as "the Al-Aqsa massacre." Following these events, the police issued an order barring Salomon's entry to the Mount, still valid to this day. He appealed the Police decision to the High Court of Justice, which upheld it. Salomon does heed police demands and is careful to coordinate moves with the authorities, in part to avoid gaining a reputation for law breaking or violence.

56 See Ramon.

57 The Temple Mount Faithful's financial reports for 2009-2010 said: "By the board's decision from February 11, 2009, the organization is saving surpluses to build the golden menorah and purchase an exhibit in the Old City" (from the organization's website). The current organization's website (<http://www.templemountfaithful.org>) does not provide information on its financial reports.

58 *ibid.*, 16.



Text of poster:

"The Temple Mount and Land of Israel Faithful:

Temple Mount, Jerusalem and the Land of Israel are in Danger!

On Sukkot we will ascend the Temple Mount, the heart of the nation.

We will warn Netanyahu: The people demand Jewish sovereignty on the Temple Mount, Judea, Samaria and Gaza

And Jewish prayer on our holy Mount.

Eretz Yisrael was given by the creator of the world

To only one people— the people of Israel.

We will demonstrate in front of the nation's holy sites.

There will never be a Palestinian murderers' state on Temple Mount, in Jerusalem or in the land of our forefathers.

We will call to cancel "the Palestinian Authority" and return it to Tunis.

We will throw citrons at the "two state" plan and the PLO flag.

In front of the holy site we will vow 'if I forget thee Jerusalem' and to build the Temple in our day."



Text of poster:

"The Temple Mount and Land of Israel Faithful:

On Hanukkah we will raise from Modiin to Temple Mount the heart of the nation.

The Maccabim legacy: Liberate the Mount! Build the Temple! Jerusalem will not fall again!"

[Samples of posters the Temple Mount Faithful posted throughout Jerusalem in 2011 and circulated on the Internet in honor of demonstrations on Sukkot and Hanukkah]

THE TEMPLE INSTITUTE AND ITS EXTENSIONS

Start of activity: Registered as an association in 1984

Stated goal: According to the organization's statutes, its primary goal is "to fulfill the positive precept from the Torah: 'Then have them make a sanctuary for me and I will dwell among.'" The interim goal, according to the statutes, is "to learn the laws of the Temple" and "to marshal religious, scientific, public and financial resources to promote the construction of the Temple."

Scope of activity: The Temple Institute, one of the leading organizations focused on the Temple, is composed of three bodies: 1) The Institute for Study, Research and Construction of the Temple (registered as an association in 1984); 2) The Midrasha (registered in 1993); 3) Home of the Hebrew Artisan (business). In 2011, The Temple Institute employed 17 employees (12 in the general department and five in the overseas fundraising department). The Midrasha employed eight young women from the National Service who guided the Temple instrument exhibit and led educational activities in schools throughout the country. In recent years, the Institute's annual volume of activity has been about NIS 3.5 million. The Institute runs a website in five languages: Hebrew, English, French, Spanish and Hungarian. Some 100,000 people visit The Temple Institute every year, including students and teachers, soldiers and delegations of Evangelical Christians.⁵⁹

Main channels of activity: Various educational activities including hospitality and tours for soldiers, students and youth and a sound and light show; reconstruction and manufacture of sacred Temple vessels; sewing of garments for priests; research and publication of literature on the subject of the Temple; education on Temple worship and construction; creation of a mobile model of the Second Temple; and active participation in Temple conferences. According to the typology presented above, the movement's motivation is primarily halachic.

Central figures: Chairman and Founder, Rabbi Yisrael Ariel; Director, David Schwartz; former directors Rabbi Menachem Makover and Rabbi Yehuda Glick (also head of Human Rights on Temple Mount). Regarding Rabbi Yisrael Ariel's extensive work to promote construction of the Temple, see special sidebar below.

Location: Misgav Ladach Street, Jewish Quarter, Jerusalem. When the Institute moved to a new building in the Jewish Quarter in 1992, Yisrael Ariel thanked "persons in different government ministries" for providing financial assistance to the Institute and helping to cover some of its debts.⁶⁰

Noteworthy activities: Research and renewal of Temple accessories: The Temple Institute has undertaken reconstruction of all sacred vessels related to the Temple (93 in number) and preparation of a full and halachically kosher set which would enable the immediate

59 According to Yehuda Glick, former director of the Temple Institute, in an interview with Yizhar Be'er and press reports.

60 Inbari, 50.

initiation of services once it becomes possible to ascend the Mount. To date, the Institute has prepared dozens of sacred vessels, including the Levites' musical instruments, the high priest's garment (with stone laid breastplate), the table of the showbread and the founts for spraying sacrificial blood on the altar. The newspaper **Makor Rishon** publishes a weekly message conveying that most of the objects required for the renewal of Temple services are prepared (see picture from **Makor Rishon**).

מקור ראשון כ"ו בכסלו תשע"ב, 22.12.2011 www.jtimes.co.il

			ספירת מלאי
אפר הפרה האדומה, סכיני שחיטה. כלי נגינה: כ־15 חצוצרות, נבלים, כינורות, שופר מצופה כסף ושופר מצופה זהב.	מזרקים (כלים לזריקת הדם על המזבח), מחתות, כלי ניסוך היין והמים, כלי מדידה, האבוב המיועד לקרבן העומר, בזיכי הלבונה, כלי אבן להכנת	כיור נחושת בגדי הכהן הגדול: ציץ, מעיל, אפוד וחושן, וכן 34 סטים של בגדי כהן הדיוט. מכלי השרת מוכנים	מה כבר מוכן? מנורת הזהב שולחן לחם הפנים מזבח הקטורת



התמונות (והכלים) באדיבות מכון המקדש

From Daf Habayit, a weekly section on the Temple Mount in **Makor Rishon**, December 22, 2011:

INVENTORY: WHAT IS READY?

- The golden menorah
- The golden table of the showbread
- The incense altar
- The copper laver
- The High Priest's sacred uniform
- Tzitz—the High Priest's golden crown, overcoat, robe and breastplate and 34 sets of lay priest garments

Of the sacred vessels there are founts (vessels for spraying blood on the altar), pans, vessels for pouring wine and water, measurement vessels, the tube for the

Dangerous Liaison

Omer sacrifice, the vases for the frankincense, the stone vessels for preparing the ashes of the red heifer and butcher knives.

Musical instruments: 15 trumpets, harps, violins, a silver plated shofar and a gold plated shofar

From the December 22, 2011 publication of "Amud Habayit", a weekly section on Temple Mount in **Makor Rishon**, written by journalist Arnon Segal. The inventory, published weekly, creates the impression that some of the practical steps toward building the Third Temple are in advanced stages. For further information, see below.

The most impressive ritual instrument and the one most identified with the Temple is the golden menorah. The Temple Institute completed work on the menorah in 1999 and it is now on display in a plaza in the Jewish Quarter overlooking the Temple Mount/Haram al-Sharif. The menorah is plated with 42.5 kg of gold "in one block", according to halachic requirements. It was designed by artisan Chaim Odem from Ofra and the money required to underwrite production—about NIS 5 million—was donated by businessman Vadim Rabinowitz, Chairman of the Jewish Congress of Ukraine.

Unlike the rest of the ritual objects displayed in The Temple Institute offices on Misgav Ladach Street in the Jewish Quarter, the menorah is publically accessible in a space overlooking the Western Wall and the Mount. For security reasons, it is stored inside a protective transparent cage. In 2008, The Temple Institute invested NIS 160,000 for security and maintenance of the menorah.⁶¹ The risk and high cost of maintaining the menorah in its current location are apparently offset by its educational and publicity value. Virtually everyone who comes to the Western Wall through the Jewish Quarter is exposed to the menorah, elevating the Institute's prestige and, according to its leadership, effectively promoting the idea of building the Temple.⁶²

Another Temple Institute achievement is the construction of the altar, which Jewish law requires be built from whole stones that have not been struck by iron. The altar is to be connected to the earth at the site of the Temple but according to the Institute, "there is presently a temporary prevention against entering the Temple Mount and building the altar in its site." For that reason, a small and mobile altar was built so that it could be moved to its place on Temple Mount "as soon as the gates of Temple Mount open for sacraments"⁶³—

61 According to the verbal report from the Temple Institute submitted to the Registrar of Associations to summarize the year 2008. The aforesaid amount appeared under the section: use of donations.

62 In a video by the Midrasha, "A spark from the Temple – the menorah", the narrator talks about the passersby who see the menorah and ask themselves: "Is the menorah kosher? Can it be taken from here and brought up to the Temple, when the time comes, and used?" The answer of course is positive. The menorah is kosher and "all that remains to do is to take the menorah and bring it up to the Temple, which will be built speedily in our days" (Mordechai Persoff, "A spark from the Temple – the menorah," November 23, 2011, http://www.youtube.com/watch?v=oZcPEe_Q8eg, (May 6, 2013).

63 From the Temple Institute's website, "Background and details of the rising altar", http://www.Temple.org.il/show_shgrir.asp?id=35039, (May 6, 2013).

Ir Amim | Keshev

namely, the sacrifice sacrament. Phrases such as “temporary prevention” and “as soon as the gates of the Temple Mount open” point to the immediate hope of the Temple Institute to formally utilize the sacred vessels they have prepared. As of December 2012, the altar was almost ready and the Temple Institute was preparing to display it to the public in a new exhibit targeted for a February 2013 opening.⁶⁴



[The text reads: This is where it should be placed when permission is given. The site of the altar]

Caption: This illustration was published in Makor Rishon on December 7, 2012, in Amnon Segal's section "Amud Habayit", under the headline "Inauguration of the Altar."

Because of the Temple Institute's increasing activities, it is the organization most widely identified by the public as representative of Temple issues. A 1997 report by Amnon Ramon stated that "the group most identified in public awareness with Temple Mount is the Temple Mount Faithful."⁶⁵ Today it is clear that the Temple Institute has gained supremacy both in terms of its scope of activities and its public image.

64 Amnon Segal, "Dedication of the altar," **Makor Rishon**, December 7, 2012, http://the--Temple.blogspot.co.il/2012/12/blog-post_2712.html (May 6, 2013).

65 Ramon, 15.

Dangerous Liaison**RABBI YISRAEL ARIEL**

Rabbi Yisrael Ariel, born in 1939 and a graduate of the Merkaz Harav Yeshiva, is one of the Temple movement's key figures. In June 1967, Ariel participated in capturing the Western Wall and the Mount, which became a formative influence in shaping his messianic worldview.⁶⁶ Ariel's resume is replete with religious activities and radical political activism to realize the dream of the Greater Land of Israel and construction of the Temple.

Political activity and criminal investigations: In 1981, in the elections for the 10th Knesset, Rabbi Ariel was number two on Meir Kahane's Kach list. During the evacuation of the Yamit District stipulated in the peace accords with Egypt, Ariel called on soldiers to refuse orders. In 1983, he was arrested on suspicion of organizing to take over the Mount, including allegations of carving out a tunnel through the wall leading to the Mount plaza.⁶⁷ (Ariel's lawyer at the time was David Rotem, chairman of the Constitution and Law Committee in the 18th Knesset). According to Ariel, attempts to ascend the Mount—then as now—are provocations against Muslims, fulfilling the "commandment to conquer" the Mount from them.⁶⁸ A year after his arrest, he founded the Temple Institute.

Rabbi Ariel was active against the "Disengagement" from the Gaza strip and evacuation of settlements from Judea and Samaria. In 2006, he was investigated on suspicion of incitement and sedition.⁶⁹ In 2007, he was investigated on suspicion of issuing a religious ruling ("Din Moser") against the Commander of the IDF's Central Command, finding him guilty of informing on other Jews to the authorities.⁷⁰ In 2008, Ariel was convicted of disorderly conduct and insulting a civil servant.⁷¹

Religious activity: Among his various religious roles, Ariel has served as the rabbi of the Yizrael Valley Regional Council, rabbi of the Northern Command in the Yom Kippur War, rabbi of the City of Yamit and founder and head of the Temple Institute. Rabbi Ariel has written numerous books about

66 According to his testimony in different forms, when he reached the Western Wall as a soldier, he heard from soldiers that during the storming they came upon two elderly men. Ariel was sure they were the prophet Elijah and the Messiah. He was disappointed to find out that the elderly men were Rabbi Zvi Yehuda Kook and Rabbi David Hachohen, known as the Rav Ha-Nazir (Nazirite rabbi).

67 Nadav Shragai describes this incident in detail in his book **Mount of Dispute** (Jerusalem: Keter, 1999), 142-145.

68 Rabbi Yisrael Ariel, **Beit Hashem Nelech** (Jerusalem: The Temple Institute), 2001.

69 Idan Yosef, "Rabbis condemn arrest of rabbis", **News First Class**, December 7, 2006.

70 Yuval Yoaz, "Criminal investigation against rabbis who ruled 'din moser' against OC of Central Command", **Haaretz**, January 31, 2007.

71 Roi Sharon, "Rabbi Yisrael Ariel will compensate Elazar Stern", **Maariv Nrg**, November 4, 2008.

the Temple and contributed significantly to the popularization and enhancement of discourse on the subject. He is also recognized as one of the chief activists for the renewal of the Sanhedrin, in which capacity he served as “Chief Justice for the Affairs of the Nation and the State.” In recognition of his contributions to the Temple, in 2008 Rabbi Ariel received the Ministry of Education’s annual award for Jewish culture.⁷²

Selected quotes from Rabbi Yisrael Ariel: In July 2007 Ariel said: “We must rise up and say: The Temple must be built tomorrow morning! Tisha b’Av 5767 (the Jewish fast commemorating the fall of the first and second temples) must change fundamentally: We must repent and tell ourselves we have been shedding fake tears for 40 years! From now on, Tisha B’Av will turn from a day of lamentations to a day of construction! On this day the rabbis of Israel from all circles will sit together—which they have not done until now—and discuss how to build the Temple, and speedily. On this day the rabbis shall meet the heads of government and demand the Temple be built immediately! On this day a collection will begin all over the Jewish world to build the Temple. Committees will be established: a committee for preparing the sacred vessels, a committee for drawing up the building plans, a committee to collect the priests and prepare priestly garments for each one, and so on.”⁷³

On the eve of Passover, 2012, Rabbi Ariel called for the paschal sacrifice on the Mount: “They should open the gates of Temple Mount so that we can sacrifice. Everything is ready. The priests have garments, an altar and vessels. Just open it.”⁷⁴

EL HAR HAMOR

Start of activity: Registered as an association in 1988

Stated goal: “To initiate and encourage any activity that strengthens the deep Jewish connection to the Temple Mount according to Halacha. To encourage, increase and spread Jewish awareness of this subject, to encourage studies and publications on the subject and to act to build a college for deepening the Jewish connection to Temple Mount”.⁷⁵

Scope and main channels of activity: The movement organizes a “circling of the gates” at the start of the Hebrew month, depending on its ability to recruit resources and

72 Yaara Mitlis, “Rabbi Yisrael Ariel – winner of Jewish culture award”, **Arutz Sheva**, October 6, 2008.

73 Yisrael Ariel, **Instead of whining, start acting**, Komemiyut newsletter, July 2007, republished on the yeshiva.org.il website on 2 Av, 5767.

74 Benny Tocker, “Rabbi Yisrael Ariel: Open the gates of the Temple Mount”, **Arutz Sheva**, April 4, 2012.

75 According to the report to the Registrar of Associations

Dangerous Liaison

manpower.⁷⁶ A book called **El Har Hamor**, about the Jewish laws concerning ascent to the mount, was published by the movement's founders. In 2000, the movement created a small "private militia" called the "Temple Guard". As its name suggests, the militia's function is to guard the Temple once it is built; moreover, its very establishment is purported to hasten construction.⁷⁷ According to the typology suggested above, the movement's motivation is halachic and messianic.

Central figures: Founders: Rabbi Yitzhak Shapira and Rabbi Yossi Pelei (currently rabbis in the Od Yosef Chai yeshiva in Yitzhar).

Location: The organization is based in the home of the Ofan family at 5 Breuer Street, Jerusalem.

Noteworthy activities: For the last 10 years, the El Har Hamor organization has organized a monthly "circling of the gates" in which hundreds of people, mainly youth, circle around the Mount.⁷⁸ According to Motti Inbari, the event is most likely funded by the Yesha Council.⁷⁹ The event includes prayer and song and recruits young people from the Ariel and Bnei Akiva youth movements and from girls' high schools beyond the Green Line. As the invitation graphics indicate (see invitation below), the Temple plays a key role in the circling of the gates. The image of the Temple appears in the upper right corner, underneath which is the caption: "May the Temple be built speedily."

The circling of the gates takes place on the first day of the Hebrew month, starting around 7 PM. The procession leaves from the Western Wall plaza and circles the Mount through the Muslim Quarter, with a clear separation between men and women. Prayers, dancing and singing are conducted next to each of the gates to the Mount. During the ceremony, flyers of the El Har Hamor movement are distributed with special prayers for the event: "A prayer for the renewal of the kingdom of the House of David" and "a prayer before the circling of the gates". Following is a brief passage from the "prayer before the circling of the gates":

"Here we come to circle Mount Moriah, the site of our Temple, to fulfill the precept 'circle Zion and surround it...' and to demand the construction of the Temple, as it says in your Torah: 'His habitation shall ye seek, and thither thou shalt come.' And may it be Your will, Our Lord and the lord of our fathers, that You shall merit to see speedily the construction of the Temple and there we shall worship You with awe as in the days of yonder and days of antiquity, and You shall merit us to come pray to You in the large and holy Temple that is called by Your name..."

Participants have also been witnessed singing nationalist religious songs such as "Take Revenge on the Gentiles". The song is comprised of two passages from the Bible: "And

76 See for instance report about the circling of the gates in September 2012: <http://www.hakolhayehudi.co.il/?p=42557> (May 6, 2013).

77 Inbari, 183-185.

78 Elhanan Grunner, "Under sweeping rain, hundreds participated in circling of the gates", **Jewish Voice Today**, December 26, 2011.

79 Inbari, 31, 185.

he looked this way and that way, and when he saw that there was no man, he smote the Egyptian, and hid him in the sand. To execute vengeance, To execute vengeance, To execute vengeance upon the nations.”⁸⁰ Flyers inviting participants to join the “Temple Guard” are distributed at events.

The circling of the gates, approved by the Police, requires monthly closing of main streets and shops in the Muslim Quarter, along the path of the procession from the Western Wall to the Muslim Quarter, by security forces. Old City merchants interviewed for this report claim that in recent years the police have stepped up shop closings during the circling of the gates and Jerusalem Day march out of fear that Jewish participants will commit acts of violence against Palestinian merchants.

“**Price tag**”: Acts of vandalism against Palestinians and Muslim and Christian religious institutions have been nicknamed “price tag” after the code name given by perpetrators. Price tag attacks may be waged against Islamic holy sites (usually mosques), monasteries or Palestinian property in order to “avenge” incidents ranging from Israeli political conduct perceived to be excessively moderate to Palestinian terrorism.

A connection can be made between certain “price tag” activists and the Od Yosef Chai yeshiva in the settlement of Yitzhar—the yeshiva of rabbis Yitzhak Shapira and Yossi Peli. The yeshiva is recognized by security authorities as an ideological and practical base of “price tag” activists.⁸¹ In January 2010, yeshiva head Rabbi Yitzhak Shapira was arrested on suspicion of involvement in setting fire to a mosque in the village of Yasuf.⁸² The same year the rabbi was re-arrested, this time on suspicion of incitement to racism in his book “The King’s Law”, where he points to cases in which Jewish law purportedly sanctions the killing of gentiles.⁸³

Perpetrators of price tag actions also refer to their operations as “mutual guarantee”⁸⁴, a slogan coined by Rabbi Yitzhak Shapira.⁸⁵ Their assumption is that the Jewish people and the Land of Israel are a single organic entity; an injury to one organ stimulates a reaction in another part of the body. As Shapira explains: “When somebody is hurt in one place there must be a reaction everywhere.”⁸⁶ If that logic continues to be promoted, it may likely legitimize “price tag” vandalizing of the Islamic holy sites on the Temple Mount/Haram al-Sharif (see above for the case of the Mughrabi Bridge).

80 According to the testimony of a Keshev researcher who was present at a circling of the gates

81 According to Shabak chief Yoram Cohen, the “price tag” activists consist of “a few dozen activists who are mainly in Yitzhar”, in Barak Ravid, “Shabak chief on ‘price tag’: the Yitzhar settlers are terrorizing the government,” **Haaretz**, February 3, 2012, <http://www.haaretz.co.il/news/politics/1.1632993>. Different reports have been published in the past about “price tag” operations by residents of Yitzhar. For example, Amichai Etieli, “Yitzhar residents executed ‘price tag’ in Hawara, nrg, June 30, 2011, <http://www.nrg.co.il/online/1/ART2/255/418.html> (May 6, 2013).

82 Efrat Weiss, “Arson of mosque in Yasuf: Yitzhar yeshiva head arrested”, **Ynet News**, January 26, 2010.

83 Eli Senior, “Rabbi Yitzhak Shapira, who wrote about hurting gentiles, arrested”, **Ynet News**, July 26, 2010.

84 This slogan was sprayed on the walls of the Trappist Monastery in Latrun. See Moshe Nussbaum, “Arson at the Latrun Monastery: Slogans against Christianity sprayed on walls”, **Channel 2 News**, September 4, 2012, <http://www.mako.co.il/news-law/crime/Article-2f22313d1be8931017.htm> (May 6, 2013).

85 Guy Varon, “Head of Yitzhar yeshiva openly supports revenge against Palestinians”, **Army Radio**, May 17, 2010.

86 Ibid.

Dangerous Liaison**THE MOVEMENT FOR TEMPLE RENEWAL -
HATNUA LEKHINUN HAMIKDASH**

Start of activity: Registered as an association in 1991. Registration was revoked in 2002 but the organization continues to conduct public activities.

Stated goal: "The main goal of the Movement for Temple Renewal and the aspiration of its founders and all of its members is to build the Temple and renew worship as in early days."⁸⁷ On the broader level, the movement seeks to establish a state of Halacha in the area of the Biblical Land of Israel.⁸⁸

Scope of activity: In the 1990s, there were nearly 100 registered members of the movement.⁸⁹ Since the movement is no longer officially registered, there is no certified data about the scope of its financial activities. According to the typology proposed above, the movement's motivation is halachic and messianic.

Main channels of activity: The movement works to disseminate its ideas about the Temple Mount and construction of the Temple and to more vigorously introduce these concepts into the public discourse. The Movement for Temple Renewal calls on every Jew to ascend the Temple Mount according to Halacha and to take an active part in promoting construction of the Temple and reviving worship within it. The movement conducts extensive and comprehensive outreach to raise awareness of the call to ascend the Temple Mount through its monthly publication "Yibaneh Hamikdash" and via its leadership role in organizing the Temple Conference—the premier annual event of the Temple movements. The Movement for Temple Renewal is unique in having been founded by ultra-Orthodox Jews and in encouraging the ascent of the Temple Mount by Haredim.

Central figures: Founders: Yosef Elboim, Yoel Lerner and others. Present chairman: Lawyer Baruch Bar Yosef

Location: Jerusalem

Noteworthy activities: Ascents to the Temple Mount: The movement organizes periodic ascents of the Mount and provides a guide and halachic instructions to anyone requesting them. Members of the movement attach utmost importance to ascending the Mount as a way of taking a stand toward both Jews and Muslims. It is difficult to obtain accurate data about the scope of these ascents. One indication may be found in "Yibaneh Hamikdash", which releases monthly data about people who have ascended the Mount during that period. Each issue documents hundreds of people who have made the ascent.

The Temple conferences and Temple feasts: Every year the Movement for Temple Renewal produces the Temple Conference, a high visibility event that attracts most of the Temple

87 "The Three Weeks before Tisha B'Av: This is the time to donate to the Temple Mount Movement", article on the Temple Mount Is Ours site, http://lamikdash.blogspot.co.il/2009/07/blog-post_8852.html (May 6, 2013).

88 Inbari, 126.

89 Ibid.

Ir Amim | Keshev

movements. The conference combines lectures and speeches, films, a display of Temple vessels, Temple songs, ascents to the Mount, a festive feast and sale of model Temples.

The Sixth Temple Conference in 2000 was the stage for the first public display of the golden menorah made by the Temple Institute. In 2005, the Deputy Mayor of Jerusalem, Yigal Amedi, attended the Temple Conference, where the service of the gift offering was demonstrated. There Rabbi Dov Lior, the Rabbi of Kiryat Arba, declared: "We strive for full sovereignty on the Temple Mount, and first of all must establish a central place of prayer."⁹⁰ The conference was also attended by Yehuda Etzion, head of the Chai Vekayam movement and a member of the Jewish Underground of the 1980s that participated in plans to blow up the Dome of the Rock. Etzion spoke about the Temple Mount as "yearning for a different culture and totality." He added that "striving for the Temple Mount is striving to raise the State of Israel to sanctity, because if it remains in its Uganda, in its secularism, there it will be buried."⁹¹

The 12th Temple Conference convened in September 2011 at the Great Synagogue in Jerusalem was held under the auspices of **Makor Rishon**, the daily newspaper identified with the national religious sector.⁹² According to the Arutz Sheva website, the conference focused on "the conquest, Judaization and purification of the Temple Mount; removing the



The audience at the 12th Temple conference at the Great Synagogue in Jerusalem. Photo: Har Habayit Shelanu website

90 Author unnamed, "The Temple Feast: create a prayer space on the Temple Mount", **Arutz Sheva**, January 25, 2005.

91 Nadav Shragai, "Temple Games", **Haaretz**, January 26, 2005.

92 According to a survey published in **Makor Rishon**, the newspaper has 21,500 readers for its daily edition and 150,000 readers on the weekend.

Dangerous Liaison

temporary abominations; the sacrifice service; construction of the Temple; and renewal of the rites.”⁹³

CHAI VEKAYAM

Start of activity: The movement was founded in 1991 and is not a registered association

Stated goal: Raising public awareness of the necessity of the Temple and fighting for the right of Jews to pray on the Temple Mount

Scope of activity: In the late 1990s, movement members regularly ascended the Mount without Police coordination and without permission (considering themselves exempt from the yoke of the law on this matter).⁹⁴ Participants were arrested and criminal files opened. The arrests precipitated two changes: a stiffening of Police supervision of the entry of Jews to the Temple Mount and raising of public awareness about prohibitions against Jews praying on the Mount. In recent years, the scope of activities has diminished.

Central channels of activity: Movement members habitually ascend the Mount to pray, aware their ascent will provoke arrest. They also focus on the reconstruction of the paschal sacrifice ceremony, conducted in the neighborhood of Abu Tor, which faces the Mount. Yehuda Etzion initiated the Temple Conference, during the time when the sacred vessels of the Temple Institute were put on display. According to the typology proposed above, this movement’s motivation is messianic.

Central figures: The movement was founded by Motti Karpel and Chaim Nativ, who were joined by Yehuda Etzion a few years after he was released from prison for his involvement in the Jewish Underground in the 1980s. Other members of the movement are Yinon Mevorach and Chaim Odem (who designed and built the Temple menorah for the Temple Institute).

Location: The movement was founded in the settlement of Bat Ayin, which serves as its ideological center.

Noteworthy activity: The movement has recently reduced its scope of activities, focusing on Etzion’s lectures and theoretical plans for the future Temple.

93 According to a report on the Inn website on September 5, 2011, <http://www.inn.co.il/Forum/Forum.aspx/t381654> (May 6, 2013).

94 Ibid., 80.

Ir Amim | Keshev

HAR HABAYIT SHELANU WEBSITE

“The Headquarters for the Rescue of the People and the Temple—Har Habayit Shelanu” is the most radical active Temple Mount website. The site openly calls for the destruction of Islamic shrines on the Mount and construction of the Temple on the site of their ruins. Police view the site’s publications as dangerously provocative and temporarily banned activity in 2012 after a notice published on the site led to a violent outburst on the Temple Mount.

Goal: The Har Habayit Shelanu site has one purpose: “To Judaize the Temple Mount and build the Third Temple on the Temple Mount, capturing Temple Mount from the evil thieves of the Temple. Temple Mount is home.”⁹⁵

Scope of activity: The site is normally updated every few days.

Central channels of activity: The site channels developing news from the Temple Mount and announces demonstrations and ascents to the Mount.

Central figures: The site lists its main editor as Rabbi Dudu Baharan and its deputy editor as Gershon Caspi. According to the police, Nechemiah Elbom and Rabbi Yehuda Glick are the site’s operators.⁹⁶

Location: <http://hamikdash1.blogspot.co.il>.

Noteworthy activity: Direct and indirect calls to destroy the mosques on the Temple Mount/Haram al-Sharif and publication of a poster ahead of Moshe Feiglin’s ascent of the Mount after internal Likud elections in 2012. The ascent fomented great unrest among Muslims and Police closure of the Mount to visitors.

95 From the site http://hamikdash1.blogspot.co.il/2011/06/blog-post_25.html (May 6, 2013).

96 Shalom Yerushalmi, “Temple Mount is in their hands: who is really agitating the atmosphere in Jerusalem?”, **Maariv Nrg**, March 11, 2012.

APPENDIX, PART 2: REGISTERED ASSOCIATIONS (NOT REVIEWED ABOVE) PROMOTING THE TEMPLE AGENDA

Year of registration	Name of association	Association's self-stated goals
1985	El Har Hashem	To stimulate public awareness of the sanctity of Temple Mount as the single, central holy site of the Jewish people
1985	Midreshet Kidmat Yerushalayim, established by Ateret Cohanim	A midrasha (orthodox educational institution) for the study of Jerusalem and the Temple via tours of Jerusalem within the Old City walls and curriculum on Jerusalem, Temple Mount and the Temple
1993	The Midrasha of Temple Knowledge	Educational projects on the subject of Temple awareness in Jerusalem, e.g. textbooks illustrating the Jewish people's historical connection to the Temple and Jerusalem
1994	Tzur Yeshuati	Torah center for sacred and Temple studies; Beit Habechira, a "kolel" (seminary for young married men); publication of the journal "Ma'alim Bakodesh"; publication of books and periodicals about the Temple
1997	Center for the Study of History of the Temple in Jerusalem	Dissemination of historical information in Israel and around the world, including Europe, about the Temple, its function, location and archaeological excavations at the site, based on Jewish sources
1999	Machaneh Shekhina	Construction and maintenance of a luxurious and sophisticated ritual bath for provision of purification services to pilgrims to the Temple Mount; guiding for visitors to the Temple Mount complex
2000	The Center for Temple Studies at Mitzpeh	Establishment of a learning center for priests and Levites; creation of a model of the Temple and its sacred vessels; publishing of halachic and educational materials about the Temple
2001	Temple Awareness – Shalom al Yisrael	Information and intensive education about the Temple, including production and publication of films and written materials; education and activities for the unity of the Jewish people; charitable and anonymous contributions to people in need

Year of registration	Name of association	Association's self-stated goals
2001	Women for the Temple	To unite women from various Jewish groups around the Temple; to fulfill the positive precept to build the Temple; to deepen awareness and knowledge of the meaning and significance of the Temple; to tighten the bond between women and the Temple in thought and action
2003	Lev Ha'uma	To deepen awareness of the Temple as a central site of the Jewish people; to strengthen the connection between the Jewish people, the State of Israel and the Temple Mount in order to realize Israel's full sovereignty on the Temple Mount for the benefit of the Jewish people and the Land of Israel
2004	Sanhedrin—large tribunal of 71	To establish Jewish law among the Jewish people in Israel and the Diaspora
2004	Chen Beit Hamikdash	To promote Temple affairs through study, lectures, books and publications; to illustrate the Temple and tabernacle; to administer seminaries for the study of Temple affairs; to build synagogues; to research the song of the Levites and song in general in Jewish sources
2006	Tzur Yeshurun Yerushalayim	To convey Jewish heritage and culture, especially related to the Temple, throughout the Jewish population via lectures, events, conferences and national and international exhibits, in cooperation with overseas Jewish communities
2010	The Mount Yeshiva	Gathering groups of newly wed yeshiva students to study—with a focus on the laws of sanctity and purity—next to the Temple Mount during hours open to visitors (in observance of law); promotion of public action to build a synagogue, a study house, a yeshiva and a kolel on the Temple Mount
2011	Moses Park	Illustrating the Second Temple for the general public; a research center on Jewish communities abroad; the Temple illustration project

PARTIAL LIST OF BODIES, MOVEMENTS AND ORGANIZATIONS NOT REGISTERED AS ASSOCIATIONS

- Friends of the Temple Movement (Prof. Hillel Weiss)
- The Jewish Idea Yeshiva (Rabbi Yehuda Kreuzer)
- Otzar Hamikdash (The Temple Trust), (Architect Gideon Harlap)
- Metzudat Yehuda (Yehuda Citadel), (Lawyer Baruch Ben Yosef)
- The Third Temple (Rabbi David Elboim)
- Yeshivat Torat Habayit (The Temple Torah Yeshiva)
- Kmehei Hamikdash (The Temple Longing)
- Merkaz Har Habayit (Temple Mount Center)
- Merkaz Hakohanim (The Priests' Center)
- Mishmar Hamikdash (Temple Guard)

PART 3: TIES BETWEEN GOVERNMENT INSTITUTIONS AND TEMPLE MOVEMENTS

There is an internal contradiction in the authorities' policy towards the Temple movements. The authorities enable, assist and sometimes even fund the activities of the Temple movements; at the same time, they—especially law enforcement agencies such as the Israel Police, the State's Attorney and the Shabak—attempt to monitor, curb and modify the activity of the Temple movements out of security concerns. The support of state authorities extends to various movements and organizations that openly declare their intention to change the status quo on the Mount, with all the implications such changes might entail.

ROLE OF STATE AUTHORITIES IN ENCOURAGING TEMPLE MOVEMENT ACTIVITIES

A. REGISTRATION OF ASSOCIATIONS AND TRUSTS

Government institutions facilitate the growth of the Temple movements by registering associations working to change the status quo on the Temple Mount/Haram al-Sharif, whether by mass ascent and prayer by Jews or actions toward construction of the Third Temple. There are currently 19 associations with Temple related missions registered with the Registrar of Associations. It goes without saying that a democracy cannot prohibit registration of a public body operating within the confines of the law; the government is required to honor the right of assembly. However, the State's allowance of bodies that openly state the goal of promoting construction of the Third Temple to register as associations has not always been a given. In 1971, then Attorney General Meir Shamgar forbade the establishment of "The Association for the Construction of the Temple in Jerusalem."⁹⁷ Among the reasons he cited were "insult of the subject" and concern of "exploitation of the naïveté of people in Israel and abroad to raise funds for an activity they are neither authorized nor capable of carrying out" (see document below).

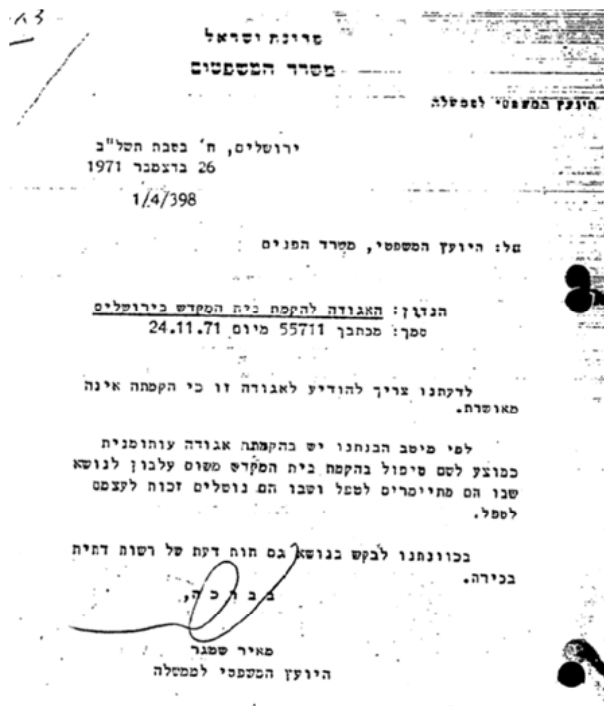
Since the Association Law was passed in 1980, 19 different associations promoting a change in the arrangements on the Mount have registered with the Registrar of Associations. The associations' official goals range from public education activities ("raising public opinion", "raising public awareness") to activities on the ground such as the building of a ritual bath for pilgrims ascending the Mount, promoting the construction of a synagogue on the Mount

97 An Ottoman association is the equivalent of an association that existed before the Association Law was passed.

Ir Amim | Keshev

or even advancing construction of the Temple itself. There is a wide spectrum of activities existing between these extremes, including encouraging ascent to the Mount, religious study related to the laws of the Temple, building models of the Temple and associated vessels and training priests and Levites for service in the Temple.

In 2000, Yosef Elboim and architect Gideon Harlap established an organization called “The Temple Trust – a public trust for the construction of the Third Temple.” A public trust is a legal institution that regulates assets dedicated for the realization of public goals, and like an association it is overseen by the Department of the Corporations Authority.⁹⁸ The role of the Temple Trust was to raise funds to build the Temple.



The attorney general's letter refusing to register the Association for the Construction of the Temple

B. PROTECTING TEMPLE MOVEMENT DEMONSTRATIONS

The “circling of the gates” that has been organized for the past decade by the El Har Hamor association is funded by the Yesha Council.⁹⁹ The event is secured by the Israel Police, which orders Arab merchants in the Muslim Quarter to close their shops out of fear of harassment by Temple movement activists participating in the procession.¹⁰⁰ In so doing, the police not only protect the demonstrators (within their purview) but avoid the scenario of confronting them should they break the law, choosing instead to exact a financial toll on market vendors' businesses.

98 In the last 15 years, Gideon Harlap has been active in matters of the Temple. He publishes booklets on construction of the Temple, operates the website Yisrael Hamikdashit and heads the Temple Trust. In an interview with him for the preparation of this paper (interview with Yizhar Be'er, January 29, 2012), Harlap spoke of the blueprint he made for Temple Mount. He claims there is no halachic obstacle to building the Temple and the main barrier is public opinion in Israel. He is trying to draw public opinion in his direction and to that end he said he approached celebrities (such as Yehoram Gaon and Leonard Cohen) and tried to recruit them to a campaign to build the Temple, so far unsuccessfully.

99 Inbari, 31, 185.

100 According to merchants' testimonies given to Yizhar Be'er

Dangerous Liaison**C. DIRECT FUNDING**

The State of Israel directly funds various Temple movement activities. In the years 2008-2011, the Ministry of Culture, Science and Sports and the Ministry of Education supported the Temple Institute and the Midrasha at an average rate of NIS 412,000 per year.¹⁰¹ In 2012, the Midrasha, the educational arm of the Temple Institute, received NIS 189,000 from the Ministry of Education.¹⁰²

On December 30, 2010 a highly attended conference took place at Binyanei Ha'uma (The Jerusalem Conference Center). The event, promoted as "Every Jew Has a Part in the Sacred" (the logo on the invitation proclaimed "Something good is happening in Jerusalem!"), drew thousands of attendees, mostly Haredim. The program included a discussion of ritual sacrifice and an exhibit presenting a model of the Temple. It also showcased a virtual presentation illustrating the construction of the Third Temple on the ruins of the Dome of the Rock. The conference was held under the auspices of the Jerusalem Municipality's Department of Religious Culture.¹⁰³

D. INFILTRATION OF THE EDUCATION SYSTEM AND YOUTH MOVEMENTS

The Temple movements are active in public schools, religious seminaries, colleges, girls' high schools, yeshivas and youth movements. Leading educational institutions in the area of Temple studies are Kolel Beit Ha'bechira in Karmeit Tzur, the Jewish Idea Yeshiva in Jerusalem, Yeshivat Torat Ha'bayit in Jerusalem and the Od Yosef Chai yeshiva in Yitzhar. These educational activities forcefully expose students to the Temple movements' versions of history, ideology and Jewish law regarding the Temple Mount as well as the yearning and capacity to erect the Third Temple upon it.

CONNECTION TO THE MINISTRY OF EDUCATION

In 2010, Education Minister Gideon Saar initiated the project "Ascending to Jerusalem", through which the Ministry of Education subsidizes tours to Jerusalem for school children. The goal of the program is to ensure that every student in the Israeli education system

101 According to the information on the government subsidy website www.tmichot.gov.il. From their financial reports (seen on the association website <http://www.guidestar.org.il/>), the Temple Institute and the Midrasha report receiving subsidies in the years 2008-2010. The Institute received NIS 158,046 in 2008, NIS 239,007 in 2009 and NIS 291,465 in 2010.

102 Or Kashti, "Government ministries are donating 'petty cash' to haredi and right-wing institutions", *Haaretz*, November 23, 2012, <http://www.haaretz.co.il/news/education/1.1871516> (May 6, 2013).

103 See also the Har Habayit Shelanu website, <http://lamikdash.blogspot.co.il/2011/01/blog-post.html> (May 6, 2013).

Ir Amim | Keshev

visits the capital at least three times by the age of 18.¹⁰⁴ In August 2012, the Ministry of Education reported a record number of 550,000 students who toured Jerusalem, of which 31,474 entered the Mount complex.¹⁰⁵ Most of the students who entered the Mount were Muslim but a few thousand were Jewish. Complaints against the Ministry of Education appeared on the Haredi website Behadrei Haredim, where protests were made against allowing Jewish children onto the Mount—a violation of “a ban punishable by extirpation”. In other words, ascent to the ancient holy site in a state of impurity is punishable by death at God’s hands.¹⁰⁶

The Religious Education Administration declared “Jerusalem and Zion: From Longing to Realization and from Vision to Reality” as the annual theme for 2009-2010. The Temple factors heavily in its educational content. Moreover, the Religious Education Administration takes an energetic role in designing curriculum, suggesting ways to combine Temple studies with traditional areas of study such as history, geography and Talmud; building models of the Temple Mount and the Temple; and writing prayers, songs and short stories about Jerusalem and the longing to build the Temple. It has also recommended touring the Temple Institute, among other Temple related organizations and sites.¹⁰⁷

Among the Administration’s suggested curricular materials is an article entitled “Zion and Jerusalem, From Longing to Fulfillment” by Rabbi Dr. Yochai Rudick. At the end of the article, the rabbi declares that “placing Jerusalem at the center of the annual subject in 5770 (2010) should, God willing, create ideological momentum in the religious education system’s concepts and spiritual aspirations both towards construction of the Temple and in its system of values as a whole.”¹⁰⁸ The hope for a swift victory over the “nations” and construction of the Temple is also mentioned in an article by Rabbi Arie Shalom, the deputy inspector for the instruction of Talmud and oral law, who says:

“Even today, like in the days of Ezra, there are nations who besiege us and want to share with us the government and sovereignty over Jerusalem and to divide its unity. The processes may be numerous and complex but with God’s help we shall act and succeed. Just like we merited the first redemption so we shall merit the last

104 According to Gideon Saar’s personal website (<http://www.gideonsaar.com>), “more than 500,000 students visited Jerusalem as part of the ‘Ascending to Jerusalem’ project initiated by Education Minister Gideon Saar. The purpose of the program is to increase familiarity, sense of belonging and love of Jerusalem, the capital of Israel, in which every student (from all sectors) must visit Jerusalem at least three times during their 12 years of school. To implement the program ‘Ascending to Jerusalem’ the Education Ministry allocated, as part of its list of goals presented to the government and the Knesset six months ago, an overall budget of NIS 15 million, which greatly increases the number of students visiting Jerusalem.”

105 Omri Meniv, “30,000 students tour Temple Mount for the first time”, *Maariv Nrg*, August 29, 2012, <http://www.nrg.co.il/online/1/ART2/399/407.html> (May 6, 2013).

106 Sari Roth, “Shocking: the Education Ministry brought 31,474 children to Temple Mount”, Behadrei Haredim, August 29, 2012, <http://www.bhol.co.il/article.aspx?id=44050> (May 6, 2013).

107 The full memo is on the following website: <http://cms.education.gov.il/NR/rdonlyres/800C2D58-638E-4542-96A2-509388E4BB64/104596/21.pdf> (May 6, 2013). The connection between the Education Ministry and the Temple Institute is not anecdotal. In 2008, the organization’s founder Rabbi Yisrael Ariel received the Ministry of Education’s Jewish Culture award.

108 Ibid., 13.

Dangerous Liaison

redemption, for the building of Jerusalem and the building of the Temple swiftly in our days, amen."¹⁰⁹

The selected bibliography proposed on an Education Ministry memo lists numerous books about the construction of the Temple and the Temple Mount, some of which are written by leading activists in the Temple movement. The influence of the Temple movements can therefore be seen to reach all the way to the administration of the Ministry of Education. Materials manufactured by the movements constitute official educational materials used within the religious education system.



Educational Funds and Informal Education:

The Karev Educational Program (founded by Charles Bronfman) runs joint enrichment programs with the Ministry of Education in schools and kindergartens and supports educational activities in the field of Temple awareness. The article "Parents Are Invited

into the Temple", published on Arutz Sheva,¹¹⁰ documents a project in Safed run by Rabbi Dror Shmullian—a collaboration between the Karev Program and the Temple Institute. At its conclusion, children from all classes in the school built a giant 30 by 17 meter cardboard model of the Temple. At the closing event, parents entered the "Temple" built by their children and listened to students dressed in priestly garments explain the Temple service.¹¹¹

The Midrasha that operates under the supervision of the Education Ministry's Union of Judaism Seminars runs educational programs in schools throughout the country, for which it employs eight young women from the National Service program and receives an annual budget. Activities are conducted in kindergartens, schools, bar and bat mitzvahs and even among adults. The Midrasha's seminar catalog demonstrates a diverse menu of educational components, including a mobile exhibit of Temple vessels, a puppet show about the Temple, construction of Temple models, games like "Dress the Priest" (making a small doll of a High Priest and his garments) and arts and crafts projects such as making mobiles

¹⁰⁹ Ibid., 17-18.

¹¹⁰ Shimon Cohen, "The parents are invited into the Temple", *Arutz Sheva*, July 31, 2011.

¹¹¹ The Karev Educational Program responds: "The activity in the Chabad school in Safed was part of the Karev Program's art classes. The teacher was accompanied by an art supervisor, participated in enrichment classes and taught based on a program agreed upon between the school and the art department. In many cases the art classes reinforce the school's study contents. In the Arutz Sheva report, the reconstruction of the Temple is of the historic Temple of the past without reference to the future and without a current political context. It is important to clarify that the choice of contents in haredi schools is, naturally, in accordance with their worldview. Following Ir Amim's inquiry, we will re-examine the study contents."

Ir Amim | Keshev

and refrigerator magnets with Temple elements.¹¹² The catalog also includes a unit on the Tabernacle and its vessels to prepare tenth-graders for matriculation exams in Bible study. According to the catalog, the Temple Institute prepared the study unit at the direct request of the Ministry of Education and it is recommended by the District Bible Inspector, Rabbi Yissachar Goelman.

Extensive Temple activities are also conducted under the auspices of the religious youth movement, Ariel.¹¹³ The movement splintered off from Bnei Akiva in 1980 in order to separate boys and girls and “raise youngsters on values of Torah, sanctity and action”, under the slogan “The Torah of life with spirit”. The movement aims to “strengthen Temple awareness and spiritual and practical action to hasten its rebuilding.”¹¹⁴ According to Ariel’s educational philosophy, there are three primary objectives that should be on the agenda for high school students, one of them being “increasing awareness of the importance of building the Temple among the Jewish people, participation in the circling of the gates, information at schools, modeling the Temple at distribution stands and more”.¹¹⁵

One of the Ariel youth movement’s most highly anticipated annual events is “Temple Week” and the calendar issued for counselors notes the monthly circling of the gates ¹¹⁶ (see Part 2). The movement publishes a monthly magazine called **Tal Shamayim—the Monthly for Religious Youth**. Volume 67 of **Tal Shamayim** was devoted entirely to the Temple and its construction. In that volume, the subtitle of an interview with Rabbi Glick, then director of the Temple Institute, read, “From Air-conditioning to Parking, They are Planning the Temple in Full Detail”.¹¹⁷

The movement declares that it serves 10,000 active students across 75 branches,¹¹⁸ mainly in settlements beyond the Green Line. The movement enjoys significant government support. In the years 2008-2011, Ariel received more than NIS 8 million from the State.

The Special Relationship between the Israeli Establishment and the Temple Institute: Of all the Temple movements, the Temple Institute enjoys the establishment’s most generous support. From its inception, the Temple Institute sought the support of official bodies such as government ministries, the Chief Rabbinate and the Jerusalem Municipality. By presenting itself primarily as an educational body, without emphasizing its ultimate goal of rebuilding the Temple, the Institute has been successful in garnering support. It is recognized

112 Catalog of activities of the Midrasha founded by the Temple Institute, Iyar, 5765.

113 The word "Ariel" itself is a florid expression for the altar of the Temple in Jerusalem.

114 According to the movement's goals, as reported to the Registrar of Associations

115 From the movement's old website, question and answer department.

116 See Ariel movement's calendar for 5772.

117 Yitzhak Lampert, "Preparing the Temple", **Tal Shamayim – The Monthly for Religious Youth 67**, Av 5769.

118 According to the movement's new website, "Who we are".

Dangerous Liaison

by the Ministry of Education as an educational body and is regularly visited by groups of schoolchildren and organized groups of soldiers.¹¹⁹

The Midrasha serves as the educational arm of the Temple Institute and in this capacity provides seminars on the Temple and Temple rites to inspectors, principals, teachers and students. Since 1994, the Temple has been included as a subject in some bible studies matriculation exams and the Institute gives lessons on the subject in schools. It also enjoys resources from the National Service Authority, which places young women at the Institute in fulfillment of their national service obligations. In 2011, eight young women from the National Service program served in the Midrasha, guiding visitors and conducting educational activities in schools throughout Israel. In 1995, the Institute reported it had reached 35,000 students that year.¹²⁰ Furthermore, the Institute's newsletter, "What's New in the Temple Institute", was published for many years with the support of the Ministry of Religious Affairs and the Education Ministry's Department of Religious Culture.¹²¹ In 2008, Rabbi Ariel received the Education Ministry's annual prize for Jewish culture for his work on the subject of the Temple.¹²²

For years the Midrasha has received substantial sums of money from the Ministry of Education. In 2008 it received NIS 341,687; in 2009 it received NIS 218,395; in 2010, NIS 266,465; in 2011, NIS 264,587; and in 2012 the Midrasha received more than NIS 189,000.¹²³ The Temple Institute itself also receives state money directly. In 2008, the Institute received NIS 121,564; in 2009, NIS 154,446; in 2010, NIS 159,454; and in 2011, NIS 121,564. In the years 2008-2011, the Ministry of Culture, Science and Sports and the Ministry of Education supported the Temple Institute and the Midrasha by an average amount of NIS 412,000 a year.¹²⁴

The Midrasha naturally emphasizes its distinctive ideological, historic and halachic narrative concerning the Temple Mount and the Temple. Because there is no other organization representing an alternative viewpoint, students receive a blatantly biased perspective. Funding and manpower resources are provided to the Midrasha legally but there is no stipulation as to either curricular content or supervision of staff; only volume of activity is monitored.¹²⁵ In this way, both secular and religious students under the Education Ministry are exposed to a one-dimensional approach to the subject.

Since the late 1980s, the Temple Institute has participated in organizing the Temple Conference, which is supported by the Chief Rabbinate, the Jerusalem Municipality and the

119 **Arutz Sheva**, October 6, 2008.

120 Inbari, 51.

121 *ibid.*, p. 52.

122 **Arutz Sheva**, October 6, 2008.

123 The figures come from the report of the Registrar of Associations under the item "support of public institutions – Judaism seminars". See also **Haaretz**, November 23, 2012, <http://www.haaretz.co.il/news/education/1.1871516>.

124 Based on information on the government subsidy website, www.tmichot.gov.il.

125 **Haaretz**, November 23, 2012, <http://www.haaretz.co.il/news/education/1.1871516>.

Ministry of Religious Affairs.¹²⁶ The conference exemplifies the close cooperation between the Temple Institute and elected and public officials in Israel. On September 15, 1998, the Chairman of the Constitution, Law and Justice Committee, Knesset Member Hanan Porat, sent invitations to the event from his office on official Knesset stationery and Deputy Minister of Sports Moshe Peled (Likud-Gesher-Tzomet) promoted it in a broadcast address.¹²⁷ At the event, Rabbi Yisrael Ariel issued a call from the stage to act to remove the Islamic shrines from the Temple Mount and to build the Temple. Ariel declared, "Tomorrow morning, we must put on our working clothes."¹²⁸ In 2011, Arutz Sheva reported that the conference would be attended by rabbis and politicians, including Deputy Prime Minister Silvan Shalom¹²⁹ (who ultimately canceled his attendance). The Har Habayit Shelanu website reported that the event was attended by Knesset members Uri Ariel and Michael Ben Ari.¹³⁰ In the past, it was attended by religious dignitaries holding public office such as Rabbi Yisrael Meir Lau and Rabbi Eliahu Bakshi Doron.¹³¹

CONNECTION BETWEEN THE TEMPLE MOVEMENTS AND MEMBERS OF KNESSET

On July 26, 2012, for the first time, the Israeli Knesset hosted a conference about the Temple, Jewish sovereignty in Jerusalem and granting Jews worship rights on the Mount. The conference was initiated by MK Michael Ben Ari and facilitated by MK Ariele Eldad, both from the Temple lobby in the Knesset. Some 100 rabbis attended the conference—addressed by members of the Temple movement—including Yehuda Etzion (see below for letter sent to him by then Opposition Chairman Benjamin Netanyahu), Rabbi Yehuda Kreuzer, Rabbi Yisrael Ariel and Rabbi Yosef Elboim. The conference was also attended by Michael Pua (Director of Jewish Leadership), Baruch Marzel (The Jewish Front and former member of the defunct Kach



¹²⁶ Motti Inbari, **Jewish fundamentalism and the Temple Mount** (Jerusalem: Magnes Press, 2007), p. 50.

¹²⁷ According to Keshev director Yizhar Be'er, who attended the conference

¹²⁸ According to Keshev director Yizhar Be'er, who attended the conference

¹²⁹ Ben Shaul, "Today: festive gathering of friends of the Temple", **Arutz Sheva**, September 17, 2011.

¹³⁰ According to photographs published on the Har Habayit Shelanu website, Gadi Bahar, "The Twelfth Temple Conference: more than 500 people attended the Temple Conference on Monday at the Great Synagogue."

¹³¹ Motti Inbari, **Jewish fundamentalism and the Temple Mount** (Jerusalem: Magnes Press, 2007), p. 50.

Dangerous Liaison

leadership), Itamar Ben Gvir (who served in the 18th Knesset as an aid to MK Michael Ben Ari) and Dr. Ron Breiman (chairman of the now defunct Professors for a Strong Israel).

Chairman of the Temple Mount Heritage Fund, Rabbi Yehuda Glick, claims that a group of Knesset members regularly ascends the Mount: Danny Danon, Arie Elad, Michael Ben Ari, Uri Ariel, Ze'ev Elkin, Otniel Schneller and Yariv Levin. Rabbi Glick claims that MK Nachman Shai has also ascended the Mount several times.¹³² In the past, ministers Hershkowitz and Edelstein also ascended the Mount; today, the government forbids ascents by ministers for security reasons. In August 2012, Arie Elad proposed a bill to regulate prayer times for Jews on the Mount.¹³³

Some of the aforementioned Knesset members have been outspoken in declaring their support for building the Third Temple. Yuli Edelstein declared, "My job is to deal with the daily process that connects and builds the Jewish people and leads to construction of the Temple".¹³⁴ Ze'ev Elkin, the coalition chair of the 18th Knesset, has stated that in his opinion, "It is important to extract it [Temple Mount as per Yizhar Be'er] from the purview of religious lunatics. We must explain to broad sections of the public that without this place, our national freedom is not complete."¹³⁵ Tzipi Hotoveli opines that "building the Temple and its place on Temple Mount must symbolize the renewed sovereignty of the Jewish people in its land ... We must deepen our hold on Temple Mount as part of deepening our hold on the entire Land of Israel, as the preparation of a vessel to receive this necessary change of reality."¹³⁶ Zevulun Orlev, a few weeks after losing primary elections in the Jewish Home party to Naftali Bennet, said "the Muslim world will surely start a world war if Israel and the Jewish people remove the mosques from Temple Mount, but history teaches us that we must not give up."¹³⁷ Together with Ze'ev Elkin, Daniel Hershkowitz and Otniel Schneller, Orlev proposed dividing the Mount area by time and place for Jewish and Muslim prayer, similar to the system implemented for the Cave of the Patriarchs in Hebron.¹³⁸

One of the chief figures representing the connection between the Knesset and the Mount is Moshe Feiglin, who was elected to the 19th Knesset and promised to work extensively on

132 Yehuda Glick in an interview with Yizhar Be'er on May 7, 2012. On the other hand, Glick is disappointed by the ineffectiveness of the Temple lobby in the Knesset: "They try to raise the subject in all kinds of forums like the Knesset Committee, but then police representatives come to the Knesset and lie, and nothing happens. Netanyahu is obsessed with the Western Wall Tunnels and he is afraid to take a risk. At every security discussion about it, Bibi takes a hard line. The court is like that, too. When a senior official comes and tells it that if we ascend the Mount, a world war will break out, no Supreme Court judge will take the risk."

133 Arik Bender, "The Temple Mount Law: permanent prayer times for Jews", **Maariv Nrg**, August 9, 2012, <http://www.nrg.co.il/online/1/ART2/393/851.html> (May 6, 2013).

134 Arnon Segal, "Daf Habayit", **Makor Rishon**, February 23, 2012.

135 Ibid., October 26, 2012.

136 Ibid., September 31, 2012.

137 Nadav Peri, "An election spin? MK Orlev proposes: Basic Law: The Temple", **Channel 10**, July 30, 2012, <http://news.nana10.co.il/Article/?ArticleID=914979> (May 6, 2013). Orlev was speaking as part of the bill Basic Law: The Temple (see above).

138 "Support for the Temple Mount Law", **Temple Mount News**, August 12, 2012, http://the--Temple.blogspot.co.il/2012/08/blog-post_11.html (May 6, 2013).

Ir Amim | Keshev

behalf of the Temple Mount inasmuch as the status and immunity from prosecution granted by his office would allow. Indeed, since being elected to the Knesset, Feiglin has ascended the Mount several times, even attempting to enter the Dome of the Rock. This action precipitated the outbreak of violent riots on the Mount that injured demonstrators, police and journalists and resulted in police storming the Mount with large forces against Muslim stone throwers. The Jerusalem Police warned that Feiglin's provocations on the Mount could lead to an explosion (see below for Channel 2 News' March 4, 2013 review of the violent incident resulting from Feiglin's ascent of the Mount before the elections to the 19th Knesset). The potentially dangerous repercussions of his actions have recently compelled Prime Minister Netanyahu to personally intervene and instruct Police to prevent Feiglin from entering the Mount. After winning a realistic slot in the primary elections for the Likud list, Feiglin said:

"Dear friends, this is not the end. It is just the beginning, until we build the Temple at the top of Temple Mount and fulfill our destiny in this country."¹³⁹

Feiglin is acting on a coherent and systematic worldview that stems from the writings of Shabtai Ben Dov (from whom Yehuda Etzion also derives his messianic philosophy). Following Ben Dov and Etzion, Feiglin distinguishes between "survival laws" and "destiny laws": whereas "survival laws" relate to conditions for basic survival, "destiny laws" are the expression of the nation's essence and fulfillment of its hidden potential. For the Jewish people, Israel is to be a kingdom of priests and a holy nation, at the center of which the Temple is based. Etzion publicized that ideological division as early as 1985 in the **Nekuda** periodical, in a pair of articles calling to replace democracy in Israel with the Kingdom of the House of David. According to Etzion, only such governmental transformations will enable the fulfillment of the Jewish people's destiny, whereas the changes themselves would be facilitated by the actions of an individual with prophetic intuition and vocation who runs as a vanguard before the nation.¹⁴⁰

Feiglin is also waiting for that prophetic vanguard who will run before the nation and fulfill the will of the Jewish people.¹⁴¹ However, Feiglin believes that most of the Jewish people in Israel today aspire to rebuild the Temple¹⁴² and that construction of the Temple

139 "Likud Primaries and Temple Mount", the **Temple Mount News** website, November 28, 2012, http://the--Temple.blogspot.co.il/2012/11/blog-post_9491.html (May 6, 2013).

140 Tomer Persico, "The messianism that replaced Gush Emunim", July 1, 2012.

141 See Feiglin's article, "From the hills to the Mount", **Makor Rishon**, June 15, 2012.

142 Feiglin bases this faith on various surveys that confirm that. In July 2009, a survey commissioned by the Geshet organization and the Ynet website was published ("Survey: 64% of Israelis want the Temple", **Ynet News**, July 29, 2009), undertaken by the "Panels" research institute. According to the survey of 560 respondents, when participants were asked whether they would like the Temple to be rebuilt, 64% responded in the affirmative, including 33% who want so "very much" and 31% "pretty much," whereas 36% answered in the negative, including 31% who said "not very much" and 5% who said "not at all." According to Feiglin, in another survey "the Knesset Channel asked the same question (albeit not professionally, solely through an Internet survey). 49% of respondents answered that they are interested in building the Temple." (Moshe Feiglin, "Indeed, Temple Mount", **Makor Rishon**, July 13, 2012). It should be mentioned, however, that other surveys provide a different picture. In a survey published under the headline "A majority of the public: allow Jews to pray on Temple Mount" (**Makor Rishon**, July 27, 2012), it turned out that the aforesaid majority was only 52%, including only 39% of the secular respondents. Furthermore, 51% of respondents said that the Ninth of Av "did nothing for them," including 75% of the secular respondents. To the question "should we begin building the Temple now?", 51% of the public answered in the negative, including 91% of secular respondents and 57% of Religious Zionists.

Dangerous Liaison

would lead to a fuller cohesion of the Jewish people, sovereign in its land.¹⁴³ Therefore, despite leading authorities on Jewish law objecting to ascending the Mount, they must not be heeded¹⁴⁴; rather, we must act to produce a messianic revolution to fulfill the nation's destiny—namely, through the building of the Temple. Out of this belief, Feiglin concludes:

"The only people who are establishing new points today are those who have freed themselves from the need for additional legitimacy, the hilltop folks...It is precisely those who have less faith in the people, or maybe even in their own ideology, who are afraid to stand up and offer themselves for leadership...The future of settlement today depends on leading the country towards its historic destiny, whose symbol is indeed the Temple Mount."¹⁴⁵

Feiglin awaits the vanguard marching before the nation, an inner prophetic voice commanding him to renew worship on the Mount as an expression of the overt and covert desires of the majority of the Jewish people in Israel.¹⁴⁶ The construction of the Temple will finally unite the whole nation and launch a new era in the relationship between the people and its God, with ritual becoming direct and dynamic.¹⁴⁷ Whether he sees himself as that vanguard or is waiting for someone else to fill the role, Feiglin is doing everything he can to fulfill that vision.

Feiglin has declared that Israel "must simply throw the Waqf out of there [the Mount] and leave just the Israel Police there,"¹⁴⁸ because "gone are the days of individuals sneaking into the hills on security pretexts, and it is time to say the truth, which leads us to the Temple Mount."¹⁴⁹

Many of the elected legislators in the Israeli Knesset raise the banner of the Temple Mount. The 19th Knesset includes a not insubstantial group of delegates who have promised to act to promote the interests and agenda of the Temple movements, whether through economic aid, legislative initiatives or ascending the Mount. The Likud platform specifically states that

143 "The Temple is the center of the time axis, the whole life circle. Jewish sovereignty without a Temple is like a state without a capital, without a parliament, without national holidays – like a body without a heart. The Temple was and still is the beating heart of the nation, the purpose of its existence", Moshe Feiglin, "A nation in search of meaning", **Maariv Nrg**, July 29, 2012.

144 *ibid*.

145 Feiglin, "Indeed, Temple Mount".

146 The aspiration to build the Temple presented by Feiglin derives, therefore, from the division we presented above, from a combination of national aspirations and Nietzschean messianism.

147 "The real repentance, the one that moves forward by the tremendous achievement of Zionism, the one that returns us to our meaning, progresses towards a reality and does not retreat towards religion, for us, as Jews, through the practical longing for the Temple", Moshe Feiglin, "A nation in search of meaning", **Maariv Nrg**, July 29, 2012.

148 Amnon Meranda, "The Feiglin plan: to throw the Waqf off Temple Mount", **Ynet News**, December 10, 2008.

149 Feiglin, "Indeed, Temple Mount".

Ir Amim | Keshev

“Likud will act in the next term to find a solution that allows freedom of worship to Jews on the Temple Mount, while of course treating the matter with the necessary sensitivity.”¹⁵⁰

In this context, it is noteworthy that the two events that caused the largest number of casualties in the last 20 years, the Western Wall Tunnel riots (1996) and the outbreak of the Al-Aqsa intifada (2000-2005), were influenced by the actions of politicians—then Prime Minister Benjamin Netanyahu and then opposition leader Ariel Sharon. Though those events are not directly related to aspirations to build the Temple, they indicate the national significance of the Mount for Israeli Jews, Muslims, Christians and Palestinians alike. The Mount complex serves as a geographic point representing the intersection of religious faith and political identity, a focal point with a high potential to upset the existing order and boil over into widespread violence.

ROLE OF STATE AUTHORITIES IN CURBING ACTIVITY OF THE TEMPLE MOVEMENTS

In general, state institutions curb the activity of the Temple movements primarily when they fear a threat to public order or after activities lead to violent outbursts. Most of the prevention and restraining activities therefore take the form of security measures.

A. Forbidding Ascent to the Temple Mount/Haram al-Sharif: At tense times, the police prevent the entry of non-Muslim visitors to the Mount—the situation during the first years of the Al-Aqsa intifada, 2000-2003. This restraining order is still periodically enforced around Muslim holidays or when the authorities assess there is a concern for public order.

In addition to enforcement of a universal ban on ascending at certain times, there are several people on a list to be “denied ascent”. These are key activists in the Temple movements whose presence on the Mount, according to the Police, is deemed to be a potential threat. According to Temple Institute publications, in November 2011 there were some 11 people refused ascent to the Mount, including Gershon Salomon (The Temple Mount Faithful), Yehuda Etzion (Chai Vekayam), Yosef and Nechemiah Elboim (The Movement for Temple Renewal) and Yehuda Glick (Human Rights on Temple Mount). In June 2012, Rabbi Yehuda Ariel (The Temple Institute) was permanently banished from the Mount, though the ban was lifted a few months later.

The Temple movement activists are vigorously acting to cancel restrictions. On the grounds of “Human Rights on the Temple Mount” and “Exclusion of Jews on the Temple Mount”, the activists demand permission for those denied to ascend and cancellation of the remainder of restrictions applying to Jewish visitors. Knesset members who support the Temple movements are active in Knesset committees to reduce police

¹⁵⁰ This article on the platform was written by Yehudah Glick. Source: Netael Bendel, “The small print: What are the parties’ positions on the question of Temple Mount?”, *Kipa*, January 7, 2013, <http://www.kipa.co.il/now/50488.html> (May 6, 2013).

Dangerous Liaison

supervision and restrictions on Jewish visitors to the Mount, acting primarily through the legal arena. The Temple Mount Faithful and Human Rights on Temple Mount have also used this approach, submitting appeals to the High Court of Justice against police restrictions.

Temple Mount Faithful Chairman Gershon Salomon was denied entry to the Mount after the riots that broke out in 1990 following his attempt to lay “the cornerstone of the Temple”. In response to his petition, the High Court of Justice (HCJ) ruled:

“We were convinced that the assessment by the respondents and the other security officials is worthy and current and indicates that they are not speaking of an abstract or distant threat to public safety but a real and immediate danger; and that if the restrictions and prohibitions that are the subject of this petition were not imposed, there could be a severe violation of public security that could cost lives.”¹⁵¹

Another individual denied access to the Mount is Yehuda Glick, head of Human Rights on Temple Mount.¹⁵² Glick, too, petitioned the High Court. The ruling on his case stated:

“The petitioner admitted in a conversation with a police officer in the David zone that his long-term goal is to change the status quo on the Temple Mount and to that end he places publications in the media that invite the public to participate in mass prayers on Temple Mount. Police believe that the petitioner’s ascent to the Temple Mount under these circumstances could with near certainty lead to a grave violation of public peace and public order.”¹⁵³

The HCJ nonetheless suggested a compromise between Glick and the Police. According to the proposed compromise, the Police would allow Glick to ascend the Mount if he signed a commitment to avoid violating the visitation terms that apply to the Mount and to cease publications Police claim to “mislead the public and cause deep tension among the Muslim public concerning the issue of Jewish visits to the Temple Mount”. Until recently, Police prevented Glick from ascending the Mount.

In an interview given to Yizhar Be’er of Keshev on May 7, 2012 Glick said:

“One of the things I found out is that the Police force is the most powerful body. Nisso Shacham [Commander of the Jerusalem District] told the Knesset speaker that I am the most dangerous man in the Middle East. Yosef Elboim has been banished for a year and a half already. Eighteen members of Knesset said they are willing to sign bail so that he can ascend the Mount with his daughter. He has been

151 Ruling on the petition by the Temple Mount Faithful against the Israel Police, December 11, 2007

152 Shalom Yerushalmi, “Temple Mount is in their hands: who is really agitating the atmosphere in Jerusalem?”, **Maariv Nrg**, March 11, 2012.

153 HCJ Glick v Israel Police, ruling from May 5, 2009

Ir Amim | Keshev

active for 40 years and he hasn't killed a fly. Nisso Shacham answered, 'Over my dead body!'"¹⁵⁴

Before elections for the 19th Knesset, Glick was appointed to write the Likud position on Temple Mount.

B. Enforcing Restrictions on Visitors to the Temple Mount/Haram al-Sharif: When groups of Jews from the Temple movements ascend the Mount, police try to prevent them from performing activities that could be perceived as provocative or as threatening to existing arrangements on the Mount. As part of these arrangements, only Muslims have worship rights at the site and members of other religions do not have permission to perform ritual ceremonies such as prayers, prostrations and sacrificial rites.

To prevent attempts by Temple movement activists to perform religious rites, the Police attach a police detail to every group of activists that ascends the Mount. If the group attempts to violate the rules, the Police remove the suspects from the Mount. In the past, additional restrictions were placed on group size and other criteria. Before 2000, Jewish visitors entered the Mount in pairs or groups of three and until the first group left, the next was not permitted to enter.¹⁵⁵ Today those restrictions no longer apply.

In November 2011, uniformed soldiers were photographed entering the Mount with Police permission. The pictures agitated the Muslim community and were reported by the Palestinian press as an example of Israel violating arrangements on the Mount.¹⁵⁶ In an interview with Yizhar Be'er, Rabbi Yehuda Glick claimed that permission to allow visits by uniformed soldiers was given following political pressure from the Knesset:

"Indeed, some things have changed: for example, until a few years ago, soldiers did not ascend the Mount in uniform and today, since three months ago, soldiers go in in groups, in uniform. We raised it in the Knesset and Knesset members Danny Danon, Tzipi Hotovely, Arie Eldad and Ze'ev Elkin pressured the Police and they allowed it."¹⁵⁷

154 In the same interview Glick said: "I do not deny the fact that I am working to change the status quo on the Temple Mount. It is part of democracy. I want instead of the 10,000 who ascend the Mount today for there to be 100,000 or more. I want the Western Wall plaza to be canceled, which somehow became sacred 300 years ago. I want every Jew to ascend the Temple Mount. The Temple Mount complex should reflect freedom of worship and every Jew who does not violate the sanctity of the Islamic sites should receive the freedom of worship he deserves...As for building the Temple, there is a commandment to build the Temple but in my understanding of the commandment, it is not directed to a private individual. Just like the state could not be built by a single person, neither Ben Gurion nor anyone else. Building the Temple is a commandment for the people. We must raise awareness so the people decide to build the Temple and until then it would be wrong for anyone to decide to do it himself, even if his name is Yehuda Etzion."

155 Avi Ruif, Commander of the David region of the Israel Police, in testimony to the Knesset Internal Committee on "police policy concerning Jewish visits to Temple Mount", March 29, 2011.

156 The photograph, by the Al-Aqsa Fund, appeared on the pls48.net website on November 7, 2012, in an article by Mahmoud Abu Ata entitled: "Study: the occupation is trying to force daily Jewish presence as an established fact", <http://www.pls48.net/?mod=articles&ID=1146923> (May 6, 2013).

157 Yizhar Be'er interview with Yehudah Glick, May 7, 2012

Dangerous Liaison



Pictures of groups of pilgrims, rabbis and soldiers in uniform, published on Arab websites

In recent years, the Islamic press has frequently reported on groups of uniformed Israeli soldiers entering as tourists and touring the Mount complex. Such acts are seen as an Israeli provocation and an attempt to change the arrangements in force on the Mount, according to which Israeli security forces are allowed to enter the complex only to protect order and security. On August 28, the Al-Aqsa Institute of Waqf and Heritage issued an official statement accusing Israel of violating the sanctity of the Al-Aqsa Mosque by allowing the very presence of non-Muslims at the site. According to the statement:

“About 100 soldiers of the occupation army, intelligence and settlers broke into the Al-Aqsa Mosque and polluted it in the morning and afternoon...the mosque was also polluted by a thousand foreign tourists who entered in inappropriate attire and behaved in such a way that violated the sanctity of the site, with the encouragement of the occupation arms and under its protection.”

The statement quoted eyewitnesses who reported that the soldiers were briefed by a police officer and that “settlers” were reading holy books.¹⁵⁸

158 Dalit Halevy, *Arutz Sheva*, August 28, 2012.

Ir Amim | Keshev

C. Intelligence and Prevention: A number of past attempts by groups of Jewish terrorists to carry out attacks on Temple Mount/Haram al-Sharif have been thwarted—some by the Police and security forces and others by Muslim Waqf guards. These are the most famous cases:

1970s: The “Gal” underground, a group of 45 activists headed by Yoel Lerner, planned a series of 13 terrorist attacks intended to culminate in explosion of the Islamic shrines on the Mount. Lerner was sentenced to three years in prison and released a year later. Following his release, Lerner became an accomplice in another plot to blow up the mosques.¹⁵⁹

1980s: In April 1982, a new immigrant from the U.S. by the name of Allen Goodman opened fire in the Temple Mount/Haram al-Sharif complex with an M16, killing one Muslim worshiper and injuring three. During his trial, Goodman informed the Court that he hoped to “liberate” the Mount and become king of the Jews.¹⁶⁰ In 1983, an activist from the “Lifta Gang” who had managed to climb up the wall of the Mount complex with a powerful TNT bomb in his knapsack was captured. Gang members were captured and tried but found not to be responsible for their actions and subsequently hospitalized in psychiatric institutions. They were released several years later.¹⁶¹

The Jewish Underground: The most famous terrorist plot was hatched by members of the “Jewish Underground”: Yehuda Etzion, Menachem Livni and Yeshua Ben Sasson. Their plan—ultimately unfulfilled—was to blow up the Dome of the Rock. Members of the “Jewish Underground” were not merely “bad apples” but the cream of national religious society who had consulted with leading rabbis such as Dov Lior and Moshe Levinger in developing their plan.¹⁶²

1990—Today: Since the 1990s, Temple movements’ activities have ratcheted into high gear though today the focus is more limited to educational activities or group visits to the Mount coordinated with the Police. According to the model used above to outline motives of various Temple movement activists, it is evident that leadership has turned away from radical, violent actions to provoke a sudden reversal of public opinion to embracing a gradual change of public opinion through education. However, ascents to the Mount and attempts to pray on it continue despite the Police ban in effect and are, in fact, increasing.

¹⁵⁹ Shragai, 85-91.

¹⁶⁰ Gorenberg, Temple 128.

¹⁶¹ A series of articles by Yizhar Be'er in **Kol Ha'ir** (“The Messiah from Lifta”, March 9, 1984; “The Lifta gang, a profile”, March 9, 1984; “The Lifta failure”, April 13, 1984; “The Lifta trial”, December 28, 1984; “A nest of vipers”, January 18, 1985), as well as Shragai, 91-96.

¹⁶² See book by underground member Haggai Segal, 74, 108-109.

Dangerous Liaison

In the Jewish Underground sentence delivered in 1985, Judge Zvi Cohen describes the danger to Israel and the region from terror attacks of the nature planned by the Underground: "The plot to destroy the Dome of the Rock out of religious motives means opening a new account with more than 300 million Muslims around the world [today that number is more than 1 billion, Yizhar Be'er], in addition to the bloody account that already exists between the Jewish nation and the Arab nation, and is not too far off from the danger of a worldwide conflagration. This plot forces the Jewish people to pay the price of the longing of those who wish to realize the vision of the Kingdom of Israel and endangers the entire nation."

LAW ENFORCEMENT IN CASES OF INCITEMENT AND RACISM

The Police act vigorously to ensure the maintenance of the existing status quo on the Temple Mount/Haram al-Sharif and are aware of the highly explosive potential of the Temple movements' activities. They monitor leading Temple activists and deny their entry to the Mount. In many cases, the Police prevent friction between Temple activists and Muslim worshipers and forbid ritual ceremonies around the Mount complex and Jewish prayer on the Mount. In fact, Temple movement activists often complain about their unfair treatment at the hands of the Police.

One police action that was heavily criticized by the public was an order to forbid girls from the "Lehava" group of the Bnei Akiva movement to wave signs declaring "Temple Mount is in Our Hands." The signs were intended to protest repairs being made by the Muslim Waqf on the Mount.¹⁶³ They were banned by the Police on the grounds that they constituted a potential incitement to violence.

Outside the boundaries of the Mount, the movements are responsible for blatant expressions of incitement, racism and calls for violence that test the limits of what is legally tolerable. One film that can be seen on the Internet shows the Temple Mount erupting in flames after airplanes bomb the Dome of the Rock and the Church of All Nations (on the slopes of Mount of Olives). Out of the fire and smoke appears the Temple. The aforesaid scene, distributed with the claim "The film that has stirred up the Left", has been running for more than a year on the Haredi website Kikar Hashabat and other sites without intervention from authorities.¹⁶⁴

Calls to vandalize Islamic sites on the Mount or to remove them entirely are not unusual.¹⁶⁵ There are even cases of politicians (who enjoy immunity from prosecution) making statements

¹⁶³ Kobi Nachshoni, "Police: 'Temple Mount is in our hands' is incitement", **Ynet News**, August 12, 2012, <http://www.ynet.co.il/articles/0,7340,L-4267483,00.html> (May 6, 2013).

¹⁶⁴ **Kikar Hashabat**, <http://www.kikarhashabat.co.il/%D7%94%D7%A8-%D7%94%D7%91%D7%99%D7%AA-4.html> (May 6, 2013).

¹⁶⁵ **The Har Habayit Shelanu**, May 14, 2010.

Ir Amim | Keshev

of this nature. For example, as a member of Knesset, Arie Eldad stated: "When the time comes to build the Temple, and it will come soon, we will saw down the building standing there today. We will saw it and they can take it wherever they want, because that is where the Third Temple should stand."¹⁶⁶ In the spirit of Eldad's words, the website Temple Mount News displays a visual depiction of the removal of the Dome of the Rock:¹⁶⁷



¹⁶⁷The text in the arrow reads "Saudi Arabia". Source: Temple Mount News website

An announcement of a demonstration by the Temple Mount Faithful states: "A large group of Temple Mount and Land of Israel Faithful will ascend Temple Mount in holiness and purity by all the rules of Halacha, and swear allegiance to building the Temple on the ruins of the temporary mosques standing on Temple Mount, in the life of this generation."¹⁶⁸

Without addressing the legality of these publications, the picture that emerges is one of increasing radicalization, whether seen in the activities of the Temple movements or in the behavior of the public officials who support them.

¹⁶⁶ Arik Bender, "MK Eldad: We will saw the dome of the rock on Temple Mount", *Maariv Nrg*, July 29, 2012, <http://www.nrg.co.il/online/1/ART2/390/465.html> (May 6, 2013).

¹⁶⁷ Temple Mount News: http://the--Temple.blogspot.co.il/2012/07/blog-post_8655.html (May 6, 2013).

¹⁶⁸ Shlomo Yadid, *Har Habayit Shelanu*, October 13, 2011.

PROMOTIONAL MATERIALS RELEASED AHEAD OF MOSHE FEIGLIN'S ASCENT OF THE MOUNT: A TEST CASE

The Har Habayit Shelanu website reports on Jewish ascents to the Mount. Below is an example of a publication that contributed to the outbreak of contained violent clashes around the Temple Mount/Haram al-Sharif. The incident in question occurred after elections for Likud leadership in February 2012 when it was announced that Moshe Feiglin, head of the Jewish Leadership faction of Likud, planned to ascend the Mount and celebrate his electoral success.

On February 11, 2012, the Har Habayit Shelanu website published an invitation to the public to join Moshe Feiglin's ascent to the Mount (see photo). The invitation presented Feiglin as "Chairman of the Likud leadership", who would ascend with "thousands of Likud members" in order to "purify the site from Israel's land thieving enemies and build the Temple on the ruins of the mosques."



In response to the notice, the Al-Aqsa Institute for Waqf and Heritage called on the public to defend the holy sites at Al Aqsa and encouraged Muslims around the world to take responsibility in the face of the planned Israeli action. That day, Keshev and Ir Amim sent an urgent appeal to Prime Minister Benjamin Netanyahu, calling on him to "stop the attempt to set the Middle East on fire and prevent the ascent of Likud activists to Temple Mount/Haram al-Sharif."¹⁶⁹

In the end, Moshe Feiglin came to the Western Wall Plaza with less than 20 supporters. The Israel Police closed off the Mount to visitors, fearing a potential conflagration. Though Feiglin and his supporters were not allowed entrance to the Mount, tensions had already been fanned, ending only with a violent demonstration. The director of Keshev and a researcher who observed from the Western Wall Plaza heard the cries of hundreds of Muslims who gathered on the Mount in anticipation of Feiglin's ascent. In prayers the following Friday, the preacher called on Muslims to ascend the Mount on Sunday morning to demonstrate. On that Sunday morning,

¹⁶⁹The text of the letter appears here: <http://www.keshev.org.il/press-releases/keshev-ir-amim-feiglin-on-Temple-Mount.html> (May 6, 2013).

Palestinian youths attacked police with stones, chairs, dishes and sticks. Police forces stormed the Mount and arrested three Palestinians.¹⁷⁰

A week later, on Friday, February 24, 2012, hundreds of Palestinians barricaded themselves on the Mount and threw stones at police forces. Eleven police were slightly injured by stones and four Palestinians were arrested. The riots spread to other sites, including a demonstration at the Qalandia checkpoint where 25-year-old Palestinian Talat Ramiya was shot in the chest and killed by IDF soldiers claiming he had fired a flare at them. Dozens of Palestinians clashed with IDF soldiers at Ramiya's funeral until they were dispersed with tear gas.¹⁷¹

The commander of the Jerusalem Police District at the time, Commander Nisso Shacham, claimed that the Har Habayit Shelanu website was operated by Yehuda Glick and Nechemia Elboim.¹⁷² Police raided a secret apartment in Ramot and arrested Elboim and his wife Dvora for questioning on suspicion of incitement and sedition. Glick and Elboim denied any connection with the website.¹⁷³ Although no new content was uploaded on the site, the website remained active. The next ascent to the Mount was announced by the Movement for Temple Renewal in flyers distributed throughout Jerusalem that said "We did not publish through the Internet, the media or email because of harassment."¹⁷⁴

Three years before these events, Minister of Domestic Security Yitzhak Aharonovitz said the following in the Knesset:

"On October 22, 2009, right wing websites issued a call for Jews to ascend the Temple Mount on Sunday to commemorate Maimonides' ascent of the Temple Mount. As a result, officials in the Palestinian Authority and the northern faction of the Islamic movement published a response calling on the public to defend the Temple Mount and to stand up to the Jewish storming of the Temple Mount. Over the last weekend, we received intelligence of people collecting stones and iron bars—you saw the pictures on TV—and bringing them into the Al-Aqsa Mosque. In a telephone assessment the chief commissioner held with me and the district commander, we decided to open the Temple Mount the next day to the public and to deploy forces in case riots broke out.

170 Moshe Nussbaum, "Watch: violent clashes on Temple Mount", **Channel 2 News**, February 19, 2012.

171 **Yisrael Hayom**, February 26, 2012.

172 Yerushalmi, "Temple Mount is in their hands: who is really agitating the atmosphere in Jerusalem?"

173 According to the Commander of the Jerusalem District, in an interview with Yizhar Be'er on May 7, 2012. See also Shalom Yerushalmi, "Temple Mount is in their hands: who is really agitating the atmosphere in Jerusalem?", **Maariv Nrg**, March 11, 2012.

174 The Keshev office has a copy of the original poster.

Dangerous Liaison

On Sunday at 7:30 AM, when the Mughrabi Gate opened, before the daily entry of visitors, we heard cries of 'Allahu Akbar' from within the Temple Mount and saw many youths standing at the gate and in the Al-Aqsa Mosque plaza, some of them masked. A Temple Mount patrol crew was attacked with stones, bottles and firebombs by dozens of youths. Several police were hurt and in response, orders were given to pour in forces and to stop, push away the rioters. About 100 Muslim youths barricaded themselves inside the Al-Aqsa Mosque, continued to throw stones and threw chairs from inside the mosque at police. During the event, the incitement on the Arab media continued, calling on Muslims to come to the Temple Mount."¹⁷⁵

The Minister of Domestic Security did not specify the "right wing website" to which he was referring but on the date he noted—October 22—the Har Habayit Shelanu website published a call to ascend the Temple Mount to commemorate "Maimonides' ascent."

¹⁷⁵ The Israel Knesset plenary, 64th sess., October 28, 2009.

CONCLUSION AND RECOMMENDATIONS

This report does not address the historical and religious ties of Jews to the Temple Mount/Haram al-Sharif. Our intention is not to contest them. Neither does the report address the questions of whether from a religiously Jewish vantage point there is a role for the Temple in daily life, or whether Jews are obliged to take action to rebuild it or should hope that it will be reestablished by heavenly forces. Such questions belong in a theological framework.

This report describes the modes of action of the Temple movements, the variety of their activities and the wide cooperation the movement enjoys from the government and the political establishment. Our findings show a dramatic increase in the number and influence of organizations that covers the spectrum from raising contemporary consciousness of the role of the Temple to actively aiming at its reestablishment on the Temple Mount/Haram al-Sharif. Twenty years ago these organizations were on the radical fringes of the political and religious map but since 2000 they have attained a respectable position within the mainstream of the political and religious right and have benefited from close ties with the authorities of the State of Israel. There is a correlation between the escalation of the Israeli-Palestinian conflict on the Temple Mount/Haram al-Sharif and around it since 2000 and a parallel increase in the activity of Temple organizations. Although the various Temple organizations may have differing goals and varying impacts, a common denominator of religious and nationalist messianism distinguishes the movement as a whole. Religion has become a tool for realizing extreme national goals at a site that is a focal point of political and religious tension.

Though this report does not explore historical and theological issues or Muslim activity on the Mount, it is important to note that in the political sphere there is mutual, reinforcing feedback between the activities of extremists on both sides: the Temple movements empower themselves by quoting Muslims and Palestinians who deny the Jewish connection to the site, while Islamic movements emphasize threats that Temple organizations pose to the mosques in order to mobilize their own support. It is precisely for this reason that the backing the Israeli government provides for Temple organizations seems to corroborate the claim that the State of Israel is planning to harm the Islamic holy sites, thus providing reinforcement for a pan-Islamic component in a conflict that is essentially national.

At the end of March 2013, King Abdullah II and Palestinian President Mahmoud Abbas signed an agreement that reemphasized the King's role as defender of the Holy Sites in Jerusalem in general and of Haram al-Sharif in particular, and in which the Palestinian Authority recognized the role of Jordan as Custodian of these sites. Jordan took it upon itself to safeguard the religious character and identity of the sites. Imposing changes on the

Ir Amim | Keshev

arrangements for worship or regulations of visits to the Temple Mount/Haram al-Sharif is liable to lead Israel into confrontation with the Kingdom of Jordan and to endanger its peace treaty with it.

Most of the Temple movements operate within the boundaries of the law and their activities cannot be banned so long as they are legal and pose no demonstrable threat to public security. However, more than a few organizations walk the thin line between freedom of speech and incitement. It is imperative to closely monitor any attempt to cross the line that divides legitimate religious yearning and the expression of historic bonds from actions which endanger public safety and explicitly incite against the Islamic holy sites on the Mount. Although freedom of speech may permit Temple organizations and extremist politicians to call on the government to impose by force arrangements of worship favoring Jews on the Temple Mount/Haram al-Sharif—with potentially cataclysmic results for the entire region—the public legitimacy of such demands in a democratic country is doubtful.

Freedom of speech is based on the principle that governments and governmental power may not be used to restrict the exchange of opinions and ideas. But refraining from restrictions on speech does not imply governmental support for such ideas. Governmental support for such opinions and ideas makes them a matter of public policy. Such support can be judged by its broad public consequences, and it can therefore be curtailed. It is the responsibility of the Israeli government to prevent any attempt to change by force the existing arrangements for worship on the Temple Mount/Haram al-Sharif and the Moslem shrines. It must do so above all because it has a duty to protect the site and its monuments for its Muslim worshippers, and not merely because it fears a possible violent Arab and Muslim backlash. And above all, the government must unequivocally condemn ideas and proposals that encourage violation of Muslim rights of worship and religious feelings.

This report demonstrates that the Temple movements enjoy widespread institutional and governmental support. Governmental bodies and political figures at Israel's centers of power support the activity of the Temple movements in a variety of ways. Their possible motivations range from whole-hearted identification with the movements' aims to cynical indifference to the dangerous, extremist dimensions of Temple activities in order to garner political support. The political establishment funds—directly and indirectly—some of the Temple organizations' activities. Particularly noteworthy is the role of the Ministry of Education, which not only funds Temple organizations but aids them in disseminating their ideas through the educational system. The report also shows that senior politicians from the heart of the establishment, rabbis who serve in public offices, officials in the Ministry of Education and educators provide sponsorship for the Temple movements and help to promote their message. At times these ideas only test the boundaries of what is democratically tolerable; at others, they constitute undisguised incitement against the Islamic shrines on the Temple Mount/Haram al-Sharif. We protest that in these circumstances there is a distinct danger that state bodies and politicians may support illegitimate and even illegal activities of one or the other Temple organizations and may find themselves responsible, indirectly, for the severe ramifications such activities may have on the security of Israel and the lives of Jews and non-Jews in the region and throughout the world.

Dangerous Liaison

We recommend that the Israeli establishment take the following measures regarding the Temple organizations:

1. **Equal law enforcement:** Against expressions of incitement and racism the spirit of the law and not only the letter of the law must be enforced. Likewise, the authorities must enforce the Holy Site Law, which protects the religious sentiments of members of all religions towards their holy sites. Appropriate enforcement of the law (especially against ideological crimes) would strengthen and emphasize the sovereignty and legitimacy of the legal system and of equality before it. Educators and rabbis have greater responsibility in this respect as public leaders. Investigative and prosecutorial authorities must treat seriously and take action against rabbis, public leaders and activists of the Temple movements who incite to harm Islamic shrines on the Temple Mount/Haram al-Sharif. The political establishment must encourage the vigilance of police and security services charged with monitoring extremist activists. Politicians must give the Police public support and refrain from supporting these organizations by putting political pressure on the Police.
2. **Supervision of educational content:** The Education Ministry, government bodies and non-governmental organizations that transfer funds to Temple organizations should rigorously monitor the educational messages transmitted by these organizations and condition transfer of funds to the organizations on their ability to continue to monitor their messages. It should be ascertained that students will be presented with diverse historical perspectives and halachic positions concerning the possibility of entering the Temple Mount/Haram al-Sharif and the possibility of rebuilding the Temple. The establishment in general—and educational institutions and the IDF in particular—must immediately sever any form of collaboration with Temple organizations which call for unilateral change of the status quo on the Temple Mount/Haram al-Sharif and which promote actions to build the Temple on the ruins of Al-Aqsa and the Dome of the Rock.
3. **Cooperation with international parties in the supervision of Jerusalem's holy sites:** In the absence of a political settlement in the region, the national and interreligious tensions on Temple Mount/Haram al-Sharif place a tremendous burden of responsibility on the Israeli government. Any attempt to harm the Islamic shrines on the Mount could deteriorate into regional violence. The responsibility for this will be placed on Israel, which at present has effective control of the Temple Mount/Haram al-Sharif. These risks and tensions could be reduced if Israel were to share its responsibility with international bodies. Dialogue initiated by Jordan with the Prime Minister's Office has prevented several entanglements. This relationship should be cultivated and institutionalized. Likewise, dialogue with the Waqf and the Palestinian Authority should be cultivated.
4. **Commitment from Israel's senior leadership and chief rabbis not to impose any change in current worship arrangements on the Temple Mount/Haram al-Sharif:** The call to use governmental power, without consent, to change arrangements of worship or to harm the mosques on the Temple Mount/Haram al-Sharif has no place within a system of democratic government and threatens public peace. Leaders and rabbis

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should decline to give public, financial or any other form of support to such demands, directly or indirectly. They must also express their disapproval of them publicly and decisively, and commit themselves to public opposition of such dangerous tendencies.

5. **Precautions required of politicians:** The Temple organizations are likely to interpret the political support they receive as a green light to engage in prohibited activity. Moreover, they may regard such support by the political leadership as sympathy for their worldview and for their plans to impose unilateral change of the prayer arrangements on the Temple Mount/Haram al-Sharif or, even worse, for intentions to harm the Islamic shrines on the Mount. We call on politicians and public figures to condition their support for any of these organizations and the actions of their membership on guarantees that their messages remain both within the framework of the law and also within the spirit of the law and democracy. Moreover, the nation's elected officials and leaders must act against ideas and actions that could undermine democracy, freedom of religion and the safety of all the population. They must not turn a blind eye or fall silent out of fear of political retribution, tacitly allowing extremists to steer them and the country to disaster.

REACTIONS

RESPONSES OF POLITICAL INSTITUTIONS CITED IN THIS REPORT

INTERIOR MINISTRY

"The Interior Ministry is not responsible for the holy sites and the Temple Mount. We suggest asking the Ministry of Religious Affairs, the Jerusalem Municipality and the Prime Minister's Office."

THE MINISTRY OF EDUCATION

The Ministry of Education responded: "UNSCO Israel has no direct contact to the issues raised in the report."

THE KAREV EDUCATIONAL PROGRAM

"The activity in the Chabad School in Safed was part of the Karev Program's art classes. The teacher was accompanied by an art supervisor, participated in enrichment classes and taught based on a program agreed upon between the school and the art department. In many cases, the art classes reinforce a school's study content. In the Arutz Sheva report, the reconstruction of the Temple relates to the historic Temple of the past, without reference to the future and without a current political context. It is important to clarify that the choice of content in Haredi schools is, naturally, in accordance with their worldview. Following Ir Amim's inquiry, we will re-examine the study content."

The following parties chose not to respond to Ir Amim's and Keshev's request to comment on the contents of this report:

- The Prime Minister's Office
- The Israel Security Agency (Shabak)
- The Defense Ministry
- The Israeli Police
- The Jerusalem Municipality
- The Unit for International Agreements in the Justice Ministry
- The Ministry of Religious Services





Ir Amim ("City of Nations" or "City of Peoples") focuses on Jerusalem within the context of the Israeli-Palestinian conflict. Ir Amim seeks to render Jerusalem a more equitable and sustainable city for the Israelis and Palestinians who share it. Ir Amim envisions a city that ensures the dignity and welfare of all its residents and that safeguards their holy places, as well as their historical and cultural heritages—today, as well as in the future. Ir Amim aspires to a sustainable political future for Jerusalem, achievable only through a negotiated process between Israel and the Palestinians.

Ir Amim was founded in 2000, and became active as a non-profit organization in 2004.

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Keshev - The Center for Protection of Democracy in Israel was established by a group of concerned citizens following the assassination of Prime Minister Yitzhak Rabin in order to defend and promote democratic values in Israel. Since 2005 Keshev has been carrying out a long-term media monitoring project, which aims to change patterns of discourse and media coverage in the region. Keshev is not affiliated with any political party and is supported by contributions alone.

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965

DANGEROUS LIAISON

THE DYNAMICS OF THE RISE OF THE TEMPLE MOVEMENTS AND THEIR IMPLICATIONS

MARCH 1, 2013



David's Tomb on Mt. Zion

Contents

Introduction.....	2
Traditions and Religious Worship at the Compound.....	3
Archaeological Excavations and Conservation Activity.....	6
Destruction of the Tiles in the Tomb Chamber.....	8
Chamber of the Last Supper (Coenaculum).....	12
UNESCO and Mt. Zion.....	14
The Political Significance of the Struggle on the Tomb Compound...	14
Conclusions and Recommendations.....	16

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Introduction

In January 2013, the tiles that decorated the walls of David's Tomb were methodically destroyed in an act of vandalism. The tiles were the remnants of a unique decoration from the 17th century – the Ottoman Period. The destruction was carried out with the goal of removing any Muslim element and strengthening the Jewish face of David's Tomb. The inter-religious tension at David's Tomb, and use of vandalism of the antiquities as an expression of this tension, did not begin with the destructive act in January 2013. Over the past decade, there has been a noticeable rise in tension between Jewish visitors and residents of Mt. Zion vis-à-vis Christians and Muslims there.

The compound known as "David's Tomb" is located on Mt. Zion, southwest of the Zion Gate, and outside the wall of Jerusalem's Old City. The tomb chamber is on the bottom floor of a two-story structure; the second story is identified in Christian tradition as the Coenaculum, the room where the Last Supper took place. Since 1949, Mt. Zion and the tomb chamber have been located inside the Green Line, and they are part of Israeli territory. The ground floor features a foyer, and the room housing the tomb, which contains an enshrouded sarcophagus. On the second floor is the Coenaculum, a large, long room with pillars that support a vaulted ceiling. Each floor has a separate entrance. While David's Tomb is administered by the Ministry of Religions as a religious site, the Coenaculum is administered by the Ministry of the Interior, and prayer is forbidden there.¹ Most of the spaces around the tomb are maintained by the Diaspora Yeshiva. Adjacent to the compound is the ancient Muslim cemetery of the Dajani family and the Sephardic synagogue. Next to the entrance to the compound on the northern side are the Dormition Abbey and the Benedictine Monastery, which belong to the Catholic Church.

¹ S. Puni, "[Renovating David's Tomb](#)", *ynet*, December 25, 2010



View towards the David's Tomb Compound and the Muslim Cemetery

Traditions and Religious Worship at the Compound

The Tomb building is identified in Jewish, Christian and Muslim culture as the tomb of King David. The first testimony identifying the compound as David's tomb is associated with the 10th-century Jerusalem Muslim geographer al-Muqaddasi, but it can be assumed that this tradition is Christian in origin.² According to historical sources, during the Byzantine and Early Arab Periods the tomb compound was part of the Hagia Sion Church, (Holy Zion Church), destroyed in 1099. In addition, already in the fourth century it was associated with the tradition of Jesus' Last Supper with his disciples.³ The first testimony from a Jewish source identifying the structure as David's Tomb was recorded by Benjamin of Tudela in the mid-12th century. At the beginning of the 12th century, Crusaders began building the new church "Our Lady of

² E. Reiner, "The Place Where there was an Oak Casket Until the House was built – History of of the Tradition of a Zionist Mountain," *New Findings in the History of Jerusalem and Environs*, [Hebrew], vol 3, 2009, 49-56.

³ <http://www.bibarch.com/archaeologicalsites/cenacle.htm>

Mt. Zion” on the ruins; the church included David’s Tomb, and above it, a room identified as the room where the last supper was held. Following conflicts between Jews and Christians over ownership of the place, the Ottoman Sultan decided in 1548 that the entire mountain was Muslim sacred property, and the site was transferred to the management of Sheikh al-Dajani. The structure was turned into a mosque, and a minaret was added. During this period, the Muslim connection to the place gained hold. During the British Mandate Period, the rights of members of all religions were upheld to visit and worship at their respective holy places. David’s Tomb was defined as a Muslim holy site. In keeping with practice during the Ottoman Period, Christians were permitted to enter the Coenaculum but not to pray there, and Jews were allowed to pray there just once a year, and even then, only if the political situation allowed.⁴

After the war in 1948, David’s Tomb was the only Jewish holy site remaining on the western side of the city. The tomb’s location and its view from the roof of the Western Wall and the Mount of Olives have turned it into a pilgrimage site for masses of Jews and tourists. The government institutions, mainly the Ministry of Religion, have initiated activity there, emphasizing its religious value. This trend continues to this day. The room containing the tomb today mainly attracts Jewish national-religious youth, and groups ideologically close to the settlers, known as “hilltop youth,” as well as ultra-Orthodox Jews who come to pray there regularly. According to the Ministry of Tourism, hundreds and even thousands visit the compound daily.⁵ The claims that David’s Tomb is located, according to the Bible, in the City of David (i.e. the southeastern hill, today the location of the Village of Silwan) do not detract from the sacred status of the site. David’s Tomb is a clear example of the phenomenon whereby a religious tradition, with the support of the political establishment, is stronger than historical-archaeological research in determining a place’s narrative and identity.

⁴ D. Bar, “Shifts in the Religious-Political Reality in Jerusalem after 1948: The Case of Mt. Zion, David’s Tomb, and the Coenaculum,” [Hebrew], *Ofaqim Be-Geographiyah* 52 (2000), 5-18.

⁵ A. Rosenblum, “Conservation Works at the David’s Tomb Compound,” [Hebrew] *Devar Avar*, July 2013, 18-21.



Synagogue in front of the entrance to David's Tomb



David's Tomb

Archaeological Excavations and Conservation Activity

Due to the sanctity of the place and the interreligious tension, the site of the tomb has barely been excavated. The structure was first documented in 1859 by Ermete Pierotti, an Italian engineer, who claimed that he found a cavern beneath the cemetery on the western part of Mt. Zion, which led below the tomb compound.⁶ Pierotti believed that the cavern was the true site of David's Tomb, carved out in the rock. In 1951 a brief excavation was carried out there by Yaakov Pinkerfeld, but the results were never published.⁷ Pinkerfeld believed that the original structure is a synagogue from the 1st c CE, due to the depression discovered there (apparently, he presumed, for placing a Torah scroll) and the direction the building faces (not towards the east, like churches, but towards the Temple Mount). This theory drew great interest, and attempts were made to identify the structure as a synagogue or a Jewish-Christian church, which would have strengthened the Christian ties to the place.⁸ These theories have been strongly critiqued by various archaeologists, who claim that they lack evidence in the form of on-site archaeological findings. Moreover, the little evidence that is available refutes identification of the compound as an ancient synagogue.⁹

In excavations conducted near David's Tomb, a few remains of structures from the Byzantine period were unearthed, and it was further discovered that later, the Crusader Church incorporated within it the remains of the ancient churches. In 2011, a limited exploratory excavation was conducted in the courtyard of the Franciscan cloister by A. Re'em, on behalf of the Antiquities Authority. The excavator identified the remains of a wall and installations that probably date to the Roman-Byzantine period, and later through the Crusader and Ottoman Periods.¹⁰ All of the archaeological excavations in the compound were limited in area and scope, and

⁶ A. Re'em, "David's Tomb at Mt. Zion," [Hebrew], *Hiddushim B-Archilogiyah shel Yerushalayim ve-Sevivoteihah*, vol. 7, 2013, 221-242.

⁷ http://www.bibarch.com/ArchaeologicalSites/j_pinkerfeld.htm

⁸ See, for example, B. . Pixner "[Church of the Apostles Found on Mt. Zion](#)", *Biblical Archaeology Review* 16.3 (May/June 1990) p. 16-35, 60

⁹ H. Geva, "Searching for Roman Jerusalem", *Biblical Archaeology Review* 23.6 1997, 34-45, 72-73,

¹⁰ A. Re'em, "Yerushalayim, Har Zion," *Hadashot Archeologiyot*, vol. 124, 2012.

therefore, it is difficult to reconstruct the history of the site and its character based on archaeological research. Among researchers, opinion is divided as to whether the structure extant today originated in the Late Roman (2-4 c. CE), Byzantine (4-7 c. CE), Crusader a (12-13 c. CE) or Mamluk or Ottoman (14-16 c.) periods. Identification of the place as a synagogue or Jewish-Christian church indicates mainly the great power of religious tradition to shape the narrative of a holy site, while ignoring the actual findings.¹¹

In 2007, the Diaspora Yeshiva began construction work at the site, which threatened to lead to the collapse of southern wing of the structure. The construction was halted and following this, the Jerusalem Development Authority decided to integrate the David's Tomb compound with the Israeli government's Old City project. The work was carried out by the Antiquities Authority and the National Center for the Development of Holy Sites under the auspices of the Ministry of Tourism. As part of the conservation work, the rooms of the historical inn at the southern part of the compound were restored, as were the central courtyard and corridor to the northern entrance, the vaulted hall and the Coenaculum.¹² The conservation work was concluded during 2013. The conservation department at the Antiquities Authority in this case invested a few years of work and received funding on the order of millions of shekels.¹³

¹¹ S. Puni, "[Renovating David's Tomb](#)", *ynet*, December 25, 2010

¹² A. Rosenblum, "Conservation Works at the David's Tomb Compound," [Hebrew] *Devar Avar*, July 2013, 18-21.

¹³ Based on an announcement of the Antiquities Authority and estimate of the scope of work and staff (five laborers and two conservation directors +materials).



Entrance to David's Tomb from the "Women's Section"

Destruction of the Tiles in the Tomb Chamber

The conservation work included conservation and reconstruction of the Ottoman tiles from the 17th century, which covered a portion of the walls of the chamber housing the tomb. These were hand-illustrated tiles decorated with leaves, flowers and geometrical shapes in shades of green, turquoise and deep red on a white background.¹⁴ The tiles were decorated in an artistic style common to the Ottoman Empire in the 16th century, which continued to be prevalent in parts of the empire in the 17th and 18th century.¹⁵ On December 19, 2012, during the conservation work, a young ultra-Orthodox man was caught smashing the ancient tiles. The young man told police that he performed the deed in hope that it would help him merit finding a

¹⁴ N. Shalev-Khalifa, At the Edges of the Ancient Forest – Ceramic Tiles at the Compound of King David's Tomb" [Hebrew], *Hiddushim B-Archilogiyah shel Yerushalayim ve-Sevivoteiha*, Vol. 3 (2009), 67-73.

¹⁵ Efrat Asaf, "[Renovations and Conservation at the David's Tomb Compound.](#)" [Hebrew]

wife.¹⁶ Two weeks later, on the night between January 2-3 2013, again the ceramic tiles at the site were vandalized.¹⁷

The damage of the tiles was defined as total. The Antiquities Authority submitted a complaint to the police and published an announcement regarding the extraordinary archaeological, cultural and religious importance of David's Tomb. In its announcement, the Antiquities Authority noted the extensive funds (millions of shekels) invested in the conservation work, and called on "those responsible for the compound, the Israel Police and the Jerusalem Municipality, to assist in its preservation in order to prevent the recurrence of similar incidents."¹⁸ The Antiquities Authority decided not to restore the tiles, but to leave the walls bare.¹⁹ The response of the Antiquities Authority in this affair is quite enigmatic. Funds, labor and much thought were invested for several years in the conservation of the compound, including in the special tiles. Despite this, the Antiquities Authority declined to demand their restoration, and agreed to remove almost all of them from the walls. Today, only small strips of the tiles can be seen, surfacing along the seam between the ceiling and the floor. Instead of restoring the tiles, the Antiquities Authority emphasized the advantage provided by the bare walls, which make it possible to see the lines of the original openings.

Destruction of the antiquities drew harsh critique from various directions. The Turks, who viewed the destruction of the tiles as damage to an Ottoman heritage site, expressed their protest and even visited the site. It is clear that in terms of the Turks, the decision of the Antiquities Authority is perceived as an abnegation of its responsibility to restore the tomb.

¹⁶ N. Hason, "[Ultra-Orthodox Man Arrested for Smashing Tiles at David's Tomb](#)," *Haaretz*, January 3, 2013.

¹⁷ N. Hason, "[Vandalism at Jerusalem Holy Site may have Aimed to Erase Traces of Muslim Past](#)," *Haaretz*, January 3, 2013.

¹⁸ Press release, Antiquities Authority, "[Severe Vandalism Last Night at the David's Tomb. Antiquities Authority to Submit Complaint to Jerusalem Police](#)," January 3, 2012.

¹⁹ N. Hason, "[Who is 'Judaizing' David's Tomb?](#)" *Haaretz*, August 3, 2013.

Jerusalem researcher Amnon Ramon examined the conduct of the authorities in conserving David's Tomb, and raised a number of questions regarding the manner of decision-making and conduct of the authorities at the compound:

- What made wreaking damage at this important site, holy to the three monotheistic religions, possible, after just two weeks earlier the site was vandalized? Was the door easy to break through, and were cameras installed at the site?
- How was systematic damage possible at the site for a second time? How did the neighbors from the "Diaspora Yeshiva" not hear the noises from the destruction, particularly in light of the fact that the vandals used heavy tools and worked for several hours?
- How is the oversight consistent with the declarations of the heads of state regarding the State of Israel's commitment to protection of Jerusalem's holy sites? And why were the results of the investigation not published in the case of both incidents?²⁰

Ramon also raises a number of questions regarding the decision-making process in the Antiquities Authority:

1. Is it within the jurisdiction of an internal forum of the Antiquities Authorities to make decisions regarding such a sensitive topic?
2. Would it not have been correct to expand discussion of the issue and to raise it for discussion in broader forums?
3. Were alternatives considered, such as restoration of one of the walls? After all, the Antiquities Authority possesses copies of the tiles!

²⁰ A. Ramon, in a summary of the lecture "[The issue of conservation and the struggle for control of the holy places: the case of David's Tomb](#)" (Hebrew), Jerusalem Institute for Israel Studies, June 6th 2013

4. Does the decision to not preserve the tiles constitute a kind of reward to the criminals and desecrators of the tomb? What will be the implications of the decision on the future of Mt. Zion and other holy sites?



Line of tiles left on one of the walls of the tomb



The Muslim tiles – close up

Chamber of the Last Supper (Coenaculum)

The topic of control of the Coenaculum has already for many years occupied the heart of the discussions between Israel and the Vatican. Pope John Paul II, during his visit to Israel in 2000, conducted a mass in the presence of his entourage and local bishops. His successor, Pope Benedict XVI, also visited there in 2009. Rumors of progress in the contacts between Israel and the Vatican appeared in the media during 2013, particularly pertaining to the Coenaculum and David's Tomb. In July 2013, MK Nissim Ze'ev (Shas) submitted a proposal for a decision ("Israel Surrenders to Vatican – Compounds, Including at David's Tomb, Will be Transferred to Their Control"), in which he claims that Israel is succumbing to international pressure and transferring a site holy to the Jewish people to the Vatican, and therefore, a discussion on this topic must be held in the Foreign Affairs and Defense Committee of the Knesset. The proposal passed. During the discussion, Deputy Foreign Minister Zeev Elkin admitted that the negotiations indeed had progressed greatly and were nearing a conclusion, but noted that the agreement-in-process did not grant the Vatican ownership or control over the Coenaculum.²¹ Despite this, a similar rumor was again disseminated in February 2014, but its reliability is unclear. The topic is expected to remain on the agenda, mainly among ultra-Orthodox and Evangelist Christian groups, towards the upcoming second visit of Pope Francis XVI, planned for May 2014.²²

²¹ Protocol of Plenary no. 54 of the 19th Knesset, July 17, 2013, p. 231-235.

²² A. P., "[Pope Francis sets date for Israel visit: May 24-26](#)," *Haaretz*, January 5, 2014.



Chamber of the Last Supper (Coenaculum)



Arabic inscription and Muslim architectural detail in the Coenaculum

UNESCO and Mt. Zion

The Old City of Jerusalem and its walls were declared a World Heritage Site by UNESCO in 1981. The State of Israel included Mount Zion in its tentative list of heritage sites for which it seeks UNESCO recognition as World Heritage Sites.²³ Israel claimed that the heritage site of the Old City should be expanded towards Mt. Zion, since it is an inseparable part of ancient Jerusalem. In 2001, the Committee for World Heritage Sites decided to reject Israel's request, claiming that as long as Jerusalem's Old City was not part of an agreement under international law, it would not be possible to expand Jerusalem as a World Heritage Site.²⁴ Recognition that the religious and historical importance of Jerusalem does not end at the walls of the Old City is accepted by the finest researchers and by other professionals in the field. UNESCO also shares this understanding. Were it not for the political struggle, it would be possible and appropriate to expand Jerusalem as a World Heritage Site towards the direction of Mt. Zion, and also in the direction of ancient Jerusalem at the Mount of Olives. It cannot be known whether UNESCO's recognition of the David's Tomb site would pressure Israel into fastidiously protecting the tomb and whether in the past it would have prevented destruction of the tiles.

Israel, which knew that there was no chance of expanding Jerusalem as a heritage site in the direction of occupied territories such as the Mount of Olives and the Kidron Valley, tried to expand recognition in the direction of the Green Line. UNESCO's decision attests to the fact that from an international standpoint, the path to generating recognition, collaboration and maximal protection of the tomb compound is connected to devising a political solution for the Old City.

The Political Significance of the Struggle on the Tomb Compound

The David's Tomb compound is under territorial dispute. The compound is located within the Green Line, and in any political agreement between Israel and the

²³ Israel National Commission for UNESCO, [World Heritage](#)

²⁴ WHC, Israel tentative list, [Jerusalem](#)

Palestinians, it will be part of Israel. The political sensitivity of the compound arises from a number of key factors: 1. the sanctity of the place and use of the religious compound by members of various religions. 2. location of the tomb as part of the broader compound of the historic (holy) basin of Jerusalem, adjacent to the Old City walls; 3. trends among extreme Jewish elements to erase the city's Christian and Muslim past.

The composition of the population that visits the tomb was known to the security services. Through simple measures (such as security cameras) it would have been possible to at least apprehend the vandals. It appears that the Israeli authorities are comfortable with emphasis of the Jewish character of the tomb, whether through passive acceptance and lack of alternative, or based on a conscious political decision. In this situation, the process of 'judaization' of the tomb continues undisturbed, and the site, meant to be a multi-religious center outside of the political struggle, becomes an inseparable part of the struggle over the place's identity and presentation of a single historical/religious narrative that erases the other.

David's Tomb is a compound with religious and cultural significance. The Vatican's interest in the Coenaculum and the Turkish protest against the damage to the tiles are two examples. The desire to add Mount Zion to UNESCO's World Heritage Site list, and the negotiations underway between Israel and the Vatican, are testimony to Israeli recognition of the international importance of the compound. However, alongside Israel's declared intentions, in practice the tomb is identified as a religious-ultra-Orthodox stronghold with a clear Jewish character. Symbols of its Muslim cultural heritage were violently removed from it, and the Coenaculum, located above the tomb, is secured by the Ministry of the Interior in order to prevent damage and disturbances of the Christian visitors to the site. It appears that the internal-Israeli political reality is not succeeding in adjusting itself to the political reality.

Conclusions and Recommendations

David's Tomb, like other holy sites, such as the Temple Mount in the Old City or the Tombs of the Patriarchs in Hebron, is thousands of years old, and built layer upon layer. These sites were never properly excavated or researched. The religious tension and political interests make it impossible to relate to these structures as antiquities sites; their holy status clouds the research. As we have illustrated in the case of David's Tomb, some of the information originates in the most limited excavations, and most is from archaeological surveys or historical sources.

Jewish, Christian and Muslim traditions mingle together at David's Tomb. This is evident in the architecture of the tomb building, and the Coenaculum. Since David's Tomb is not located in the heart of a political conflict, like the Tombs of the Patriarchs in Hebron or the Temple Mount / Haram a-Sharif, one might expect Israel to uphold its obligation to protect the structure from vandalism by extreme elements. Despite this, the authorities have failed in fulfilling this mission, and the sense is that the situation that has arisen is convenient for the government, or at least, the authorities have come to terms with the damage to the site.

The case of David's Tomb is a test case for Israel's ability to foster religious tolerance. It appears that greater international involvement in the compound will emphasize the international importance of the site. Such involvement could serve as a counterweight to extreme Jewish groups which are unprepared to accept a lifestyle or beliefs that are different from their own. Israel would do well to prove to itself and to the world that it is capable of protecting a site holy to all three faiths, one that is located outside of the political conflict, and that it does not enable extreme groups to determine the nature of the place. However, as mentioned above, it is impossible to detach the location of Mt. Zion and David's Tomb from the adjacent Old City. The political struggle in the Old City, which brings about national and religious extremism, also reaches David's Tomb. It appears that as long as there is no political accord in the Old City, the phenomena of the strengthening of extremist groups will be an inseparable part of the atmosphere at Mt. Zion and the tomb compound.

HP EXHIBIT 68

**Archaeology in the Political Struggle over
the Temple Mount/ Haram al-Sharif**

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Table of contents

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Emek Shaveh is an organization of archaeologists and heritage professionals focusing on the role of tangible cultural heritage in Israeli society and in the Israeli-Palestinian conflict. We view archaeology as a resource for strengthening understanding between different peoples and cultures.

Introduction	5
Part I – The history of the site: How the Temple Mount became the Haram al- Sharif	6
Characteristics of the site and the religious traditions	6
The holy precinct today	7
From the Temple Mount to the Haram al-Sharif	8
Part II –Archaeology and Politics from 1967 to the Present Day	11
Changes in Access Policies to the Temple Mount	11
Changes in the precinct: from 1967 to the opening of the Western Wall Tunnels in 1996	11
The events of 1996: renovations of Al-Marwani Mosque and the destruction of antiquities	14
Changes in the status quo over the past year	17
Conclusion and Lessons	20

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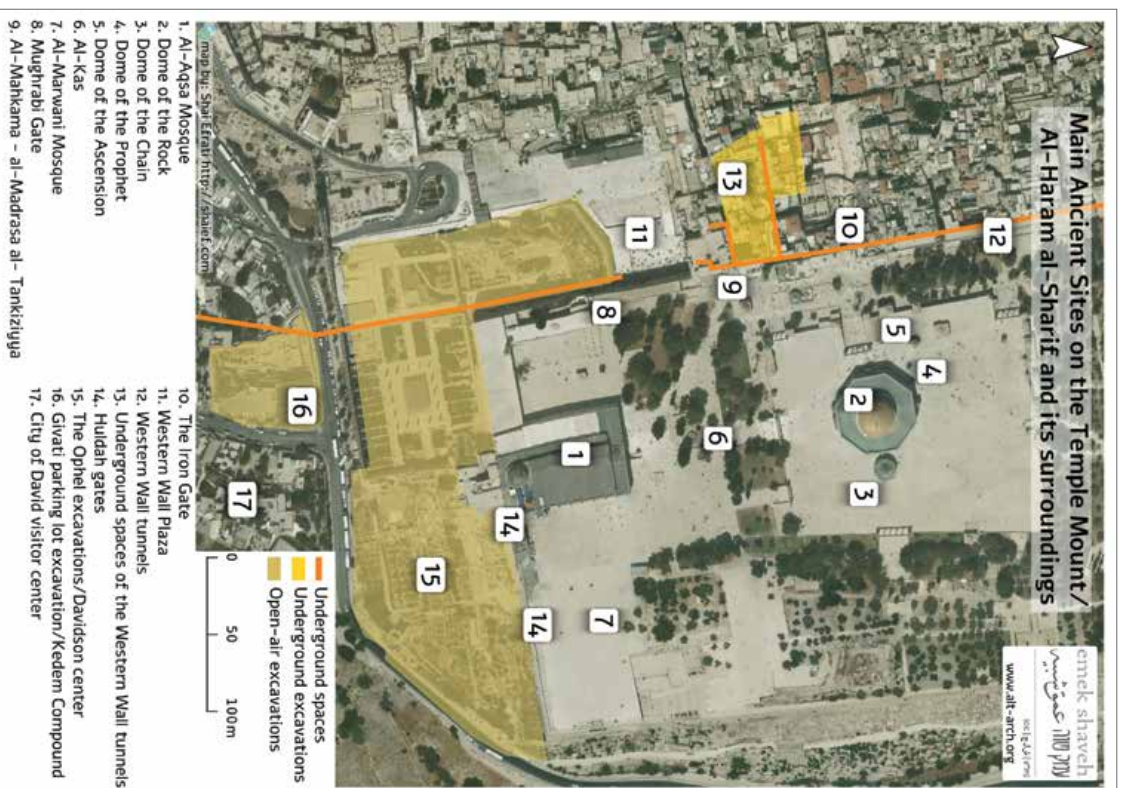
Introduction

Immediately after the 1967 War, then Israeli defense minister Moshe Dayan declared that the Islamic Waqf would retain their authority over the Temple Mount/Haram al-Sharif compound. This statement coupled by the fact that the Islamic Waqf continued to manage the compound was interpreted as Israel's acquiescence to preserve the Haram al-Sharif's unique historic significance as an Islamic-holy site. Yet in practice, even prior to Dayan's declaration, Israel had begun to put facts on the ground which contributed to a shift in the independent status of the Temple Mount/Haram al-Sharif particularly around the issue of access to the site.

Since 1967, the area surrounding the Temple Mount/Haram al-Sharif has seen continuous development and attempts to modify previous agreements. Activities that have affected the status quo which are most familiar to the public are the tunnel excavations, the renovations of al-Marwani Mosque (also called Solomon's Stables) and the Mughrabi Ramp, but there have been other smaller-scale actions that have contributed to creating a new reality in and around the Temple Mount.

The Temple Mount/Haram al-Sharif is not detached from the environment in which it is situated. Events in the Old City and in the village of Silwan are known to have a significant impact on tensions in the area and particularly on the situation on the compound. Emek Shaveh has discussed activities in the area in "From Silwan to the Temple Mount" (2013)¹ and "Jerusalem Underground" (2011).²

In the present document we will discuss the use of archaeological excavations, or excavations termed as archaeological, in the political struggle over the Temple Mount and its environs. Considering that any physical activity in the Old City and its surrounding area entails archaeological work (excavations, preservation, oversight etc.), it is only natural that this scientific discipline has been placed at the forefront of the political struggle.



1) Y. Mizrahi: "From Silwan to the Temple Mount - Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City" Emek Shaveh, 2013.

2) Y. Mizrahi: "Jerusalem Underground: The Excavation of Tunnels, Channels, and Underground Spaces in the Historic Basin," Emek Shaveh, 2011.

Part 1 – The history of the site: How the Temple Mount became the Haram al- Sharif



The Dome of the Rock and the Dome of the Chain

The Haram al-Sharif site is a collection of magnificent buildings that exemplify the very best of local and Islamic architecture from the last thousand years. The significance of the site as a holy place in the Islamic tradition led to the construction of almost one-hundred buildings on the site, built between the 8th century CE and the 20th century. Apart from its religious significance, the precinct is a heritage site of international importance. This fact virtually goes unmentioned in the political and religious struggle over the precinct and has not been given due consideration.

Characteristics of the site and the religious traditions

The Temple Mount, or al-Haram al-Sharif (meaning ‘the Noble Sanctuary’), is a 140 dunam area (45 acres) located in the south-eastern corner of the Old City. Today it is used as a prayer and study site for Muslims and includes some of the oldest religious structures in the country that are still standing. The Jewish tradition identifies the site as the place of Mount Moriah, where the patriarch Abraham went to sacrifice his son Isaac. The site is identified as the place where the Temple – last destroyed in 70 CE – once stood. The Muslim tradition identifies the site with the “Farthest Mosque” mentioned in the Quran in the beginning of Surah 17: “Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque,

whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who heareth and seeth (all things).” Such is the description of the legendary journey by the Prophet Mohammed on his horse al-Buraq from Mecca to the “Farthest Mosque” whence the Prophet ascended to the heavens. The Dome of the Rock is associated with the site of the First Temple - ‘Solomon’s Temple’, as it is referred to in Islam (“Templum Salomonis” as the Crusaders called it).

The holy precinct today

Scholars differ over the dating of the Temple Mount/Haram al-Sharif’s foundations. Most are of the opinion that at least the southern and western sections are ancient (from between the 1st century BCE to the 1st century CE). Other sections were added later, up until the Islamic period (7th to 16th century CE). Nine gates lead up to the site. One of them, Sha’ar Harahanim or Baba al-Rahmeh (the Golden Gate), is sealed off. The Mount’s supporting walls feature two smaller gates that are not in use. Its southern wall features two additional sealed gates: the western section contains a double gate and the eastern section a triple arched gate (Hulda Gates). These sealed gates face the excavations of the Southern Wall.

The most well known structures on the Temple Mount/Haram al-Sharif are Al-Aqsa Mosque located in the south-western corner, and the Dome of the Rock located in the center of the premises. In addition, the site contains buildings used as religious educational institutions (madrasas), memorials (the Dome of the Rock is one of them), towers, purification structures (al-Kas) and more. Some of the structures were built in the early Islamic period, the 8th century CE, some were built by the Mamluks during the 14th – 15th century CE, and others during the Ottoman period (16th-20th centuries CE). Several structures feature columns or capitals which, judging by their style, can be dated to the Crusader or to the Roman-Byzantine periods.

The Dome of the Rock is a memorial which in the present-day functions as a mosque. It is one of the oldest standing Islamic structures in the world. Preserved in its original state, not having undergone substantial modifications, it is considered to be an artistic and architectural wonder and a cornerstone in the history of Islamic art and architecture. Surrounding the interior is an inscription describing the construction of the mosque in the year 691, during the reign of the Caliph Abd al-Malik Ibn Marwan (685-705) of the Umayyad Dynasty. Historians date Al-Aqsa Mosque in the south of the precinct to the beginning of the 8th century, the time of Abd al-Malik, or to the period of his son’s reign, al-Walid I (705-715). The structure was rebuilt several times and last renovated in 1035 during the Fatimid Caliphate, following the earthquake of 1033.

Of the many domes on the Temple Mount it is worth mentioning the Dome of the Ascension. Located north-west of the Dome of the Rock, it marks the spot associated with Mohammed's ascension to the heavens. The structure is dated to the 12th century, although some scholars say it was built in the 8th century. Another memorial is the Dome of the Prophet, also located north of the Dome of the Rock and built in the 16th century by Mohammed Bey. Like the Dome of the Ascension, some date its initial construction to the 8th century. The Dome of the Chain is yet another and is located to the east of the Dome of the Rock, also apparently built in the 8th century by the Umayyad Caliph Abd al-Malik.³

Other religious buildings adorn the precinct beginning with the Ayyubid period (12th-13th century), such as the minarets at the Gate of Bani Ghanim and minarets from the Mamluk period (the 14th century). Other unique structures from the Mamluk period are the Summer Pulpit (Minbar al-Saif) and the ablution fountain (called al-Kas). One of the most impressive and unique structures on the Temple Mount is the Madrasa al-Ashrafiya. Built in the 15th century, it is an example of Mamluk architecture at its best.⁴

From the Temple Mount to the Haram al-Sharif

The Temple Mount was never methodically excavated and most of our knowledge about its history comes from historical texts and an analysis of architectural styles.⁵ The three monotheistic faiths identify the site as Solomon's Temple from the 10th century BCE. Some scholars also identify the site as a place of ritual from Canaanite Jerusalem (18th-10th centuries BCE).

The most distinct antiquity linking the site with the Second Temple is the Western Wall dating to the end of the 1st century BCE or the beginning of the 1st century CE. It is one of the walls built to support the Temple plaza above it.⁶ Archaeological excavations conducted to the south and west of the Temple Mount uncovered remains of capitals, ornaments and inscriptions that attest to the importance of the site during the early Roman period – the time of Second Temple. The archaeological finds from these excavations, including the rock with the inscription "To the Trumpeping Place,"

reinforce traditions that associate the Temple Mount with the site of the Second Temple.⁷ It appears that part of the precinct was built in that period; however scholars are divided over the dating of the gates. Some scholars date the Southern Wall and the Hulalah Gates to the Second Temple period, while others date several gates in the Southern Wall to the 8th century CE, the Umayyad period.⁸

Scholars are also divided over the question of what was built atop of the Temple Mount after the destruction of the Second Temple in 70 CE. The assumption is that in the 2nd century CE a pagan Roman temple was built under orders by the Emperor Hadrian. This temple was most probably destroyed in the beginning of the Byzantine period (the 4th century), and the precinct remained abandoned until the beginning of the early Islamic period in the 7th century.⁹

At the end of the 7th century, as the Umayyad regime grew strong, the Temple Mount was developed as an Islamic prayer site. In addition to the construction of memorial structures and Al-Aqsa Mosque, the Umayyad regime encouraged pilgrimage to Jerusalem – most probably in an effort to prevent or lessen pilgrimage to Mecca – and in so doing enhanced the importance of the Haram al-Sharif in Islam.¹⁰ At the end of the Umayyad period (the middle of the 8th century) Jerusalem's political importance in Islam diminished. Pilgrimage to the Temple Mount did not cease until the Crusader period (end of the 11th century).

Unlike the Byzantine Christians who turned the Temple Mount into a rubbish heap, the Crusaders continued to observe the sanctity of the site and to safeguard it. During the Crusader period, Al-Aqsa mosque was converted into a Church, as was the Dome of the Rock. The Crusaders gave the south-eastern section the name "Solomon's Stables." Following the Crusaders' defeat in the year 1187, the Muslims returned to the Temple Mount. From the Ayyubid period onward, the Muslims highlighted the sanctity of the site in response to Christian dominion over Jerusalem in general and the Temple Mount in particular during the preceding period. During the Mamluk period (13th-

7) B. Mazar, "Jerusalem during the House of Herod in light of the excavations to the south and south-west of the Temple Mount" (Heb), *Katadra* 8, 1977, pp.29-41; O. Peleg-Barak, "The Herodian Architectural Decoration in Light of Finds from the Temple Mount Excavations" (Heb), Jerusalem, 2007.

8) R. Shani and D. Chen, "On the Umayyad Dating of the Double Gate in Jerusalem," *Miqnatnas* 18, 2001, pp. 1-40.

9) B. Isaac, "Jerusalem from the Great Revolt to the Reign of Constantine" pp.2-13; Y. Tsafir, "The Topography and Archaeology of Jerusalem in the Byzantine period" pp.323-330; Y. Tsafir and S. Safrai (editors) *The History of Jerusalem: The Roman and Byzantine periods (70-638 CE)*, Jerusalem: 1999.

10) A. Elad, "The Temple Mount in the early Muslim period," In Y. Reiter (ed.), *Sovereignty of God and Man – Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, pp.57-109 (Heb).

3) M. Rosen-Ayalon, "An ancient source on the construction of the Dome of the Chain on the Temple Mount" (Heb), *Katadra* 11, 1979, pp.184-185.

4) M. Hamilton, *Mamluk Jerusalem: An architectural study*, London, 1987.

5) M. Rosen-Ayalon, "The Early Islamic Monuments of al-Haram al-Sharif, Jerusalem: An Iconographic Study", *Qedem - Volume* 28, Jerusalem, 1989.

6) T. Hirschfeld, "Discovery: Sections of the Western Wall were not built by Herod?" (Heb) *Ynet*, 23.11.11

16th centuries), Jerusalem did not serve as a financial or administrative center but its religious significance grew stronger. Most of the structures on the Temple Mount that are still intact were built during this period, and the construction in the area surrounding the Mount is also attributed to the Mamluk rulers. The Ottoman period (16th-20th centuries) saw the construction of religious monuments on the Temple Mount and its environs, and in Jerusalem many Islamic endowments transferred their income to the Haram al-Sharif.¹¹



The Dome of the Ascension (right) and the Dome of the Prophet (left)

11) Y. Reiter, "Sanctity and Politics in the history of the Temple Mount," *Sovereignty of God and Man - Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, pp.5-13. (Heb)

Part II –Archaeology and Politics from 1967 to the Present Day

Changes in Access Policies to the Temple Mount

Between the start of the 1st century CE until the end of the 19th century the Temple Mount had been off-limits to various populations. During Roman and Byzantine times Jews were prohibited from ascending the Mount. From the 7th century onward, with the exception of the Crusader period (12th century), the Temple Mount was closed to non-Muslims. This policy changed in 1885, when only high-ranking Christian visitors were permitted to enter the site. Another shift in policy took place during the British Mandate period, when non-Muslims were granted permission to ascend the Mount for a fee. Following the Six Day War (1967), it was decided to continue the British Mandate policy of maintaining the autonomy of the Islamic Waqf on the Mount. Today non-Muslims are permitted to enter the area only through the Mughrabi Gate. Orthodox Judaism, including the Chief Rabbinate, opposes Jews' ascension to the Temple Mount for religious reasons, out of concern that Jews might step on the site of the Holy of Holies (which no person was allowed to access during the Temple periods apart from the High Priest on the Day of Atonement). Today the exact site of the Holy of Holies on the Temple Mount remains unknown. Since the Second Intifada (2001-2005), the Waqf decided to prohibit non-Muslim visitors from entering the mosques (Al-Aqsa and the Dome of the Rock).

Changes in the precinct: from 1967 to the opening of the Western Wall Tunnels in 1996

Following the Six Day War, the State of Israel began a process of transforming the area west of the Western Wall and south of the Temple Mount. As a first step, the Mughrabi neighborhood that abutted the wall was completely demolished on the evening of the 8th of July 1967, two days after the war ended. The neighborhood, first built in the 13th century, was completely erased apart from several houses on the western edge, and the area was transformed into the Western Wall prayer plaza.¹² UNESCO criticized the destruction of the neighborhood, which had included some of the most ancient and important Islamic structures in Jerusalem (al-Buraq Mosque, the Madrasa al-Afaliya and others), and had played an important part in the history of the Old City and in defining the connection between the Maghreb and Jerusalem.

Israel's consent to leaving the Waqf with the responsibility for managing the Temple Mount/Haram al-Sharif came with a few significant modifications. The Madrasa al-

12) Y. Reiter and J. Seligman, "1917 to the Present: Al-Haram al-Sharif/Temple Mount and the Western Wall," O. Grabar and B. Z. Kedar (eds.), *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade*, 2010, pp. 251.

Tankziya (the Mahkamah) building, which overlooks the Temple Mount and is located near the Chain Gate, was turned over to the Israeli authorities as were the keys to the Mughrabi Gate.¹³ Israel's demand to be in control of the Mughrabi Gate was initially rejected by the Islamic Waqf, which claimed that responsibility for the gates cannot be separated from the responsibility for the premises as a whole. Following negotiations and pressure placed by the Israeli authorities, responsibility for the Mughrabi Gate was transferred to the Israeli police. These decisions, coupled with the declaration that the sacred precinct is "an open public space" to which access is free, have been the basis for the physical and administrative changes in the status of the Temple Mount and its surroundings.¹⁴

Archaeology has also played a major role in changing the status of the area. In 1968, an archaeological excavation was initiated to the south of the Temple Mount/Haram al-Sharif. Conducted by the Hebrew University, it was one of the first in a series of excavations intended to transform the Jewish Quarter and the Mughrabi neighborhood into Israeli areas. The excavations yielded remains from various periods in the history of Jerusalem including burial sites from the Abbasid period, structures from the Umayyad period, and remains from Byzantine and Roman times. In addition, remains and facilities dated to the Second Temple/early Roman period were discovered.¹⁵ The excavation area has been preserved as an archaeological park to the present day. Visitors must pay a fee to enter it through the Davidson Center.

In 1969 excavations in tunnels, today termed the "Western Wall Tunnels," had begun, extending from the Western Wall plaza towards the north and along the wall which surrounds the Temple Mount/Haram al-Sharif. The digs carried out by the Ministry of Religion were not conducted as scientific excavations and lacked appropriate archaeological oversight.¹⁶ They created a new underground surface area around the Temple Mount/Haram al-Sharif; even then they were perceived as a threat to Muslim rights over the Temple Mount.

One of the most heightened moments of tension during these excavations, which to a certain degree confirmed Muslim concerns that the digs extended beneath the Temple Mount, occurred in 1981: Workers on behalf of the Western Wall administration dug

a tunnel in an area called "Warren's Gate" in the direction of the Temple Mount itself. Conflict ensued between representatives of the Islamic Waqf and the administration of the Western Wall. The Israeli authorities ordered the gate sealed with cement. Criticism of the changes Israel had introduced in the area surrounding the Temple Mount was one of the reasons UNESCO decided to declare Jerusalem as a World Heritage Site in Danger in 1982.¹⁷

Another significant change in the status of the Temple Mount followed the signing of the peace treaty between Israel and Jordan in 1994, when it was stated that a permanent peace agreement between Israel and the Palestinians would take into account Jordanian interests and historical responsibility for the holy sites. In practice, Jordan continues to pay the salaries of the Waqf employees, and is the central authority with whom Israel negotiates all things concerning the Temple Mount/Haram al-Sharif.

Israeli excavations and destruction of built-up areas since 1967 in the area around the precinct have completely transformed the landscape of the Old City. From densely built Palestinian neighborhoods reaching the walls of the Temple Mount/Haram al-Sharif, the area has been converted into a non-residential area, part of which (the Western Wall plaza) serves as a place for prayer, part of which is an archaeological park and is known as the "Southern Wall excavations" (the Davidson Center), and large parts of which have been excavated underground creating historical attractions that strengthen the connection between Jews and the Temple. Israeli activity has drawn massive Israeli presence to these places, and tensions at the Temple Mount and its immediate environs have increased. The gates of the Haram al-Sharif were the last line of defense for the Waqf who struggled to maintain its status on the site, a struggle that is still ongoing. Tensions and concerns over Israel's suffocation of the Mount reached new heights in 1996 with the opening the Western Wall Tunnels.

13) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in O. Grabar and B.Z. Kedar (eds.), *Where Heaven and Earth Meet*, p. 275-277.

14) *Ibid.*, pp. 277-281.

15) H. Geva, "List of Major Archaeological Activities in Jerusalem, 1967-1992," *Ancient Jerusalem Revealed*, 1994, pp. 325-330.

16) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Kedar *Where Heaven and Earth Meet*, p. 276.

17) *Ibid.*, p. 257

The events of 1996: renovations of Al-Marwani Mosque and the destruction of antiquities

In 1996, following the inauguration of the Western Wall Tunnels extending towards the Via Dolorosa, riots broke out in which tens of Israelis and Palestinians lost their lives. The riots damaged the cooperation between the Israel Antiquities Authority (IAA) and the Waqf. Representatives of the IAA confess that since the beginning of 1996 it has been difficult to implement archaeological oversight over the Temple Mount/Haram al-Sharif.¹⁸ At the same time, works had begun by the Islamic Waqf on Al-Marwani Mosque to build a prayer area underneath the platform in the south-eastern section of the precinct east of Al-Aqsa Mosque.¹⁹ The renovation works on Al-Marwani Mosque were conducted using heavy machinery that caused significant damage to antiquities. Many tons of earth removed from the site were dumped into the Kidron Valley, the Abu Dis dump, and other areas. No archaeologists were involved in the works which were probably conducted without proper oversight.²⁰ The State Comptroller's report from 2011 discusses failings in overseeing the works and in the process of obtaining licenses to conduct development works on the Temple Mount in the years 2001-2007: "Significant failings were found in implementing oversight over most of the works during the period to which this report refers (2001-2007). These works were undertaken without any prior coordination with the authorities in charge with law enforcement at the Temple Mount and without receiving the necessary approval or permits as required."²¹

It appears that amongst Israeli and Palestinian professionals no one questions the fact that antiquities were indeed destroyed in the course of renovating Al-Marwani Mosque, but each side interprets the developments differently. Israel views the destruction of antiquities from the point-of-view of Israeli law and a perspective that the Temple Mount is part of an area under Israeli jurisdiction. The Palestinians claim that not only had there been agreements between Israel and the Waqf concerning renovations of Al-Marwani Mosque, but that the Haram al-Sharif should be regarded as a Muslim precinct subject to Jordanian law.²² According to Jordanian law, the Jordanian Antiquities Authority does not have the right to oversee works by the Islamic Waqf at the Haram

al-Sharif, and the same is true for the Israel Antiquities Authority.²³

Al-Marwani Mosque ("King's Solomon's Stables"²⁴) is located in a space bordering the Hulda Gates and the Southern Wall excavations conducted by Israel in the years 1968-1982. Following the opening of the Western Wall Tunnels, the Waqf grew concerned that Israel was planning to open the Hulda Gates in order to convert "King Solomon's Stables" into a Jewish prayer site.²⁴ From the point-of-view of the Waqf, the Jews had objected to the renovations at Al-Marwani Mosque not because antiquities were destroyed but because Jewish groups had designs on the space and saw it as an opportunity to build a synagogue in the sacred precinct.²⁵



The entrance to Al-Marwani Mosque

18) G. Avni and J. Seligman, "The Temple Mount 1917-2001, Documentation, Research and the Preservation of Antiquities Jerusalem," 2001 (Heb); "Solomon's Stables, the Temple mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999-2001" *Ahiquot* 56, pp. 33-53.

19) The works were conducted in cooperation with the Islamic Movement in Israel.

20) J. Seligman, "Solomon's Stables, The Temple Mount, Jerusalem," *Ahiquot* 56, p. 42.

21) State Comptroller's report for 2010, "The issue of works at the Temple Mount", 2011, pp.1843-1844.

22) J. Seligman, "Solomon's Stables, The Temple Mount, Jerusalem," *Ahiquot* 56, p. 41.

23) For more information about the lack of involvement by the Jordanian authorities in the administration of the precinct see Y. Reiter & J. Seligman, "1917 to the Present: Al-Haram al-Sharif/ Temple Mount and the Western Wall," Grabar and Keddar. *Where Heaven and Earth Meet* pp. 244-248.

24) Y. Al-Naishe, The Al-Marwani Mosque – "Between Past Goals and Future Threats," Tourism and Antiquities Administration - The Waqf, Jerusalem 2012 (Arabic).

25) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Keddar. *Where Heaven and Earth Meet*, p. 281.

It is difficult to assess the extent of the destruction to antiquities at the Temple Mount for several reasons. First, in the absence of an archaeologist during the works, there is no one to offer a professional opinion on the matter. Second, the strong criticism over the destruction at the site is probably motivated by a desire possessed by many to see Israel gain full sovereignty over the Temple Mount. At the same time, the Waqf is working intentionally to strengthen Muslim hold over the Mount and its considerations are primarily political. Protecting antiquities is not one of their most pressing priorities. Yet over the years many reports and articles were published discussing the extent of the destruction and the importance of the finds destroyed. It seems as though most of the remains that have been damaged date to Islamic periods, beginning with the Umayyad Dynasty (7th century) through to the Ottoman period (the 19th century). This is the opinion held by archaeologists from the Israel Antiquities Authority.²⁶ The assumption is that during the works conducted by the Waqf, some remains dating to the Second Temple period were also damaged, but it appears as though these were few, and their quality remains unknown.²⁷

In 2000 a "Public Committee against the Destruction of Antiquities on the Temple Mount" was established.²⁸ It succeeded to recruit an impressive list of Knesset members, public figures, leading writers and intellectuals, as well as figures identified with the Israeli Left, or people who were not involved in political activism²⁹ who had come out against the destruction of antiquities on the Temple Mount. Much of the criticism voiced by the committee focused on the destruction of remains from the Second Temple period. Although growing religious extremism and nationalism in Jerusalem has distanced many of the original committee members from the committee or from its activities,³⁰ the list of supporters can testify to the widespread interest among the Israeli public in the archaeology of the Temple Mount.³¹

26) J. Seligman, "Solomon's Stables, The Temple Mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999–2001," *Atiqot* 56, pp. 33–53

27) *Ibid.*, p. 45.

28) The internet site of the "The Public Committee Against the Destruction of Antiquities on the Temple Mount" (<http://templmountdestruction.com/ehom/etabid/160/Default.aspx>, accessed 15 Dec, 2014)

29) The Internet site of the "Public Committee Against the Destruction of Antiquities on the Temple Mount," Committee Members.

30) N. Hasson, "Intellectuals deny association with Temple Mount Pressure Group," *Haaretz*, 19 February, 2014.

31) See also the signatories of the petition. A call to prevent additional destruction of antiquities on the Temple Mount in Jerusalem (Heb.) (<http://www.echadinfo/templmount/letter.htm>, accessed 15 Dec, 2014).

The renovations in Al-Marwani Mosque led to growing pressure and criticism of the Israeli authorities and a demand for closer oversight over activities on the Mount. Although Jewish groups working to change the status quo at the Temple Mount had existed prior to the Al-Marwani renovations, since then, complaints about the destruction of antiquities have been used to galvanize support and serve as the main justification for those arguing to defend the Temple Mount and its heritage which, they allege, is being destroyed by the Islamic Waqf.³²

It ought to be noted that from 2005 to the present day there is an ongoing project called "The Temple Mount Sifting Project" offering experiential activities for students and other visitors in an area outside the Old City, called "Tzurim Valley" at the foot of the Palestinian A-Tur neighborhood. It is conducted with the support of the Elad Foundation (a settlers' foundation that also manages the visitors' center at the Mount of Olives and the archaeological site 'The City of David'). The sifting project is not an archaeological excavation and has no scientific value. Its stated aim is to discover remains from the Temple or other Jewish antiquities, but in practice very little earth has been sifted, and from every possible perspective it cannot provide credible information about the extent of destruction at the Temple Mount. This is an example of a project that combines concern for antiquities with a religious, national and political agenda.³³

Changes in the status quo over the past year

During the summer of 2014 we have witnessed unprecedented developments in the activities of the Israeli authorities around the Temple Mount/Haram al-Sharif.³⁴ In August 2014 Israel began building a new temporary ramp for non-Muslim visitors to ascend the Temple Mount. Several days later, after Jordan had put pressure on the Israeli government, Prime Minister Benjamin Netanyahu gave instructions to dismantle the ramp and stated that the construction was undertaken without the knowledge of the Prime Minister's Office.³⁵ The subject of constructing an entryway is a political issue that first emerged when the previous Mughrabi bridge collapsed in 2004. Since then,

32) Information about the Jewish groups active at the Temple Mount can be found in a report by Ir Amin and the Keshet Foundation: Y. Beer "Dangerous liaison – the dynamics of rise of the Temple movements and their implications," (Heb) March 2013.

33) R. Greenberg and Y. Mizrahi "Archaeology on a slippery slope: Elad's sifting project in Ennek Tzurim National Park," Ennek Shaveh 2012; G. Barkai and Y. Zweig "The Temple Mount Sifting Project," *New Studies on Jerusalem* E. Baruch, Z. Greenhut, and A. Faust (eds.), 2006.

34) Ennek Shaveh, "Construction of a New Temporary Ramp Beside Mughrabi Ramp," 15 August 2014.

35) B. Raviv and N. Hasson "PM orders removal of wooden ramp at Temple Mount, following pressure from Jordan," *Haaretz*, September 3, 2014.

Israel has been trying to reach an agreement with the Jordanian government and the Waqf about building a new bridge.³⁶ The issue of the Mughrabi bridge is linked to the question of control over entrances and passages to the Temple Mount. As mentioned, today the temporary ramp is the only place through which non-Muslims can enter the Temple Mount and it is under the jurisdiction of the Israeli police.

In 2014 a sign was placed in an area called the 'Little Western Wall' requesting the public to respect the sanctity of the site. The Jerusalem Municipality had placed the sign even though the 'Little Western Wall' was never recognized as a holy site. The 'Little Western Wall' is a small section of the western supporting wall of the Temple Mount/Haram al-Sharif adjacent to the Iron Gate (Bab Al-Hadid), through which Muslims can enter the Temple Mount. It is considered the closest place to where the Holiest of Holies once stood where Jews can now pray. The wall measures 10 meters in length and in recent years it has been serving as a prayer area for Jews, particularly on Fridays. Allowing access to Jews creates friction between the Palestinians living near the site and the Jews who come to pray there.³⁷ The presence of Jews praying near the Iron Gate allows them to have an impact on events at the entrance to the precinct.

The struggle over who controls the gates to the Temple Mount has reached new heights following the decision by the Israeli police to close some of the gates during the morning hours: especially during visiting times for Jews and other non-Muslims (the consequence is to limit access for Muslims to the Mount). This issue is one of the main areas through which Israeli authorities are trying to affect change in the status quo on the Mount. Control over the gates means control over people entering and exiting the Mount, which can be justified by security needs or presented as something that does not undermine the status of the Islamic Waqf; in actual fact, it clearly signifies growing Israeli control over the precinct. In addition to closing some of the Temple Mount/Haram al-Sharif gates to Muslims, one must add the decision to build the Mughrabi Ramp without coordination with the Jordanian government or the Waqf. It seems that even if these activities were undertaken without the knowledge of the Prime Minister's Office, they were carried out as part of efforts to strengthen Israeli control over the entrance to the precinct and are motivated by a conviction that, with respect to the gates leading to the Temple Mount, the time has come to create unilateral facts on the ground.



The Iron Gate leading to the Haram al-Sharif

36) A discussion of the Mughrabi Ramp by Emek Shaveh in "Why is the Mughrabi Ramp a political issue?" 9 Sept. 2014.

37) A. Eldar, "Jerusalem opens Muslim Quarter Jewish site to prayer, upsetting status quo," *Haaretz*, January 14, 2011.

Conclusion and Lessons

The Temple Mount/Haram al-Sharif precinct has seen many changes over the centuries, but beginning with the 8th century, and particularly after the defeat of the Crusaders in the 12th century, it evolved as a holy site for Muslims. The most significant changes occurred immediately after the 1967 War: on the one hand Israel continued to respect the status of Islamic Waqf on the Temple Mount, but on the other hand it created the conditions for changing this status. The most well-known instance of this is Israel gaining control over the Mughrabi Gate and the establishment of a police department in the Mahkamah building, which overlooks the Mount.

Immediately after the Six Day War Israel created a new area around the Temple Mount: The Mughrabi Quarter was destroyed, archaeological excavations took place all along the southern side of the precinct, and later underground excavations were conducted from the Western Wall plaza extending under the Muslim Quarter, and up against the western wall of the Temple Mount/Haram al-Sharif. During the excavations of the tunnels there was at least one incident when excavators penetrated under the area of the Temple Mount itself.

The most significant change took place in 1996 with the opening of the Western Wall Tunnels and the works on Al-Marwani Mosque, in the area called "Solomon's Stables" underneath Al-Aqsa Mosque. Some Jewish groups who seek to convert that space into a Jewish place of prayer were motivated by this event to increase their struggle to expand Jewish presence at the Temple Mount. Alongside criticism of the destruction of antiquities at the Temple Mount there has been an increase in public delegitimization of the Waqf's role in administering the site. These dynamics escalated reaching new heights in the summer of 2014, with the attempt to rebuild the Mughrabi Ramp and modify the opening hours at the gates to the Temple Mount/Haram al-Sharif.

When reviewing Israeli involvement in East Jerusalem in general and in the area surrounding the Temple Mount in particular - i.e. the Old City and the village of Silwan - there can be no doubt but that Israel is interested in safeguarding and entrenching its authority in this area. The Israeli authorities and settler NGOs invest their best efforts in transforming Silwan into a tourist site and into the settlement of "The City of David" (see Emek Shaveh's publication From Silwan to the Temple Mount, 2012). At the same time,

the Old City is undergoing unprecedented development of a nature which emphasizes the Jewish connection to Jerusalem and the Jewish people's historic rights in the city. These, along with the years of neglect of the Palestinian population in the city and the solidification of the Israeli perception that the Old City of Jerusalem will remain Israeli for eternity, have prepared the ground for the demand to change of the status quo at the Temple Mount.

If Israel changes the landscape of the Old City and the nature of Israeli presence in the area surrounding the Temple Mount, then it should come as no surprise that the next logical step would be to affect changes in the precinct itself. Even if Israel officially distances itself from Jewish groups who ascend the Temple Mount and who are demanding a change in the status quo, its activities around and even in the precinct itself attest to the fact that the situation at the Temple Mount has been marked by instability since 1967. The change we have witnessed in recent years is a rise in the number of people who are calling for full Israeli control over the compound.

Following decades of archaeological excavations, and with the increase in the political exploitation of the archaeology at the Temple Mount/Haram al-Sharif, it is necessary to take some steps to restore trust and cooperation between the sides. Alongside political steps, such as recognizing the special status of the Islamic Waqf and its right to manage the Haram al-Sharif without interference by Israeli parties, the sides must strive to work cooperatively based on UNESCO's and ICOMOS'³⁸ international resolutions. These resolutions, which deal with the preservation and development of heritage sites, could become the basis for dialogue about antiquities and the importance of tradition, a step which could mitigate religious and political tensions.

The only way to preserve the religious and historic status of the Temple Mount/Haram al-Sharif over time is a political agreement that would recognize the precinct as one of Jerusalem's most significant and central heritage sites. In this way, the precinct would be recognized not only as important to Islam but as one of the most important heritage sites in the world. Israeli society must accept that it has been a central sacred place for Muslims for a thousand years or more.

38) International Council on Monuments and Sites

HP EXHIBIT 68



The Dome of the Ascension and the Dome of the Rock



The Dome of the Prophet

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Denial of Access and Worship on the Temple Mount / Haram al-Sharif in 2012-2014

In this document we present a summary of the instances when worshipers and visitors were denied access to the Temple Mount / Haram al-Sharif by Israeli police in 2014-2012. Emek Shaveh received the information following a request filed to the police. According to the information, the restrictions apply to two categories: visitors and worshipers. "Visitors" are all non-Muslim (including Jewish) tourists and the general public that comes to the Haram. The term "worshipers" refers to Muslims. This division is based on the status quo from 1967, which determined that the Haram al-Sharif/ Temple Mount will continue to serve a complex of prayer exclusively for Muslims.

The police can close the compound to Muslim worshipers, an event that happened only once in the reporting period, after the attempted murder of Yehuda Glick, or it can deny entry to all visitors (which occurred 56 times in the three years). Police often take the approach of reducing the presence on the Haram, whether by imposing an age limit on the worshipers (52 times in three years), or by denying entry to Muslim women (5 times in three years). The police also reduced the hours of entrance for visitors (35 times), usually by preventing visits in the afternoon.

Out of 144 partial or complete denial of entrance to visitors or worshipers, most of the restrictions were made in 2013 and 2014. In 2014, the restrictions to Muslims reached a peak—41 instances of restriction by age (see Chart 3) or gender, and one closure of the entire compound for prayer.

History of Access to the Haram al-Sharif

Between the start of the 1st century CE until the end of the 19th century the Temple Mount had been off-limits to various populations. During Roman and Byzantine times Jews were prohibited from ascending the Mount. From the seventh century onward, except for the Crusader period (12th century), the Haram al-Sharif was off-limits to non-Muslims. This policy changed only in 1885, when high-profile Christian guests were allowed to ascend to the compound. Changes in access to the Mount took place during the British Mandate, when non-Muslims were allowed to go there for a fee. After the Six Day War (1967) it was decided to continue the policy of the



British Mandate and to allow the Muslim Waqf to have autonomy on the Haram. Today non-Muslims can enter the compound solely through the Mugrabi Gate, which they reach through a wooden ramp. Orthodox Judaism and the Chief Rabbinate oppose Jews' entry to the Temple Mount out of fear that they might step on the place where the Holy of Holies once stood, as its location remains unknown today. Since the second intifada (2005-2001) the Muslim Waqf decided to prevent the entry of non-Muslims to the mosques (Al-Aqsa Mosque and the Dome of the Rock).¹

Table 1. Entry restrictions to the Temple Mount / al-Haram al-Sharif according to years 2012-2014

	Visitors (Jews, Christians)	Total closure	Total Visitors (Jews, Christians, etc.)	Muslims	Total Muslims	Everyone	General total
Year	Partial closure			Restriction by age*		Total closure	
2012	2	14	16	3	3		19
2013	17	19	36	8	8		44
2014	16	23	39	41	41	1	81
Total	35	56	91	52	52	1	144

* In 2014, female worshipers were restricted 5 times.

¹ For more on developments and changes in the status quo on the Temple Mount from 1967 to the present, see: Y. Mizrachi, [Archaeology in the Political Struggle over the Temple Mount / Haram al-Sharif](#), Emek Shaveh, January 2015.

Major Findings:

- Muslim worshipers were limited according to age or gender on 3 days in 2012 compared to 41 days in 2014. In 2013 entry worshipers was restricted according to age 8 times. In 2014 the compound was closed to everyone for one day, in addition to 41 times when worshippers were restricted by age (see Table 3); an increase of more than five times the previous year.
- Reduction of visiting hours (shown in Table as Partial Closure) in 2013 and 2014 each multiplied eight times from 2012. In 2014 the complex was closed to visitors more than in any of the previous two years (23 days).
- The increase in number of days when entrance to the Haram was reduced or denied to visitors in 2013 and 2014 corresponded to the rise in political and religious tensions caused by the activities of Jewish groups that call for a change in the status quo in the area.
- The tremendous increase in the number of days when worshipers were restricted by age in 2014 paralleled the rise of political tension that summer, coinciding with the kidnapping and murder of Israeli youths, the murder of Muhammad Abu-Khdeir, the Gaza attacks, and the clashes in East Jerusalem.

Table 2. Restrictions of Entry to the Haram according to events (2014-2012)

	Visitors (Jews, Christians)	Total closure	Total Visitors (Jews, Christians, etc.)	Muslims	Total Muslims	Everyone	General total
Event	Partial closure	Total closure		Limitation by age		Total closure	
Jewish-Israeli national event	1		1	2	2		3
Palestinian national event				1	1		1
Security	12	2	14	17	17		31
Pope visit		1	1	1	1		2
Jewish holy day	15	9	24	22	22		46
Muslim holy day	4	43	47	4	4		51
Military operation				2	2		2
Weather	2	1	3				3
Murder attempt of Yehuda Glick	1		1	3	3	1	5
Total	35	56	91	52	52	1	144



• Of the 56 times that the Haram was closed to visitors, 43 of the instances occurred during the Muslim holy days. In other words, only 13 closures for visitors occurred for security reasons, including one day on the occasion of the Pope's visit, and one day following the attempted murder of Yehuda Glick. Of these 9 days coincided with Jewish holidays. This indicates that except for an average of three days a year (11 days total), the police does not prevent visitors from entering the site.

Table 3. Restricting the entry of worshipers by age in 2014-2012

Minimum age for worship	2012	2013	2014	Total
35			1	1
40	3		5	8
45			6	6
50		8	26	34
60			3	3
Total	3	8	41	52

• The police prefer to limit the age of worshipers rather than close the site to Muslim prayer. The restrictions are mostly to worshipers under the age of 50 (out of 52 times when entry was restricted to worshipers, 34 times prohibited entry to men under the age of 50, and 3 times to men under the age of 60). Women were forbidden entry 5 times.

• Most of the age restrictions occurred in 2013 and 2014, in tandem with increased tension regarding Jews' claim to the right of prayer at the site.

Conclusions

The data shows that when there are political and security tensions in Jerusalem, the status quo on the Temple Mount / al-Haram al-Sharif is harmed. For example, in 2014 the Israeli police imposed age restrictions on worshipers 41 times. This amounts to nearly 15% of the year. This number indicates that the feeling among Palestinians that Israel is changing the status quo in the area, is backed up by police data, even if the restrictions are made due to extenuating circumstances, such as the murder attempt of Yehuda Glick. At the same time there is a direct link between rising restrictions on visitors in 2013 and 2014 and increasing attempts by right-wing groups to upset the status quo in the area.

The main challenge facing the Israeli authorities is to maintain the status quo during tense times, especially when the pressure for change comes from the Right and the Israeli government. According to the experience of 2014, this goal was not achieved. It seems that in the future it will be impossible to separate events in Jerusalem from the changes to freedom-of-worship in the Haram al-Sharif and the ability of the police to maintain the status quo.

- June 2015

HP EXHIBIT 70

***Archaeological Activities in
Politically Sensitive Areas
in Jerusalem's Historic Basin***



- >> Preface
- >> Excavations in the Old City
 - >> The Old City Walls
 - >> The Nea Church
 - >> Herod's Gate/Burj al-Laklak
 - >> Ha-Gai/Al-Wad Street
 - >> Damascus Gate
 - >> Jaffa Gate
 - >> Hezekiah's Pool
 - >> Ophel Excavations - Davidson Center
 - >> Bab al-Rahma Cemetery
 - >> Beit ha-Liba
 - >> The Mughrabi Bridge
 - >> The Expansion of the Western Wall Plaza
 - >> The Little Western Wall
 - >> Other Projects in the Western Wall Plaza
- >> Excavations in Silwan
 - >> The Givati Parking Lot
 - >> Jeremiah's Well
 - >> The Spring House
- >> The Tel Aviv University Excavations in Silwan
- >> Summary

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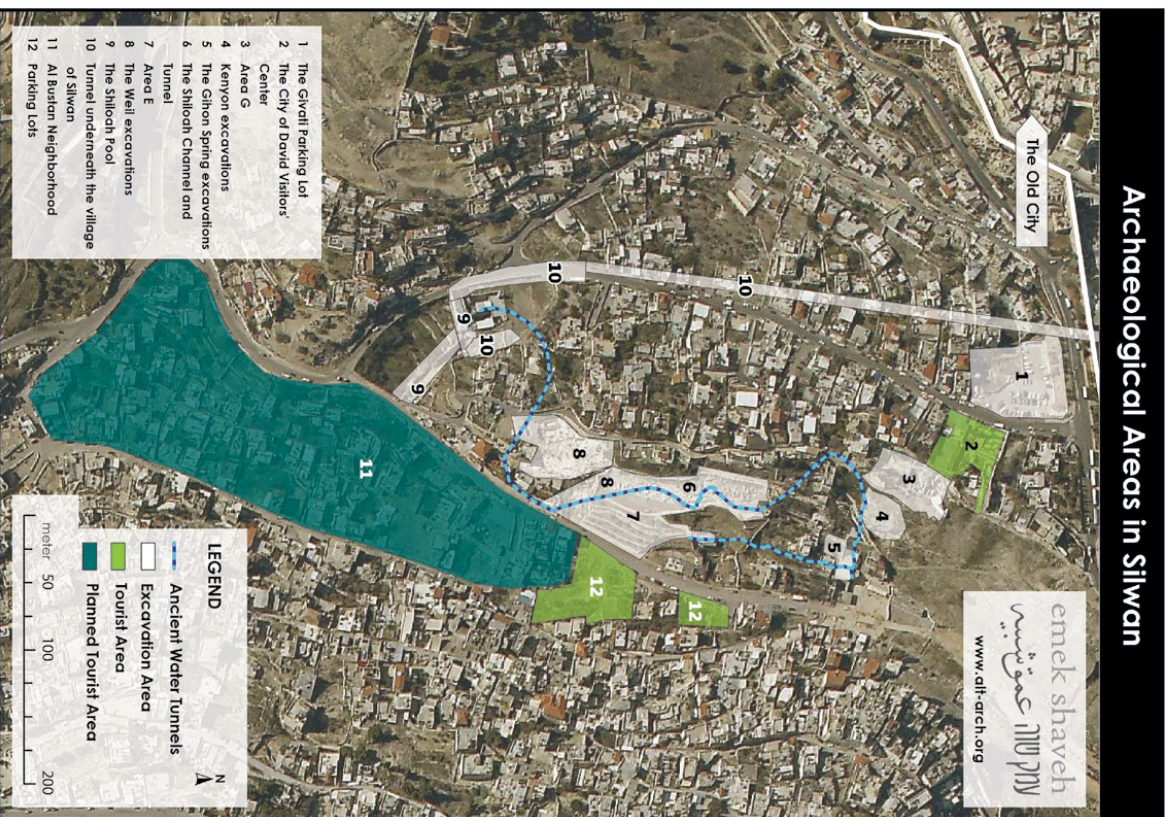
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Emek Shaveh is an organization of archaeologists and heritage professionals focusing on the role of tangible cultural heritage in Israeli society and in the Israeli-Palestinian conflict. We view archaeology as a resource for strengthening understanding between different peoples and cultures.

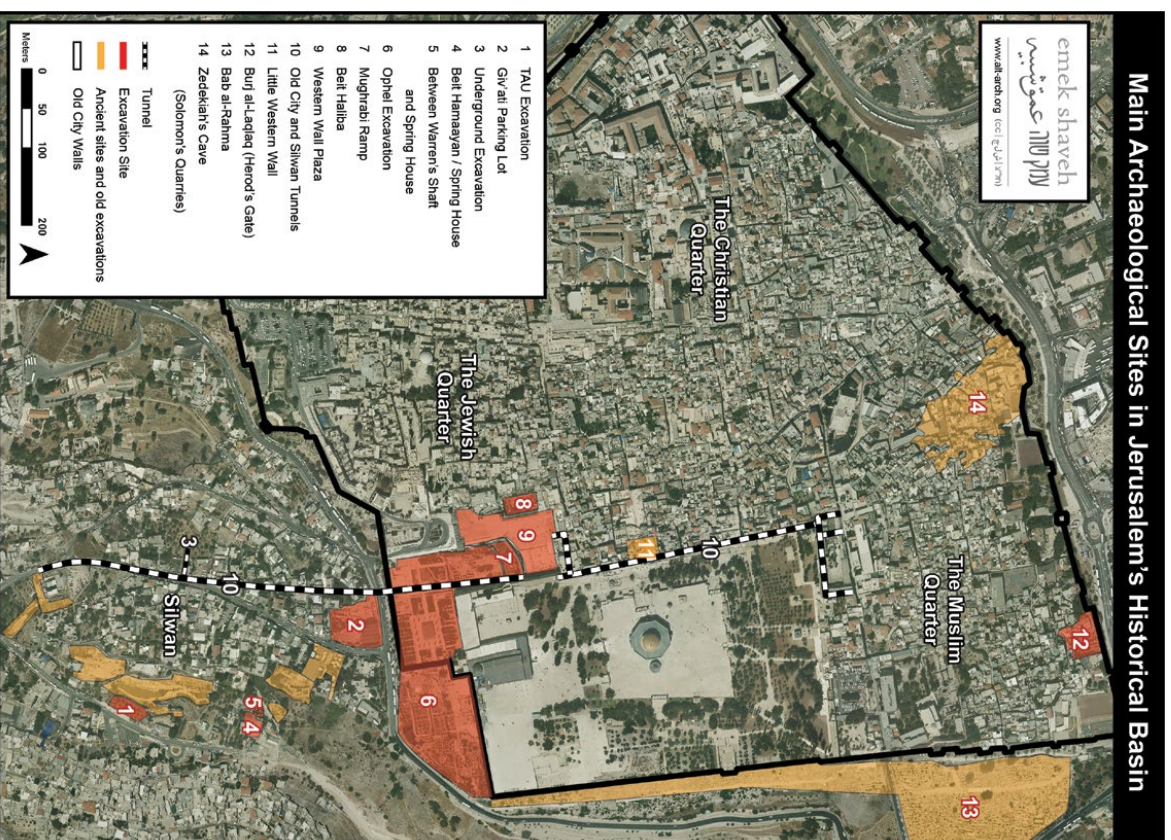
September 2015

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Archaeological Areas in Silwan



Main Archaeological Sites in Jerusalem's Historical Basin

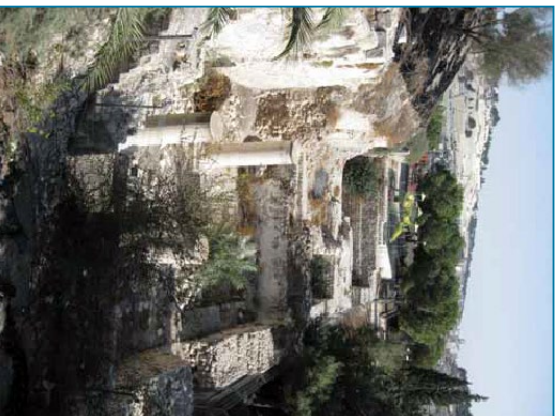


Preface

Jerusalem's Old City and the Historic Basin (also called the Holy Basin) contain some of the most important sites to Judaism, Christianity, and Islam. On account of its religious and historical significance, the city has attracted the attention of many scholars: already in the 19th century various scholars were conducting scientific excavations in the Old City. The scope of archaeological work increased significantly after 1967, when large-scale excavations were begun in the Jewish Quarter and south of the Western Wall. In the last twenty years most of the excavations in the Historic Basin have been conducted by the Israel Antiquities Authority (henceforth: IAA).

Archaeological activities are often an inseparable part of the political struggle over Jerusalem. The administration and control of different excavation sites, the presentation of the finds, and the historical narrative told to the visitor are all central parts of the struggle over the Old City, which in essence is a large archaeological site.

This report presents a survey of the most important archaeological sites that have been excavated or expanded in recent years. We will show how the excavators' conduct at these sites, located in the central and most politically sensitive areas of Jerusalem's Historic Basin, served to advance the political goal of Judaizing Jerusalem, at a significant cost to the Palestinian population that shares the city's space.



Remnants from the Crusader period above the Nea Church in 'Gan Hatekuma'

Excavations in the Old City

The Old City Walls

In 2004 a number of stones fell from the walls of the Old City into the courtyard of the College des Freres school in the Christian Quarter. This incident led the authorities responsible for the Old City and its antiquities to preserve and reinforce the walls. In 2007, after several years of surveying and planning, the IAA began preservation work on several sections of the walls.¹ The preservation was undertaken under the authority and with the funding of the Prime Minister's office, and administered by the Jerusalem Development Authority. The preservation work continued until 2011 and cost some 20 million NIS.²

The current Old City walls were built in the 16th century, at the beginning of Ottoman rule in the Holy Land. Certain sections of the wall were built on the route of earlier walls from the Crusader period, the Arab period, and the Byzantine-Roman period.³

The Nea Church

During excavations in the Old City in the 1970s, the remains of the Nea Church, dated to the 6th century, were discovered. The church is known in the professional literature as one of the largest and most impressive churches in Jerusalem; its splendor is said to have rivaled even that of the Holy Sepulchre. The remains discovered include a part of the eastern apse, a system of underground vaults, and the south-eastern corner of the church. Above the remains dated to the Byzantine period, the remains of a Crusader church were also discovered. This church is smaller than the Nea Church, but is nevertheless one of the largest from this period discovered in Jerusalem.⁴

Today these churches are located on the grounds of the central public park in the Jewish Quarter, called Gan HaTekumah. However, the structures are fenced off and closed to the public. The site is neglected and littered with trash and broken stones; the architectural details themselves seem to be part of the rubbish. According to the plans of the Company for the Reconstruction and Development of the Jewish Quarter of the Old City of Jerusalem, which holds most of the land in the Jewish Quarter and is responsible for its churches, the area next to the Nea Church is set aside for a future underground parking lot that will serve the quarter's Jewish Israeli residents.⁵

- 1) T. Shachner-Rochman, "The Walls Are Not Getting Lost," *Haaretz Online*, June 6, 2008
- 2) Oral interview given by a representative of the Jerusalem Development Authority on the Old City basin in a meeting with the Jerusalem municipality's chief engineer Shlomo Eshkol on 22 September 2011.
- 3) D. Bahat, *The Carta Atlas of Jerusalem*, Jerusalem: Carta, 1989 (in Hebrew).
- 4) N. Avigad, *The Upper City of Jerusalem: the Case of the Archaeological Excavations in the Jewish Quarter of the Old City of Jerusalem*, Jerusalem: Shikmona and the Israel Exploration Society, 1980, pp. 230-250 (in Hebrew).
- 5) N. Gur, "Parking in the Jewish Quarter? For the Licensed Only," *Behadrey Haredim*, 15 January 2009; "Building an Underground Parking Lot," *The Development Company for the Jewish Quarter of the Old City of Jerusalem, Ltd.*, n.d.

Herod's Gate/Buri al-Lalalak

This area is located in the Muslim Quarter near Herod's Gate and east of Damascus Gate. A buffer between the Old City walls and the houses of the Saadiyah neighborhood, this is one of the few open spaces in the Muslim Quarter. In 1998 the IAA began a rescue excavation in the area as part of a project to prepare the ground for building a residential complex for settlers. Even though the area was intended for housing and not for tourism, the rescue excavations were funded by the Ministry of Tourism. The excavations continued until 2008, and during that time the remains of structures dating from the 1st century CE to the Ottoman period were discovered.⁶ After the excavations, no effort was taken to protect the antiquities that had been unearthed. Access to the area is blocked by a locked fence.

After the first plan to build a Jewish neighborhood on the site was rejected by the regional planning and building committee, a new building plan was submitted in 2013, but at this point it is unclear if and when the committee will take up the proposal. It seems that if the committee approves the plan to build at the site, the first stage of construction will be a continuation of the archaeological excavations.

Ha-Gai/Al-Wad Street

Ha-Gai/Al-Wad Street is one of two main streets that cross the Old City. The street begins at Damascus Gate and ends at the Western Wall Plaza. Walking along its length one encounters the holiest sites of the three monotheistic religions. The street crosses the Via Dolorosa, holy to Christians and identified as the path that Jesus walked before his crucifixion; further along are located the entrances for Muslims to the Haram al-Sharif; and at its end stands the entrance to the Western Wall Plaza. On the basis of excavations conducted over the course of the 20th century along this street, scholars have hypothesized that it was built by the Romans in the 2nd century CE; at that time Jerusalem, known then as Aelia Capitolina, was part of the Roman Empire.⁷

For example, a secondary entrance to the Roman gate was discovered under today's Damascus Gate.⁸ The remains of flooring from the time were found at the intersection of al-Wad with the Via Dolorosa and in the western portion of the Western Wall Plaza, where the construction of Beit ha-Liba is planned. In the southern part of the street, near the Tanner's Gate in the Old City wall, a pedestrian gate was unearthed, located a few dozen meters to the west of the Dung Gate.⁹ In October of 2012 the Jerusalem Municipality began infrastructure work on the street, including upgrading the sewage pipe running underneath it.

6) G. Avni, Y. Baruch, and Sh. Wechsler-Bdolah, "Jerusalem, Herod's Gate, the Old City," *Hadashot Arkheologiyot* 113, 2001, p. 116 (in Hebrew); Y. Baruch and B. Zissu, "Jerusalem, The Old City, Herod's Gate," *Hadashot Arkheologiyot Online* 118, 2006 (in Hebrew).

7) N. Shur, *The History of Jerusalem, Jerusalem: Dvir, 1987* (in Hebrew).

8) M. Magen, "Damascus Gate," *Ariel: A Magazine of Israel* 46, 1986, pp. 86-94 (in Hebrew).

9) Y. Mizrahi, "Beit ha-Liba and the Givat Parking Lot: Archaeological Excavations and their Influence on the Status Quo in the Old City," *Emek Shaveh*, 2012.

Over the past forty years many excavations have been conducted under the houses of the Old City and its streets. Such excavations are also taking place today in the area between the Western Wall and Ha-Gai/Al-Wad Street, in the area known as the Ohel Yitzhak synagogue complex. Excavations, reaching deep underground, are also underway in different areas close to the Western Wall tunnels. It is known that settler organizations and some government authorities have intended for some time to create underground connections between the various Jewish settlements in the Muslim Quarter and the ancient sites there (e.g. Zedekiah's Cave). Though we do not possess documentation of these intentions, the information is based on interviews with involved parties.

The renovation of the sewage line represents an opportunity to excavate along the entire length of the street and to study its history. As mentioned, the Ohel Yitzhak synagogue is located at the southern end of Ha-Gai/Al-Wad Street. An excavation of underground spaces beneath the synagogue has been ongoing since 2005; these spaces connect on one side to the Western Wall tunnels, and can be joined on the other with spaces that will likely be discovered beneath Ha-Gai/Al-Wad Street. On the basis of precedents in the Old City, and considering the great interest that the four underground passages have raised in certain quarters, we foresee that if subterranean spaces that can be enlarged are discovered, it is possible that the IAA will decide to expand the scope of the excavation using government funds.¹⁰

Several buildings located on Ha-Gai/Al-Wad Street are controlled by the settler organization Ateret Kohanim, which is devoted to Judaizing the Muslim and Christian Quarters of the Old City. One of these buildings is former Prime Minister Ariel Sharon's house, which was purchased in the 1990s and sits a short distance to the north of the intersection of Via Dolorosa and Ha-Gai/Al-Wad. One of the first buildings purchased by settlers in the Muslim Quarter, also located on Ha-Gai/Al-Wad Street, is the Ateret Yerushalayim yeshiva. The yeshiva serves as a center for study and spiritual growth for the hundreds of students who pass through its doors every year.

Other houses belonging to settlers are located further along the street, as is the alley that leads to the Little Western Wall, located next to the Haram al-Sharif, which serves as a prayer space for Ultra-Orthodox Jews and settlers. Prayer services in the Ohel Yitzhak synagogue were renewed in 2007 after a renovation.¹¹

10) E.g., N. Hasson, "Jerusalem's Time Tunnels," *Haaretz Online*, April 24, 2011.

11) *Ibid*.

Damascus Gate

This gate serves as the main entrance through which thousands of Palestinians enter the Old City every day. The remains of a gate from the late Roman period (2nd century CE) were discovered under the current structure.¹² The Israeli authorities (the East Jerusalem Development Company, the IAA, the Ministry of Tourism, and the Jerusalem Municipality) are advancing a preservation plan that will turn the area into a tourism site.¹³

Jaffa Gate

In 2009 the Jerusalem Development Authority began an initiative at Jaffa Gate to blur the sense of separation between West Jerusalem and the Old City through the creation of a single, continuous space. As part of this plan, in 2010 archaeological excavations were conducted in which archaeologists discovered a portion of a Roman wall and a sewage system stretching from Jaffa Gate to Hezekiah's Pool in the Christian Quarter.¹⁴

Similarly, in 2015 cleaning work was done on a complex of sites located to the north of the plaza outside Jaffa Gate. In a number of excavations undertaken in this area researchers discovered an aqueduct from the late Roman period, a public bath from the Byzantine period, and an Ayyubid wall.¹⁵



Damascus Gate

12) M. Magen, "Damascus Gate," *Ariel* 46, 2012, pp. 86-94 (in Hebrew).

13) Information concerning the plan to renovate Damascus Gate can be found on the website of East Jerusalem Development, Ltd.

14) O. Shion, Sh. Foni, "Jerusalem, Damascus Gate," *Hadashot Arkheologiyot Online* 123, 2011 (in Hebrew).

15) A. Mareis, "The Excavations at Mamillah, Jerusalem, Phase I (1989)," in H. Geva, ed., *Ancient Jerusalem Revealed*, Jerusalem: Israel Exploration Society, 2000, pp. 299-310; R. Reich and E. Shukron, "Excavations in the Mamillah Area, Jerusalem: The Medieval Fortifications," *Ariqot* 54, 2006, pp. 125-152.

Hezekiah's Pool

This is a water cistern in the Christian Quarter, built in the shape of an asymmetrical rectangle. From the north the cistern borders on the Coptic caravansary, and on its other sides it is surrounded by houses and shops. Despite the fact that the cistern has never been excavate or studied, it is dated to the late Roman period (2nd century CE) on the basis of excavations conducted in the water channel that leads to the cistern.¹⁶

Photographs from the beginning of the 20th century testify to the fact that the pool was then full. However, today the cistern is closed to visitors. In recent years there have been a number of cleaning initiatives in the pool to address its poor sanitation. For instance, an internet group formed to advocate for the cleaning of the pool because of its importance to the Jewish people.¹⁷ The group identifies this site with the time of King Hezekiah (the 8th century BCE), despite the fact that, as mentioned, excavations conducted in the pool's surroundings indicate that it was built in the late Roman or Byzantine periods (the 3rd to 7th centuries CE).

As if in coordination with this initiative, the Jerusalem Municipality began to clean the pool despite the claim by the Copts, the Greek Orthodox, and the Muslim Waqf that the pool belongs to them. The cleaning began in June of 2011 and continued for several months, entailing intensive and continuous labor. The cleaning project was carried out in a one-sided manner, and the parties involved did not succeed in coordinating despite their shared interest.



Hezekiah's Pool

16) N. Hasson, "Under Your Walls I Have Set Diggers: Historical Jerusalem Underneath the Manhole Cover," *Haaretz Online* July 23, 2010 (in Hebrew).

17) The Pool of Hezekiah Conservation Project.

Ophel Excavations- the Davidson Center

Located to the south of the Temple Mount/Haram al-Sharif, this area abuts the Old City walls and the village of Silwan. This is the largest area of continuous excavation in the Old City. The excavations conducted here over the years have revealed the existence of a multi-layered site in continual use from the early Roman period (the Second Temple period) until today. Graves from the Abbasid period (8th to 9th century CE) were found at the site, as were the remains of large structures identified as palaces or administrative buildings from the Umayyad period (7th to 8th centuries), and residential structures and a monastery from the Byzantine period (4th to 7th centuries). Likewise remains were found that were identified as military structures that apparently served the Roman army after the city was conquered (2nd century BCE to 1st century CE). A small number of additional remains were found that were dated to the period of the Judean Kingdom in the Iron Age (7th to 8th centuries BCE).¹⁸

At the end of the 1990s the area was declared a national park. A few years later, at the beginning of the 2000s, the Davidson Center, which serves as an antiquities museum for the area of the Ophel, was built on the site. The center, administered at first by the East Jerusalem Development Company, was later transferred to the Company for the Reconstruction and Development of the Jewish Quarter of the Old City of Jerusalem.¹⁹ The museum has decided to preserve and restore the Umayyad palaces, identified with the beginning of Islam, as well as the structures from the beginning of Christian rule in the Holy Land, dated to the Byzantine period, and the Herodian street identified with the time of the Second Temple. Apparently, this decision supports the museum directors' wish to create a tableau for the viewer that shows how different cultures were influenced by those that preceded them, creating thereby a feeling of continuity. However, as can be seen by perusing the website of the Ministry of Tourism, which highlights the central findings of the Davidson Center, the remains identified with the history of the Jewish people receive the most emphasis on the site, while the remains from other periods are not highlighted.²⁰

In recent years excavations led by Eilat Mazar have been conducted under the auspices of the Hebrew University.²¹ The excavations, which are taking place directly below Al-Aqsa Mosque, are significantly raising tensions between the Palestinian and Muslim side, worried about the damage to archaeological remains identified as part of the Muslim heritage of the Old City, and the Israeli archaeologists who are digging with the goal of finding remains identified with the

history of the Jewish people.²² Moreover, the fact that the archaeological excavations are being conducted in horizontal tunnels, a method that is not accepted in archaeological research today, complicates the process of dating the remains that have been uncovered and even understanding their purpose.

In addition, it is important to mention the project to expand the Western Wall Plaza that was born in the wake of the struggle of Women of the Wall and is meant to allow a space for mixed gender prayer.²³ This project is taking place to the south of the Mughrabi gate, in the area of the Davidson Center excavations. A temporary prayer space has been constructed here above the archaeological excavations and on a lower level than the Western Wall Plaza today.



Exit from the tunnel under the Archaeological Park (Davidson Center)

18) E. Mazar, *Excavations in the South of the Temple Mount: The Ophel of Biblical Jerusalem*, Jerusalem: The Hebrew University, Institute of Archaeology, 1989.
 19) "Notice of the Transfer of Administration from East Jerusalem Development, Ltd. To the Company for the Reconstruction and Development of the Jewish Quarter of the Old City of Jerusalem," the East Jerusalem Development, Ltd. website, n.d. (in Hebrew).
 20) The Ministry of Tourism, "The Jerusalem Archaeological Park: the Davidson Center," the Ministry of Tourism website, 2011 (in Hebrew).
 21) N. D., "Archaeologists Excavate Jerusalem Cave and Tunnel Network," *Popular Archaeology*, 2013.

22) An example of this tendency can be found here: "A Reservoir from the First Temple Period Newly Discovered Near the Western Wall (September 2012)," the IAA website, 2012.
 23) J. Lis, "Female Knesset Members Participated in a Women of the Wall Prayer Service: No Arrests for the First Time in Months," *Haaretz Online*, March 12, 2013.

We can note two central excavations in the area of the Davidson Center in recent years:

1. The Mikvah (Ritual Bath) Trail

In recent years preservation work has been underway on a number of pools that were found in the eastern portion of the Ophel excavations, outside the walls of the Old City. The pools, dated to the Second Temple period, are presented as ritual baths (mikvaot, singular mikvah) that were used in Jewish religious practice during the time of the Second Temple.²⁴ The ritual baths are scattered among remains from other periods, and in some cases were used in different periods for various purposes (mostly as cisterns and storage spaces). The Mikvah Trail begins underneath the southern wall of the Temple Mount/Haram al-Sharif and Al-Aqsa mosque.

A system of gates, known as the Hulda gates, was also discovered here, as well as steps that lead to them. The gates and the steps are dated to the time of the Second Temple, and identified with the pilgrimage path taken by worshippers in the period. The path ends at the nearby exit in the Old City walls, opposite the northern entrance to the village of Silwan and a few meters away from the excavations in the Givati parking lot and the City of David archaeological park. The Israeli authorities are planning to create an underground or elevated link between this path and the Silwan excavations. The focus on preserving objects connected to Jewish ritual from the Temple creates a clear connection between Jewish worship of the time and observance today, as similar purity rituals are also practiced by contemporary religious Jews.

2. The Ophel Wall

In June of 2011 the "Ophel Walls" site opened to the general public. This is a small portion of the area of excavation of the Ophel, situated to the east of the Mikvah Trail. Several remains dated to the 7th and 8th centuries BCE, the period of the Judean Kingdom, were discovered here. They include a retaining wall and portions of internal walls identified as parts of a tower or a residential building. In later periods building on these walls continued. On account of this continued use and the damage done by the passage of time, there is no scholarly consensus concerning the identity of the remains and their meaning.²⁵

Though this section has yielded few findings, it has nevertheless become a central part of the tourist route at the Davidson Center. The goal of this route is to connect the ongoing excavations in the City of David to the excavations at the Ophel, thereby emphasizing a single historical layer, in which little has been discovered, as more important than other layers.²⁶ In this way the tourist route serves as a means of harnessing the archaeological findings to strengthen particular political ends.

24) The preservation project of the Mikvah Trail to the south of the Temple Mount was undertaken from 2010 to 2012 at the initiative of East Jerusalem Development, Ltd.

25) Nir Hasson, "A Jerusalem Archaeological Site at the Center of a Dispute over the Existence of Solomon's Kingdom," *Haaretz Online*, June 24, 2011 (in Hebrew).

26) A. Mashiah, "Preserving the Ophel Walls," *Davar Acher: The Bullhorn of the IAA* 19, 2013, pp. 26-27 (in Hebrew).



The Ophel excavations next to the Temple Mount/Haram al-Sharif

The Bab al-Rahma Cemetery

The Muslim Bab al-Rahma cemetery is located next to the eastern wall of the Old City. It appears that the Golden Gate/Bab al-Rahma was sealed in the 8th century CE, and that its existence long preceded the building of the Ottoman wall in the 16th century. There have been no archaeological excavations so far that could date the earliest graves, but according to Muslim tradition, the cemetery, which is still in use to this day, was founded a short time after the Golden Gate was sealed.

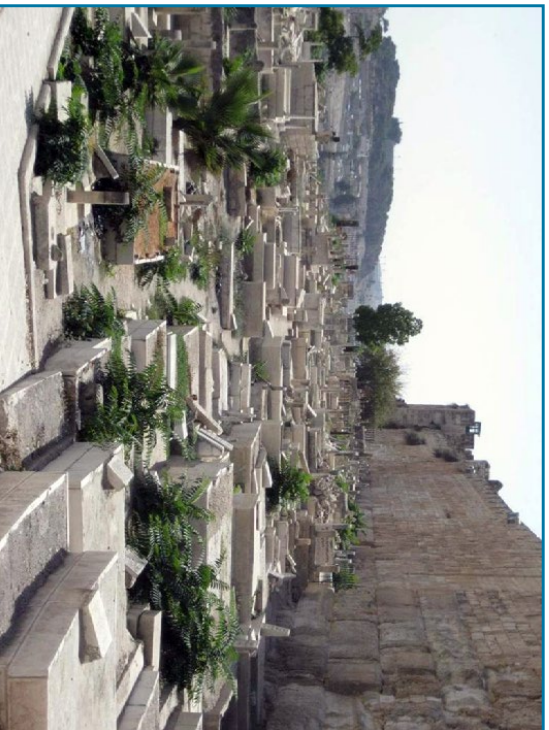
Today the cemetery covers the entire length of the eastern wall of the Old City. In recent years, several Israeli groups have been trying to prevent burial in the southern part of the cemetery, which serves the residents of the village of Silwan. In 2005, the Public Committee against the Destruction of Antiquities on the Temple Mount, a consortium of archaeologists, intellectuals and lawyers, petitioned the High Court of Justice to order the government to enforce the ban on burial in the southern portion of the cemetery. Another petition on this issue was lodged in 2004.²⁷ According to the Public Committee, the location had been declared an archaeological site

27) High Court of Justice 2800/05 and 7192/04 (in Hebrew).

that is part of the Jerusalem Walls national park.²⁸ They claim, therefore, that burial there should be considered as posing harm to the antiquities. In the wake of their petition the government agreed, even before the High Court's deliberations, to prevent burial there.

In 2009 the High Court of Justice denied the petition, but ruled that the authorities are obligated to uphold the law and to protect the site from harm, including preventing further burial.²⁹ Today residents who wish to bury their dead in the southern part of the cemetery must obtain prior permission from the High Court; in most cases the families do not turn to the court after the death of their loved ones. In a few instances attempts to conduct burials on the site have resulted in the arrest of family members or the transfer of the deceased to other families' burial plots.

In August of 2012, which coincided with the end of the month of Ramadan, the Israeli authorities expanded northward the area in which burial is prohibited. The Israeli authorities' prevention of Muslim burial on the southern side of the Temple Mount/Haram al-Sharif dovetails with the Israeli ambition to remove, or at least to limit, the Muslim presence at the site, and to reduce the Muslim connection to this area.



The Bab al-Rahma Cemetery

28) N. Shragai, "The Battle over the Ophel Path," *Haaretz*, May 16, 2006; N. Shragai, "The State Struggles Against Illegal Muslim Burial Below the Temple Mount," *Haaretz*, June 21, 2009 (in Hebrew).

29) High Court of Justice 7800/05 and 7192/04, ruling of July 19, 2009 (in Hebrew).

Beit ha-Liba³⁰

Beit ha-Liba is the name of an initiative to establish an office and conference space for the Western Wall Heritage Foundation, a government organization under the authority of the Prime Minister's office. The organization is tasked with coordinating the prayer in the Western Wall Plaza and with responsibility over tourism in the Western Wall tunnels. Beit ha-Liba is located opposite the Temple Mount/Haram al-Sharif. Like the construction plan in the Givati parking lot (see further below), the plan for Beit ha-Liba includes an archaeological display on the ground floor of the building, and three floors above; all together, a total space of some 3,700 square meters will be built.³¹

Excavations conducted almost continuously between 2005 to 2009 by the IAA revealed finds from different periods, including the remains of the Mughrabi quarter that Israel destroyed in 1967, and remains from the Mamluk (13th to 16th centuries), Byzantine (4th to 7th centuries), and Roman periods (2nd to 4th centuries), as well as a structure from the 7th century BCE. The most important find in the area of excavation is a Roman road from the time of Aelia Capitolina, dated to the 2nd century CE. The route of the road crosses the Old City from north to south, and is identical with the route of Ha-Gai/Al-Wad Street.³²

The construction of this building has garnered considerable opposition from various Muslim groups who argue that it violates the status quo in the holy places. Moreover, they demand that, in accordance with the decisions of the High Court of Justice concerning construction near the Mughrabi Gate and with the peace treaty with Jordan, any construction in this area has to be coordinated and undertaken in cooperation with Jordan and the Muslim Waqf. In the past, Ultra-Orthodox rabbis also expressed opposition to the plan.³³ The rabbi of the Western Wall even stated that he will not act in opposition to rabbinic opinion, though it seems that other rabbis of equal stature also support the plan.

In addition to these objections, a group of archaeologists from various universities has also opposed the Beit ha-Liba project on scientific grounds. According to these scholars, the construction of Beit ha-Liba could damage archaeological remains at the site. The IAA challenged this position, and at the end of the day its plan was accepted and the construction was approved.³⁴

However, responding to a petition submitted to the National Planning and Building Committee

30) A new report from Emek Shaveh is expected to be published during November 2015.

31) Y. Mizraichi, "Beit ha-Liba and the Givati Parking Lot: Archaeological Excavations and their Influence on the Status Quo in the Old City," Emek Shaveh, 2012.

32) Sh. Weksler-Bdolah, A. Omn, "Jerusalem, the Western Wall Plaza Excavations, 2005-2009," *Hadashot Arkheologiyot* 121, 2009 (in Hebrew); Sh. Weksler-Bdolah, Sh. Kiselevich, and A. Omn, "Jerusalem, the Western Wall Plaza," *Hadashot Arkheologiyot Online* 127, 2015 (in Hebrew).

33) A. Cohn, "Uproar: The Sages of Israel in a Sharply-Worded Letter Against the New Western Wall Project," *Behadrey Haredim*, April 2, 2012 (in Hebrew).

34) N. Hasson and Y. Erttinger, "The Disagreement Behind the Israeli Consensus," *Haaretz*, March 12, 2013 (in Hebrew).

against the approval of the structure, the latter decided to reject the current plan for Beit ha-Liba, and requested that the planners reduce the scope of the construction. Accordingly, the Committee remanded the debate over the plans to the Regional Planning and Building Committee.³⁵

We argue that the construction of Beit ha-Liba will cause considerable damage to the Old City and will harm its residents. First of all, the construction will change the skyline of the Old City. Secondly, the emphasis placed on Jewish archaeological finds that were discovered at the excavation site,³⁶ and the lack of attention to finds from other periods, reinforces the concern that the construction of Beit ha-Liba will encourage the further use of archaeology as a political tool. Archaeology used in this way creates, as it were, a timeless connection between the Jewish people and Jerusalem, and ignores other cultures' connections to the city.



'Beit Haliba' and the Western Wall Plaza

35) Y. Shuv, "Victory for the Worshipers: The Western Wall Plaza will not be Made Smaller," *Behadrey Haradin*, June 12, 2014 (in Hebrew).

36) "An Ancient Hebrew Seal of Netanyahu ben Yoash," the IAA website, n.d. (in Hebrew).



The Mughrabi Bridge

The Mughrabi Bridge³⁷

The Mughrabi bridge leads to the Mughrabi Gate, the only entrance to the Temple Mount/Haram al-Sharif open to non-Muslims. The bridge was built along the route of an ancient rampart, and it stretches from the Western Wall Plaza to the area where the Davidson Center excavations are underway. The Israeli authorities have been trying for years to advance a plan to build a new bridge. However, every attempt to renovate the bridge has been stymied by international pressure, and has raised the concerns of the Muslim Waqf, which claims that the renovation will upset the status quo on the Haram al-Sharif.³⁸

In June of 2012 the IAA began rescue excavations underneath the Mughrabi Gate that were intended to prepare the area for the construction of a new bridge. Over the course of the excavations, they discovered remains dated from the early Islamic period (the 7th to the 10th

37) For more information on the Mughrabi bridge and the political ramifications involved in its renovation see Elnak Shaveh's report *Why is the Mughrabi Bridge a Political Issue?*, 2014.

38) Y. Reiter, *The Holy Sites in Jerusalem's Old City: Administration Options in the Framework of a Political Agreement*, Jerusalem, 2008, pp. 9-12 (in Hebrew).

century). These layers were removed for the purpose of preparing the area for construction. Among other activities, parts of a public structure dated to the Umayyad period (7th century CE) were dismantled.³⁹

At the time of this writing, the new bridge has not yet been built, and there is ongoing maintenance work that is intended, in our opinion, to further the construction of a new Mughrabi bridge when the plan is approved. For example, in 2013 a concrete wall was built, apparently intended to support the bridge after the destruction of the remains of the Mughrabi quarter on which it rested. Similarly, deep wells were drilled that were intended, apparently, for placing new supporting columns.

In August 2014 a new wooden bridge was built with funding from the Western Wall Heritage Foundation. In comparison with the route of the earlier bridge, this bridge follows the route of the ancient rampart more closely and is shorter for that reason. According to sources who were involved in the approval of this plan, the construction of this bridge is intended to facilitate the renovation of the original structure. We would argue, however, that the goal of this construction is to create facts on the ground that will lead to the expansion of the prayer space of the Western Wall while, at the same time, bypassing the need for approval for the construction of a new bridge.⁴⁰

After the wooden bridge was completed, there was strong international pressure to dismantle it. It was claimed that the bridge's construction, undertaken without the approval of the Jordanian government or the Islamic Waqf, upsets the status quo on the Temple Mount/Haram al-Sharif. As a result, less than two weeks after it was completed, the government ordered it to be dismantled.⁴¹ We argue that this incident is indicative of the way that archaeological excavations in the Old City serve as means to advance plans with political ramifications that can inflame the entire region.

The Expansion of the Western Wall Plaza

In 2012 Jerusalem's local planning committee approved a proposal to enlarge the space of the Western Wall Plaza by 600 square meters.⁴² According to that plan most of the expansion of the plaza was set to occur through an underground archaeological excavation that would allow the construction of two prayer spaces: one above ground and the second underneath. It was intended that the project would be funded by the Western Wall Heritage Foundation, but thus far work has

not yet begun. If it does take place, the project will enable visitors coming from the Dung Gate to reach the Western Wall Plaza or the Western Wall tunnels directly.⁴³



The Little Western Wall

The Little Western Wall

The Little Western Wall is a portion of the wall located in the Muslim Quarter in a narrow alley at the end of a street that leads to the Haram al-Sharif. This wall is a part of the western retaining wall of the Temple Mount; portions of it have been dated to the Second Temple period. The Little Western Wall has been identified as the closest point to the Holy of Holies of the Temple where Jews are allowed to pray, and since 2006 it has been recognized as a place of Jewish prayer by the State of Israel.⁴⁴

The Little Western Wall is located next to a Muslim residential neighborhood, causing considerable friction between the populations, and various authorities have had to intervene. For example in August of 2013 a hearing was held by the Knesset's Internal Affairs Committee that dealt with the location of trash bins serving the Palestinian residents, and the claim by Jewish worshippers that the bins detracted from the holiness of the site.⁴⁵

In 2014, in her role as head of the Internal Affairs Committee, MK Miri Regev visited the Little

43) A new report from Emek Shaveh is expected to be published during November 2015.

44) Y. Mizrahi, From Silwan to the Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City – Developments in 2012, Emek Shaveh, 2013.

45) Notices of the Internal Affairs and Environment Committee, MK Miri Regev, Chair of the Internal Affairs Committee, in a debate over the status of the Little Western Wall: "Why don't we consider the Little Western Wall as part of the Western Wall? It's inconceivable that trash not be removed from the site," The Knesset, E 19, August 31, 2013 (in Hebrew).

39) For more information see Y. Mizrahi, From Silwan to the Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City – Developments in 2012, Emek Shaveh, 2013.

40) N. Hasson, "Wooden Bridge Built on the Temple Mount to Replace the Mughrabi Bridge," *Haaretz Online*, August 14, 2014 (in Hebrew).

41) B. Raviv and N. Hasson, "PM orders removal of wooden ramp at Temple Mount, following pressure from Jordan," *Haaretz Online*, September 3, 2014.

42) Y. Eli, "For the First Time Since '77: Jerusalem's Old City to be Renovated," *NRG*, December 5, 2012 (in Hebrew).

Western Wall. During her visit Regev argued that it is important to enable all the religions to conduct their prayer services in their holy places.⁴⁶ This statement underlines how the discourse surrounding the connection between archaeology and holiness allows the authorities to turn a blind eye to the Old City's local Muslim population in the name of promoting the Judaization of the city. Regev's statement raised grave concerns, particularly concerning the government of Israel's policy in relation to archaeological sites, after she assumed responsibility over the IAA as part of her appointment as Culture Minister in May 2015.

Other Projects on the Western Wall Plaza

In addition to the projects mentioned, we can point to at least two other projects that have decisive influence on the character of the Western Wall Plaza. In the northern area of the plaza is a two story structure called Beit Strauss. In September 2013 the IAA began excavations on the site. No information has been published concerning the excavation's findings, or whether the excavation has reached bedrock. Moreover leading archaeologists, including those who are members of the board of the IAA, have expressed concern that the excavation could cause damage to antiquities located there.⁴⁷ Since the area was part of the Mughrahi quarter, it is to be expected that structures will be uncovered from the time that the quarter was founded in the 14th century and from earlier periods as well.

The expansion of the plaza serves as a precedent in so far as it allows the appropriation of areas in which public activities of a civil/secular nature take place--such as the presentation of archaeological findings--for the sake of the enlargement of prayer space on the Western Wall Plaza. This incident is one of several cases in which public space was appropriated for the sake of prayer (e.g. the Little Western Wall). We believe that there is a need to balance between the areas intended for prayer and those designated for presenting the history of the city. This balance is necessary in order to prevent religious considerations from overwhelming historical considerations here.

Excavations in silwan

The Givati Parking Lot

The Givati parking lot is located at the northern end of the village of Silwan, opposite the City of David visitors center and some twenty meters south of the Old City walls. In the past, the area served as one of the only available open recreational spaces for the residents of the neighborhood. However, since 2003 the IAA has been conducting salvage excavations at the site that are funded by the El'ad Foundation. The excavations were first directed by Ronny Reich and Eli Shukron, and since 2007 by Doron Ben-Ami.

These rescue excavations are part of a series of works aimed at preparing the site for the construction of the Kedem visitors center. According to the original plan, the center was intended to encompass over 16,000 square meters, and to serve as the entrance gate to the Jerusalem Walls national park and the tourist sites in the Old City and in Silwan.⁴⁸ However, though this plan was approved by Jerusalem's Regional Planning Committee, it was rejected by the national oversight committee after opposition was expressed by a number of parties, including Emek Shaveh.⁴⁹

The archaeological excavations revealed a multi-layered site. Researchers discovered for the first time the remains of a residential neighborhood (either Karaitic or Jewish) from the Abbasid period (8th to 9th centuries CE); the impressive foundations of Byzantine or Roman structures; a large residential structure from the late Roman period (2nd to 3rd century CE); a two story structure from the early Roman period (1st century BCE to 2nd century CE); evidence of a destroyed layer that may possibly be dated to the destruction of the Second Temple in 70 CE; and a handful of additional ancient remains.⁵⁰

As can be seen from Emek Shaveh's earlier reports on the archaeological excavations and the Kedem Center plan, we believe that this project is one of the most prominent examples of how archaeology is used as a political tool to make possible the appropriation of public space for private purposes, and to exclude the Palestinian population.

Specifically, one can see that the salvage excavation at the Givati parking lot prepared the ground for the plan to build the Kedem Center in three ways. First of all, the depth of the excavation, which reached more than ten meters beneath the ground, created the foundation and base for the planned building. After the plan is approved in the various planning and building committees, it will be possible to begin construction without any further digging. Secondly, the involvement of the IAA in the excavation allowed the public to turn a blind eye to the political use that the El'ad

48) N. Hasson, "Despite Myriad Opposition, Giant Visitor Center Overlooking Silwan Approved," *Haaretz Online* April 3, 2014 (in Hebrew).

49) The Appeals Subcommittee, the National Planning and Construction Committee, appeals 57/14, 6/14, 66/14, 67/14, and 83/14 (Jerusalem, 2015) (in Hebrew).

50) D. Ben-Ami, Y. Ciechanowicz, "Jerusalem, Givati Parking Lot, Preliminary Report," *Hadasot Arkheologiyot* 122, 2010 (in Hebrew).

46) H. Ezra, "Sewage and Trash at the Little Western Wall," *Channel Seven*, May 19, 2014 (in Hebrew).

47) Y. Eli, "Experts: Restroom Expansion Threatens Antiquities on the Western Wall Plaza," *NRG*, May 28, 2013 (in Hebrew).

Foundation and government bodies made of the excavation, and instead to see the work as an archaeological project of purely scientific proportions.⁵¹

Finally, correspondence between the Eliad Foundation and the IAA concerning the stages of the construction of the Kedem Center, which was revealed in the Emeck Shaveh report "A Privatized Heritage: How the Israel Antiquities Authority Relinquished Jerusalem's Past" (2014), is instructive of the ongoing process of the privatization of archaeology in East Jerusalem. This process, contextualized by the handover of archaeological sites from the state to private organizations like Eliad, turns the IAA into a contractor working according to the directives of this organization. This leads to the destruction of archaeological finds which contradict Eliad Foundation's desire to justify the Silwan settlement and the expulsion of its Palestinian residents.

According to the original plan, the Kedem Center would overshadow the village of Silwan and serve to disconnect the village from the Old City via a chain of tourist sites controlled by Eliad.⁵² However, as mentioned, in the appeal against this rapacious plan, the appeals committee rejected it and remanded the deliberations to the Local Planning and Building Committee. In order to be approved, the committee requested extensive changes in the plan, including reducing the complex's overall area; securing free passage for those coming and going from Silwan to the Old City; requiring that at least half of the antiquities area be exposed to the public view.⁵³ The committee also established an important precedent in deciding that, in opposition to what is stated in the Antiquities Law, after the completion of the excavations at the site, the IAA must submit its preservation plan for the approval of the Regional Committee. In this way the Local Planning and Building Committee, for the first time, subordinated the Antiquities Law to the planning and construction law, and opened the preservation phase to the review and criticism of the public at large.⁵⁴

In the wake of this decision we are waiting for the submission of a new building plan for the Kedem Center that meets the requirements of the appeals committee. It is already clear that this decision represents an important turning point in the struggle to turn Jerusalem's archaeological remains into a means for the creation of open dialogue among the groups that share the city.

51) Y. Mizrahi, "Beit ha-Liba and the Givati Parking Lot: Archaeological Excavations and their Influence on the Status Quo in the Old City," Emeck Shaveh, 2012 (in Hebrew).

52) R. Greenberg, "A Privatized Heritage: How the Israel Antiquities Authority Relinquished Jerusalem's Past," Emeck Shaveh, 2014.

53) The Appeals Subcommittee, the National Planning and Construction Committee, appeals 57/14, 6/14, 66/14, 67/14, and 83/14 (Jerusalem, 2015) (in Hebrew).

54) Ibid, pp. 88-89.



The Givati Parking Lot with Silwan in the background

Jeremiah's Cistern

Near the entrance to the visitors center of the City of David national park is a water cistern that served the residents of Silwan before their homes were connected to the city water system. With the establishment of the visitors center there at the beginning of the 2000s, the center operators began referring to the place as "Jeremiah the Prophet's Cistern," and to present it as an example of the cistern in which Jeremiah was thrown as punishment for his prophecy (Jeremiah 38:2-13). However, archaeological excavations have dated the first use of the cistern to the Byzantine period — at least one thousand years after the incident described in the Bible. In 2011 an excavation was conducted at the entrance to the City of David visitors center that was meant to connect Jeremiah's cistern to the Givati parking lot. During the course of the excavation the remains of a large structure from the late Roman period (1st to 4th century CE) were discovered, along with the remains of a wall from the Byzantine period (4th to 7th centuries); a plastered facility dated to the end of the Byzantine period or the beginning of the early Islamic period (7th to 8th centuries); and a paved road from the Abbasid period (8th to 9th centuries).⁵⁵

In May 2012 the State of Israel and the Jerusalem Municipality approved a budget of four million NIS for the production of a sound and light show in the cistern that would tell the story of the

55) G. Uziel, "Jerusalem, City of David," *Hadashot Arkheologiyot* Online 125, 2013 (in Hebrew).

prophet Jeremiah.⁵⁶ Even researchers who had worked with the El'ad Foundation in the past, and who identify with most of the presentation in the City of David visitors center, criticized the work to prepare Jeremiah's cistern and the gap between the archaeological findings and the biblical story as it was to be presented.⁵⁷

The Spring House

This is a very long term excavation, funded by the El'ad Foundation and managed by the IAA, ongoing in the village of Silwan since 1995. The excavation has been conducted at the bottom of the slope of the City of David archaeological park, at the northern edge of the village and along the channel of the Kidron valley.

The excavations at the Spring House are intended to prepare the plot that will serve visitors to the City of David. The plan for the structure was presented during a discussion that took place in June of 2012 in Jerusalem's Regional Planning and Building Committee, which intended to approve an existing structure near the Um al-Daraj/Gihon spring and to enlarge it. The plan includes the approval of the existing structure and the preparation of the plot that will serve visitors to the City of David archaeological park, by connecting Warren's Shaft, the spring, and the first section of a walking path in the channel. The complex includes three buildings that have been built over the spring and beside it: the central building will gain another floor and a balcony overlooking the valley. All together, this will add some 200 square meters. The excavations will also reach deep beneath the ground, with the aim of creating subterranean spaces leading west.⁵⁸ Though Emek Shaveh has lodged its opposition to this plan, at the time of writing there has not yet been a public discussion of the issue.

Despite the fact that the Um al-Daraj/Gihon spring is meant to be open and accessible to all the residents of Silwan, the archaeological excavation serves the goal of El'ad Foundation and the Israeli authorities to turn the spring into part of a tourist route that is closed to the residents. This plan is part of a complex of Israeli tourist sites that have been built along the northern edge of the village of Silwan. These sites create a belt that allows Israeli tourists to cross from the Silwan springs to the Western Wall Plaza without passing through the village of Silwan itself, and prevents Silwan residents from reaching the Old City.

56) N. Hasson, "The State Allocated Millions to Elad's Tourism Initiative in East Jerusalem," *Haaretz Online*, 29 May, 2012 (in Hebrew).

57) M. Rapoport, "Shady Dealings in Silwan," *Ir Anim*, 2009, p. 23; N. Hasson, "A Well of Interests in New Excavations in the City of David," *Haaretz Online*, October 10, 2011 (in Hebrew).

58) Y. Mizrahi, "From Silwan to the Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City – Developments in 2012," Emek Shaveh, 2013.

The Tel Aviv University Excavations in Silwan

This excavation has been ongoing since 2012 in the area known as Area E, located outside the City of David archaeological park but inside the boundaries of the Jerusalem Walls national park. The excavation is taking place in an area full of rubble, and has failed to unearth any important finds or remains. The excavation represents the first cooperation between Tel Aviv University and the El'ad Foundation.

The excavation advances two central goals of El'ad. First, it allows for the expansion of the City of David excavations towards the east, in the direction of the outskirts of Al-Bustan neighborhood. In this way it completes the organization's takeover of the few open areas that are left in the neighborhood. Additionally, the university's excavation burnishes the El'ad Foundation's standing as a legitimate and professional Israeli enterprise without any apparent political leanings.



Work at the archaeological excavation of Tel Aviv University, Silwan



Excavation sites on the eastern slope of 'City of David', Silwan

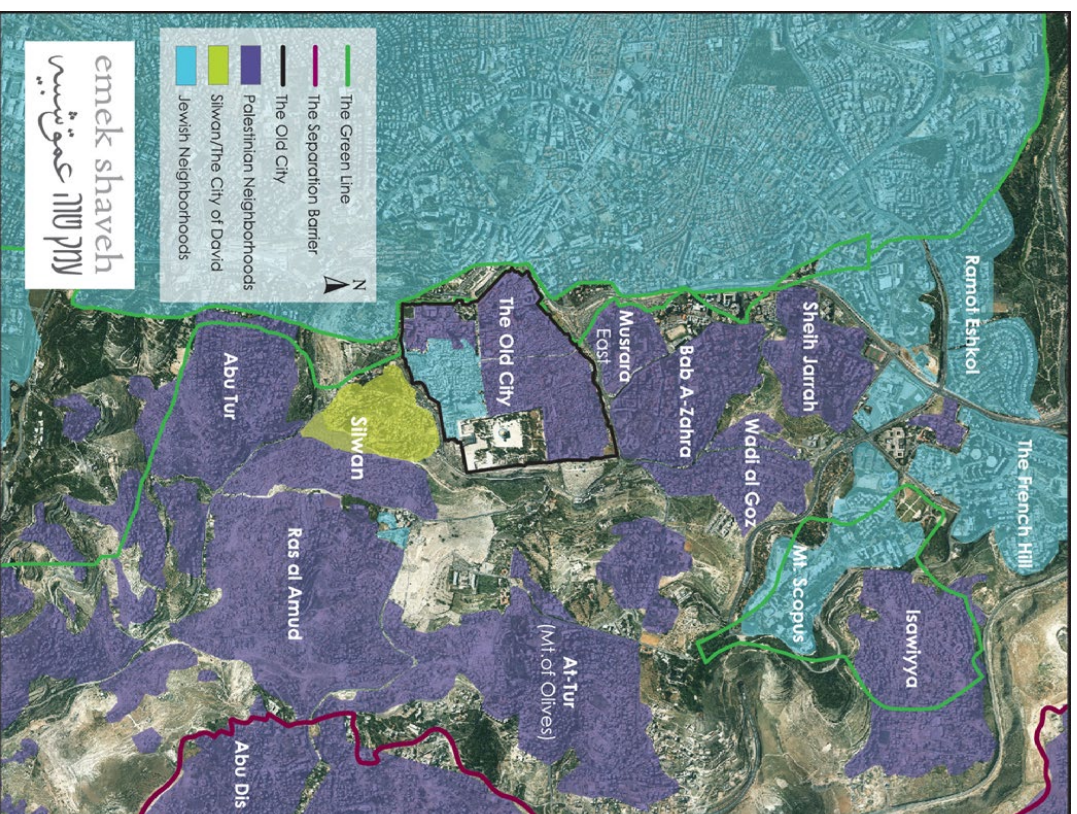
Summary

This report intended to show how archaeology has been used to advance political ends in the Historic Basin of Jerusalem. As this document shows, a visitor in today's Old City should expect a fascinating encounter with artifacts from a wide range of periods and cultures. These remains are not only witnesses to obscure historical periods, and ancient and forgotten cultures. The way in which these periods are presented, the interpretation given to them, and the relative importance they are assigned reflects the use of archaeology to advance religious and political ideologies.

At first glance, an archaeological excavation seems to be an academic matter that deals with questions of stratigraphy, the dating of finds, and even with the scientific standards of the excavation and the professional qualities of the excavators. But as this report shows, in many instances these questions hide an ongoing process of the appropriation of archaeology by specific national groups. In this sense, this report sheds light on the biased process that takes archaeological remains from Jerusalem's Historic Basin away from the general public in the name of furthering the Judaization of East Jerusalem.

In Jerusalem's current political and social climate, the transformation of archaeological sites, including those with significant religious importance, into political tools is disastrous. In this atmosphere, full of suspicion and hostility, every unilateral action in the city, even the relatively minor act of renovating a structure, can become the flashpoint for conflict that will intensify the tension between the sides.

We propose that this use of archaeology is not irrefutable fate. In the complex day-to-day reality of Jerusalem, archaeology can serve as a source of inspiration for constructive dialogue among the diverse communities that share the city. The participation of local and international actors in the consideration of development plans that include archaeological sites can serve to advance inter-religious and multi-ethnic communication. Such activity is essential, not only for the sake of the protection of the antiquities from physical harm, but also in order to preserve the delicate balance that exists in the city today. A complex presentation of the archaeological narrative—as a space of cross-cultural encounter and not only as a point of conflict and contention—can transform archaeology into an important and meaningful asset for both residents and visitors, and can dampen the flames of conflict. We can only hope that in coming years we will see more moderate voices prevail, and that the authorities responsible for protecting archaeological treasures in the State of Israel will be wise enough to preserve this valuable resource, and to use it to advance coexistence and not polarization.

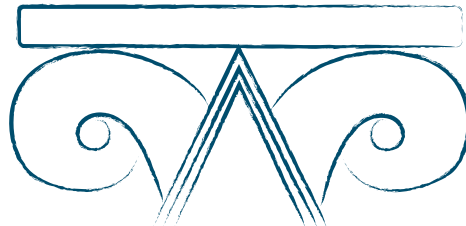


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February 2, 2016

Update

Archaeological and Political Damage Caused by Expansion of the Western Wall Prayer Area into the Archaeological Park

The government of Israel's decision to extend the prayer area at the Western Wall into the archaeological area in order to create a separate Reform and Conservative prayer area will inflict damage on one of the most important archaeological sites in the Old City. The decision violates the religious status quo, strengthens the ultra-Orthodox and their activity at the Western Wall and its tunnels, and supports the settlers in their attempt to gain control of the Davidson Archaeological Park. Underlying the decision, presented as a compromise that will provide a solution for the needs of all parties, are narrow interests of dominant power groups in the present government. At the same time, the public, the antiquities and the multi-cultural heritage of Jerusalem will suffer as a result of this precedent-setting decision.

Emek Shaveh has submitted a request to the Attorney General and other individuals, demanding that the expansion plan be processed through the planning and building committees, and subject to public discussion and opposition.

- 1. The decision creates a precedent whereby an antiquities site becomes a prayer space and a holy site. This is a violation of the 1967 decision designating the area of the Western Wall for prayer, and allocating the area of the Southern Wall for excavation by archaeologists and public presentation of the city's history through the extraordinary archaeological remains discovered there from the Second Temple through the Muslim periods. Turning this place into a holy site is part of the process of converting spaces formerly not reserved for religious purposes – mainly archaeological sites – into holy**

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sites, a trend also witnessed in recent years in the Western Wall Tunnels, at the City of David site in Silwan, and in other locations.

2. The government decision is a violation of the interreligious status quo in Jerusalem. Expansion of the Western Wall Plaza into the archaeological park means the expansion of the Jewish-religious site at the foot of the Temple Mount / Haram al-Sharif at its southern side. International actors are not knowledgeable regarding the polemics dividing the different streams of Judaism, and as far as they are concerned, expansion of the prayer area is a violation of the status quo in effect until now in the Old City. These actors will rightfully claim that just as the Muslims and Christians content themselves with the prayer areas allocated to them, so must the Jews act accordingly despite their internal disagreements.
3. The High Court of Justice is at present discussing the state's petition against the transfer of management of the Davidson Archaeological Park to the non-profit organization Elad. This is the archaeological park on whose premises the government decided to establish the egalitarian prayer plaza. The State Attorney's claim in court was that administration of the Davidson Center should not be transferred to Elad as long as no government decision has been passed regarding the prayer plaza. Until now, the Conservative Movement has also opposed transfer of administration of the archaeological park to Elad until an agreement with the Conservative movement is reached. Now that a decision has been rendered regarding the movement's designated prayer site, we anticipate that the state will allow transfer of the archaeological park's management to the settler organization. For more on this topic, see: "[Far-Reaching Implications of Historical Kotel Decision](#)" (in Hebrew).

Transfer of the Davidson Archaeological Park to Elad will give rise to numerous political changes. Elad will gain headway in its plans to connect Silwan with the Old City in terms of tourism and public consciousness and to Judaize the diverse archaeological findings in Davidson, just as it is doing in the City of David National Park. Settler control of the southwestern corner of the Temple Mount compound is dangerous and in many ways, detailed in Emek Shaveh's publication [Archaeological Activity in the Old City: Political and Religious Consequences](#) (Chapter 2).

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4. In the area slated for construction of the egalitarian prayer plaza, a road was exposed that has been dated to the Early Roman Period – the days of the Second Temple, a Byzantine bathhouse, and buildings of the Roman Legion including a bakery, a bathhouse and more. In addition, ritual baths from the Roman period, and buildings from this period were also discovered. These archaeological findings are very instructive regarding the city's history during the Temple Period and after the Temple's destruction. For example, the bakery that was unearthed supports the conjecture that the Roman Legion was stationed at the base of the Western Wall. The Byzantine bathhouse is evidence of the centrality of the place during this period. The fact that the bathhouse remained in operation during the Early Muslim period is evidence of continuity of settlement and culture, despite the transitions in government and religion. These archaeological remains must be visible to the public eye and remain a central part of how the city's history is presented to the greater public. Damaging or concealing them is detrimental to the city's heritage.
5. Jerusalem is a World Heritage Site. Its history and antiquities do not belong exclusively to the Jews. Israel must also take into account the millions of people around the world who are not Jewish and who take an interest in the remnants of the city's past. Construction of a Jewish prayer plaza atop these archaeological remains reinforces the sense that Israel treats world cultural treasures with disrespect and nationalist aggression. Yesterday's decision lends official support to the long and steady process that wrested the Western Wall Plaza from public hands and handed it over, now outright and for all to see, to the ultra-Orthodox. The Western Wall Heritage Foundation is the organization that determines how the plaza is managed, causing anyone who does not identify with Orthodox Judaism to feel alienated from it.
6. It is important to note that the Western Wall Heritage Foundation, which receives its budget directly from the Prime Minister's Office, is advancing unprecedented construction in the area of the Western Wall Plaza (for example, Beit Strauss and Beit HaLiba) and beneath the Muslim Quarter (the Ohel Yitzhak Synagogue and Western Wall Tunnels). These projects expand the religious presence and the Orthodox narrative at

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antiquities and heritage sites that belong to the entire Israeli public and even to those who cherish Jerusalem from around the world.

In summary, yesterday's government decision appears to be an attempt to divide the western side of the Temple Mount compound among a limited number of groups with political power favored by Netanyahu: the ultra-Orthodox, the settlers, and progressive Jewish organizations in the United States, as usual, at the expense of the broad public interest and against Arab and international public opinion. In the coming days, we will study the government decision and determine how it can be challenged, so that Jerusalem's unique historical character – whose preservation is important for the general good – is not compromised.

HP EXHIBIT 72

The Temple Mount/Haram al-Sharif –
Archaeology in a Political Context



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March 2017

Table of contents

>> Introduction	3
>> Part I The history of the Site: How the Temple Mount became the Haram al-Sharif	4
>> Part II Changes in the Status of the Temple Mount/Haram al-Sharif from the 19 th century to the Present Day	7
>> Part III Changes around the Temple Mount/Haram al-Sharif and the impact on the Status Quo	11
>> Conclusion and Lessons	19
>> Maps	20

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Emek Shaveh is an Israeli NGO working to prevent the politicization of archaeology in the context of the Israeli-Palestinian conflict, and to protect ancient sites as public assets that belong to members of all communities, faiths and peoples. We view archaeology as a resource for building bridges and strengthening bonds between peoples and cultures.

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Introduction

Immediately after the 1967 War, Israel's then Defense Minister Moshe Dayan declared that the Islamic Waqf would retain their authority over the Temple Mount/Haram al-Sharif compound. This statement and the fact that the Islamic Waqf continued in practice to manage the compound was perceived as an acquiescence by Israel to preserving the Haram al-Sharif's status as an Islamic holy site. Yet, even prior to Dayan's declaration, Israel had begun to put facts on the ground which would affect the independent status of the Temple Mount/Haram al-Sharif, particularly regarding the issue of access to the site.

Since the Six Day War, the area surrounding the Temple Mount/Haram al-Sharif has been subject to continuous development and attempts by both sides to modify the agreements reached in 1967. The activities most familiar to the public and which have had the greatest impact on the status quo are: the tunnel excavations, the renovations of the al-Marwani Mosque (also called Solomon's Stables) and the construction of the Mughrabi Ramp. But there have also been other, smaller-scale, actions that have contributed to creating a new reality in and around the Temple Mount/Haram al-Sharif.

Developments in the Old City and in the village of Silwan are known to contribute to the escalation of tensions in the area, particularly at the Temple Mount/Haram al-Sharif. In this document we will discuss the use of archaeological excavations, or excavations referred to as 'archaeological', in the political struggle over the Temple Mount/Haram al-Sharif and its environs. Given that any physical changes to the Old City and the surrounding area require the approval of the Israel Antiquities Authority (IAA) - which is responsible by law for the preservation of and oversight at antiquity sites and for approving construction or development - it is only natural that the field of archaeology has been placed at the forefront of the political struggle.



The Mughrabi neighborhood and the Temple Mount/Haram al-Sharif until 1967

Part I | The History of the Site: How the Temple Mount Became the Haram al- Sharif

Characteristics of the Site and the Religious Traditions Associated with it

The Temple Mount, or Haram al-Sharif (meaning ‘the Noble Sanctuary’), is a 140 dunam area (45 acres) located at the southeastern corner of the Old City. Today it is used as a prayer and study site for Muslims and includes some of the oldest in tact religious structures in the country. The Jewish tradition identifies the site as the place of Mount Moriah, where the patriarch Abraham went to sacrifice his son Isaac. The site is identified as the place where the Temple – last destroyed in 70 CE – once stood. The Muslim tradition identifies the site with the “Farthest Mosque” mentioned in the Quran in the beginning of Sura 17: “Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque, whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who heareth and seeth (all things).” Such is the description of the legendary journey by the Prophet Mohammed on his horse al-Buraq from Mecca to the “Farthest Mosque” whence the Prophet ascended to the heavens. Judaism and Islam both identify the rock in the Dome of the Rock mosque as the site of the biblical sacrifice of Isaac, according to the Jewish tradition, or Ishmael according to the Muslim tradition. It is also identified as the site where creation began (the Foundation Stone).

The Holy Precinct Today

The Haram al-Sharif/Temple Mount compound is a collection of magnificent buildings that exemplify the very best of local Islamic architecture from the last thousand years. The significance of the site as a holy place in the Islamic tradition led to the construction of almost one hundred buildings on the site, built between the 8th century CE and the 20th century. Apart from its religious significance, the precinct is a heritage site of international importance. This fact virtually goes unmentioned in the political and religious struggle over the precinct and has not been given due consideration.

Scholars differ over the dating of the Temple Mount/Haram al-Sharif’s foundations. Most are of the opinion that at least the southern and western sections are ancient (between the 1st century BCE to the 1st century CE). Other sections were



Sabil Qaytbay in the Temple Mount/Haram a-Sharif compound

added later, in the Islamic period (7th century to 16th century CE) and even later. Nine gates lead to the site. One of them, Sha'ar Harahamin or Bab al-Rahme (the Golden Gate), is sealed off. The Mount's supporting walls feature two smaller gates that are not in use. Its southern wall features three sealed gates: the western section contains a single gate, adjacent to it a double gate and the eastern section a triple arched gate (Hulda Gates). These sealed gates face the excavations of the southern wall.

The most well known structures on the Temple Mount/Haram al-Sharif are al-Aqsa Mosque located in the southwestern corner, and the Dome of the Rock located in the center of the premises. In addition, the site contains buildings used as religious educational institutions (madrasas), memorials (the Dome of the Rock is one of them), towers, purification structures (al-Kas) and more. Some of the structures were built in the early Islamic period, the 8th century CE, some were built by the Mamluks during the 14th – 15th century CE, and others during the Ottoman period (16th-20th centuries CE). Several structures feature columns or capitals which, judging by their style, can be dated to the Crusader or to the Roman-Byzantine periods.

The Dome of the Rock is a memorial and today functions as a mosque. It is one of the oldest standing Islamic structures in the world. Preserved in its original state, not having undergone substantial modifications, it is considered to be an artistic and architectural wonder and a cornerstone in the history of Islamic art and architecture. Surrounding the interior is an inscription describing the construction of the mosque in the year 691 CE, during the reign of the Caliph Abd al-Malik Ibn Marwan (685-705) of the Umayyad Dynasty. Historians date the construction of the al-Aqsa Mosque in the south of the precinct to the beginning of the 8th century CE, either to Abd al-Malik's reign, or to his son's, al-Walid I (705-715). The structure was rebuilt several times and last renovated in 1035 CE during the Fatimid Caliphate, following the earthquake of 1033 CE.

Of the many domes on the Temple Mount, it is worth mentioning the Dome of the Ascension. Located north-west of the Dome of the Rock, it marks the spot associated with Mohammed's ascension to the heavens. The structure is dated to the 12th century, although some scholars say it was built in the 8th century. Another memorial is the Dome of the Prophet, also located north of the Dome of the Rock and built in the 16th century by Mohammed Bey. Like the Dome of the Ascension, some date its initial construction to the 8th century. Another dome

worth mentioning is the Dome of the Chain, which is located to the east of the Dome of the Rock and also apparently built in the 8th century by the Umayyad Caliph Abd al-Malik.¹

Other religious structures dating from the Ayyubid period (12th-13th century CE) onward adorn the precinct, for example, the minarets at the Gate of Bani Ghanim and minarets from the Mamluk period (the 14th century). Other unique structures from the Mamluk period are the Summer Pulpit (Minbar al-Saif) and the ablution fountain (called al-Kas). One of the most impressive and unique structures on the Temple Mount is the Madrasa al-Ashrafya. Built in the 15th century, it is an example of Mamluk architecture at its best.²

The History of the Temple Mount/Haram al-Sharif

The Temple Mount was never methodically excavated and most of our knowledge of its history is derived from historical texts and an analysis of architectural styles.³ The three monotheistic faiths identify the site as the place of Solomon's Temple from the 10th century BCE. Some scholars also identify the site as a place of ritual from Canaanite Jerusalem (18th-10th centuries BCE).

The most distinct antiquity linking the site with the Second Temple is the Western Wall dating to the end of the 1st century BCE or the beginning of the 1st century CE. It is one of the walls built to support the Temple plaza above it.⁴ Archaeological excavations conducted to the south and west of the Temple Mount/Haram al-Sharif uncovered remains of capitals, ornaments and inscriptions which attest to the importance of the site during the early Roman period - the time of Second Temple. The archaeological finds from these excavations, including the rock with the inscription "To the Trumpeting Place," reinforce traditions

1) M. Rosen-Ayalon, "An ancient source on the construction of the Dome of the Chain on the Temple Mount" (Heb), *Katadra* 11, 1979, pp.184-185.

2) M. Hamilton, *Mamluk Jerusalem: An architectural study*, London, 1987.

3) M. Rosen-Ayalon, "The Early Islamic Monuments of al-Haram al-Sharif, Jerusalem: An Iconographic Study", *Qadim - Volume 28*, Jerusalem, 1989.

4) T. Hirshtfeld, "Discovery: Sections of the Western Wall were not built by Herod," (Heb) *Ynet*, 23.11.11

that associate the Temple Mount with the site of the Second Temple.⁵ It appears that part of the precinct was built in that period; however scholars are divided over the dating of the gates. The southern wall features three sealed gates: a single gate, a double gate, and a triple gate. Some scholars date the southern wall and the Hulalah Gates to the Second Temple period, while others date several gates in the southern wall to the 8th century CE, the Umayyad period.⁶

Scholars are also divided over the question of what was built atop the Temple Mount after the destruction of the Second Temple in 70 CE. The assumption is that in the 2nd century CE, a pagan Roman temple was built under orders by the Emperor Hadrian. This temple was most probably destroyed at the beginning of the Byzantine period (the 4th century CE), and the precinct remained abandoned until the beginning of the early Islamic period in the 7th century.⁷

As the Umayyad regime grew stronger at the end of the 7th century, the Temple Mount/Haram al-Sharif was developed as an Islamic prayer site. In addition to building memorial structures and the Al-Aqsa Mosque, the Umayyad regime encouraged pilgrimage to Jerusalem – most probably in an effort to prevent or decrease pilgrimage to Mecca – and in so doing enhanced the importance of the Haram al-Sharif in Islam.⁸ By the end of the Umayyad period (the middle of the 8th century), Jerusalem's political importance in Islam had diminished. Pilgrimage to the Temple Mount/Haram al-Sharif did not cease until the Crusader period (end of the 11th century CE).

Unlike the Byzantine Christians who turned the Temple Mount/Haram al Sharif into a rubbish heap, the Crusaders continued to observe the sanctity of the site,

converting Al-Aqsa mosque and the Dome of the Rock into a Church. The Crusaders named the southeastern section “Solomon’s Stables.” After the Crusaders’ defeat in 1187, the Muslims returned to the Temple Mount and from the Ayyubid period onward, promoted the sanctity of the site. During the Mamluk period (13th-16th centuries CE), Jerusalem was not a financial or administrative center but its religious significance intensified. Most of the structures on the Temple Mount we see today were built during the Mamluk period as were many structures in the area surrounding the Mount. The construction of religious monuments on the Temple Mount/Haram al-Sharif and its environs continued during the Ottoman period (16th-20th centuries CE) and in Jerusalem many Islamic endowments transferred their income to the Haram al-Sharif.⁹

5) B. Mazar, “[Jerusalem during the House of Herod in light of the excavations to the south and southwest of the Temple Mount](#)” (Heb), *Katadra* 8, 1977, pp.29-41; O. Peleg-Barkat, “The Herodian Architectural Decoration in Light of Finds from the Temple Mount Excavations” (Heb), Jerusalem, PhD Dissertation, 2007.

6) R. Shani and D. Chen, “On the Umayyad Dating of the Double Gate in Jerusalem,” *Miqnas* 18, 2001, pp. 1-40.

7) B. Isaac, “Jerusalem from the Great Revolt to the Reign of Constantine,” pp.2-13; Y. Tsafir, “The Topography and Archaeology of Jerusalem in the Byzantine period,” pp.323-330 in Y. Tsafir and S. Safrai (eds) *The History of Jerusalem: The Roman and Byzantine periods (70-638 CE)*, Jerusalem: 1999 (Heb).

8) A. Elad, “[The Temple Mount in the early Muslim period](#),” In Y. Reiter (ed.), *Sovereignty of God and Man – Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, Jerusalem Institute for Israel Studies, pp.57-109 (Heb).

9) Y. Reiter, “Sanctity and Politics in the history of the Temple Mount,” *Sovereignty of God and Man – Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, Jerusalem Institute for Israel Studies, pp.5-13. (Heb)

Part II | Changes in the Status of the Temple Mount/ Haram al-Sharif from the 19th century to the Present Day

Access to the Temple Mount: Changing Policies

From the early 1st century CE through the end of the 19th century the Temple Mount/Haram al-Sharif had been off-limits to various populations. During Roman and Byzantine times Jews were prohibited from ascending the Mount. From the 7th century onward, with the exception of the Crusader period (12th century), the Temple Mount/Haram al-Sharif was closed to non-Muslims. This policy changed only in 1885, when high-ranking Christian visitors were permitted to enter the site. Another shift in policy took place in the early 20th century when the Mount was opened to non-Muslims. The prohibition on non-Muslims was reintroduced during the British Mandate period. Following the Six Day War (1967), it was decided to continue the British Mandate policy of maintaining the autonomy of the Islamic Wāqf at the Mount. Today non-Muslims are permitted to ascend the Mount only through the Mughrabi Gate. Orthodox Judaism, including the Chief Rabbinate, opposes Jews' ascension to the Temple Mount for religious reasons - the concern that Jews might step on the site of the Holy of Holies (which no one was allowed to access in the times of the Temple apart from the High Priest on the Day of Atonement). The exact site of the Holy of Holies on the Temple Mount remains unknown. In the Second Intifāda (2000-2005), the Wāqf prohibited non-Muslim visitors from ascending the Mount entirely but then replaced it with a prohibition only on entering the mosques (Al-Aqsa and the Dome of the Rock).

Changes to the Precinct: From 1967 to the Opening of the Western Wall

Following the Six Day War, the State of Israel began a process of transforming the area west of the Western Wall and south of the Temple Mount/Haram al-Sharif. As a first step, the Mughrabi neighborhood that abutted the wall was completely demolished on the eve of the 8th of July 1967, two days after the end of the war. The neighborhood, first built in the 13th century, was completely destroyed apart from several houses on its western periphery, and the area was transformed



Al-Kas and the Dome of the Rock

into the Western Wall prayer plaza.¹⁰ UNESCO criticized the destruction of the neighborhood, which had featured some of the most ancient and important Islamic structures in Jerusalem (al-Buraq Mosque, the Madrasa al-Afdaliya and others), and had played an important part in the history of the Old City and in defining the connection between the Maghreb and Jerusalem. According to the Muslim tradition, the first inhabitants of the quarter were Muslim soldiers in the army of Saladin.

Israel's consent to leaving the Waqf with the responsibility for managing the Temple Mount/Haram al-Sharif came with a few significant modifications. The Madrasa al-Tankiziya (the 'Mahkamah') building, located near the Chain Gate and overlooking the Temple Mount/Haram al-Sharif, was turned over to the Israeli authorities as were the keys to the Mughrabi Gate.¹¹ Israel's demand to be in control of the Mughrabi Gate was initially rejected by the Islamic Waqf, which had claimed that responsibility for the gates cannot be detached from the responsibility for the premises as a whole. But after some negotiations and pressure by the Israeli authorities, responsibility for the Mughrabi Gate was transferred to the Israeli police. These decisions, in addition to the decision to leave access via the Mughrabi Gate free of charge for non-Muslims have been the basis for the physical and administrative changes in the status of the Temple Mount and its surrounding area.¹² Police presence at the al-Tankiziya (Mahkamah) building means it can supervise activities on the precinct, while the Mughrabi Gate enables Jews to enter the Temple Mount. Access by Jews to the Mount has, over the years, expanded into a demand for additional rights such as the right to pray on the Mount.

In 1968, an archaeological excavation was initiated to the south of the Temple Mount/Haram al-Sharif. Conducted by the Hebrew University, it was one of the first major excavations in the area. The excavations around the southwestern corner of the Temple Mount/Haram al-Sharif yielded remains from various periods in the history of Jerusalem including burial sites from the Abbasid period,

10) Y. Keter and J. Seligman, "1917 to the Present: Al-Haram al-Sharif/Temple Mount and the Western Wall," O. Grabar and B. Z. Kedar (eds.), *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade*, 2010, pp. 251.

11) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in O. Grabar and B. Z. Kedar (eds.), *Where Heaven and Earth Meet*, p. 275-277.

12) *Ibid*, pp. 277-281.

structures from the Umayyad period, and remains from Byzantine and Roman times. In addition, remains and facilities were discovered dated to the Second Temple/early Roman period.¹³ The excavation area has been preserved as an archaeological park to the present day. Visitors must pay a fee to enter the area through the Davidson Center.

In 1969 excavations in tunnels, today termed the "Western Wall Tunnels," began, extending from the Western Wall plaza to the north and along the wall which delineates the Temple Mount/Haram al-Sharif. The excavations, carried out by the Ministry of Religious Affairs were not conducted in a scientific manner and lacked appropriate archaeological oversight.¹⁴ They created a new underground level around the Temple Mount/Haram al-Sharif, and even then were perceived as a threat to Muslim rights over the Temple Mount/Haram al-Sharif.

In 1981 tensions rose when workers on behalf of the Western Wall administration dug a tunnel in an area called "Warren's Gate" in the direction of the Temple Mount itself.¹⁵ Conflict ensued between representatives of the Islamic Waqf and the administration of the Western Wall. The Israeli authorities ordered the gate sealed with concrete. Criticism of the changes Israel had introduced to the area surrounding the Temple Mount was one of the reasons UNESCO decided to declare Jerusalem as a World Heritage Site in Danger in 1982.¹⁶

Another significant change in the status of the Temple Mount followed the signing of the peace treaty between Israel and Jordan in 1994, when it was stated that Israel recognizes the historical role of Jordan at the holy sites. It was decided that a permanent peace agreement between Israel and the Palestinians would take Jordanian interests and its historical responsibility for the holy sites into account. In practice, Jordan continues to pay the salaries of the Waqf employees, and is

13) H. Geva, "List of Major Archaeological Activities in Jerusalem, 1967-1992," *Ancient Jerusalem Revealed*, 1994, pp. 325-330.

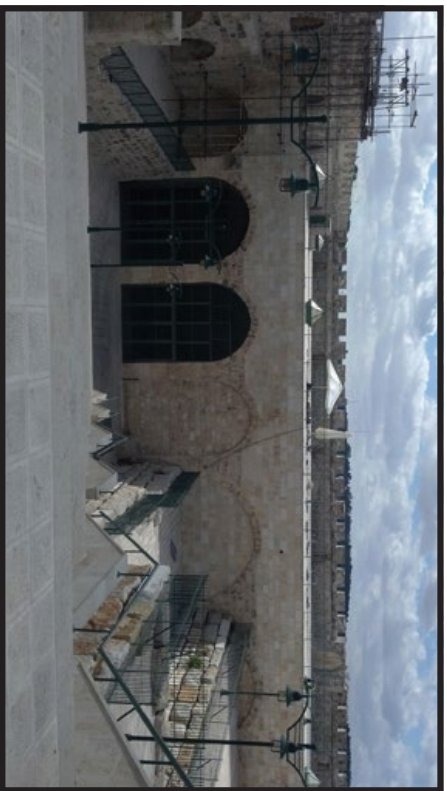
14) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Kedar *Where Heaven and Earth Meet*, p. 276.

15) During excavations in the Western Wall tunnels, an opening leading to a cistern was discovered located under the Sablil Qaybiy, and thus the Western Wall workers found themselves under the Temple Mount esplanade, close to the Dome of the Rock.

16) N. Al-Jubeh, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Kedar *Where Heaven and Earth Meet*, p. 257.

the central authority with whom Israel negotiates all things concerning the Temple Mount/Haram al-Sharif.

Israeli excavations and destruction of built-up areas since 1967 in the area around the Temple Mount/Haram al-Sharif have completely transformed the landscape of the Old City. From densely built Palestinian neighborhoods reaching the walls of the Temple Mount/Haram al-Sharif, the area has been converted into a non-residential space, part of which (the Western Wall plaza) serves as a place for prayer, part of which is an archaeological park, known as the “southern wall excavations” (the Davidson Center), and large parts of which have given way to excavated tunnels creating historical attractions that center around the narrative of the Temple and its importance in the history of the people of Israel. Israeli activity has drawn massive Israeli presence to these places, and tensions at the Temple Mount/Haram al-Sharif and its immediate environs have increased.



The entrance to Al-Marwani Mosque

The Events of 1996: Renovations of Al-Marwani Mosque/“Solomon’s Stables” and the Destruction of Antiquities on the Temple Mount

In 1996, following the inauguration of the Western Wall Tunnels extending towards the Via Dolorosa, riots broke out in which tens of Israelis and Palestinians lost their lives. The riots impaired cooperation between the Israel Antiquities Authority (IAA) and the Islamic Waqf. Representatives of the IAA confess that since the beginning of 1996 it has been difficult to implement archaeological oversight over the Temple Mount/Haram al-Sharif.¹⁷ At the same time, works were carried out by the Islamic Waqf on the Al-Marwani Mosque to build a prayer area beneath the platform in the southeastern section of the precinct, east of Al-Aqsa Mosque.¹⁸ The renovation works at the Al-Marwani Mosque were conducted using heavy machinery that caused significant damage to antiquities. Many tons of earth removed from the site were dumped into the Kidron Valley, the Abu Dis dump, and other places. The works were probably conducted without archaeological oversight.¹⁹ The State Comptroller’s report from 2011 discusses failings in overseeing the works and in the process of obtaining licenses to conduct development works at the Temple Mount in the years 2001-2007: “Significant failings were found in implementing oversight over most of the works during the period to which this report refers (2001-2007). These works were undertaken without any prior coordination with the authorities in charge with law enforcement at the Temple Mount and without receiving the necessary approval or permits as required.”²⁰

It appears that amongst Israeli and Palestinian professionals no one questions the fact that antiquities were indeed destroyed in the course of renovating the Al-Marwani Mosque, but each side interprets the developments differently. Israel views the destruction of antiquities from the point of view of Israeli law and an understanding that the Temple Mount is in an area under Israeli jurisdiction. The Palestinians claim that not only had there been agreements between Israel and the Waqf concerning renovations of the Al-Marwani Mosque, but that the

17) G. Avni and J. Seligman, “The Temple Mount 1917-2001. Documentation, Research and the Preservation of Antiquities, Jerusalem,” 2001 (Feb); “Solomon’s Stables, the Temple mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999-2001” *’Atiqot* 56, pp. 33-53.

18) The works were conducted in cooperation with the Islamic Movement in Israel.

19) J. Seligman, “Solomon’s Stables, The Temple Mount, Jerusalem,” *’Atiqot* 56, p. 42.

20) State Comptroller’s report for 2010, “The issue of works at the Temple Mount”, 2011, pp.1843-1844.

Temple Mount/Haram al-Sharif should be regarded as an Islamic space which is subject to Jordanian law.²¹ According to Jordanian law, the Jordanian Antiquities Authority does not have the right to oversee works by the Islamic Waqf at the Haram al-Sharif, and the same is true for the Israel Antiquities Authority.²²

The Al-Marwani Mosque (“King Solomon Stables”) is located in a space bordering the Hulda Gates and the southern wall excavations conducted by Israel in the years 1968-1982. Following the opening of the Western Wall Tunnels, the Waqf grew concerned that Israel was planning to open the Hulda Gates in order to convert “King Solomon Stables” into a Jewish prayer site.²³ From the point-of-view of the Waqf, the Jews had objected to the renovations at Al-Marwani Mosque not because antiquities were destroyed, but because Jewish groups had designs on the space and were hoping to build a synagogue in the sacred precinct.²⁴

It is difficult to assess the degree of destruction to antiquities at the Temple Mount/Haram al-Sharif for several reasons. First, in the absence of an archaeologist during the works, there is no one to offer a professional opinion on the matter. Second, the strong criticism over the destruction at the site is probably motivated by a desire shared by many to see Israel gain full sovereignty over the Temple Mount/Haram al-Sharif. At the same time, the Waqf is working intentionally to strengthen Muslim control over the Mount. Its considerations are primarily political and protecting antiquities is not a top priority. Over the years many reports and articles were published discussing the magnitude of the destruction and the importance of the finds destroyed. It seems that most of the remains which were damaged date to Islamic periods, beginning with the Umayyad Dynasty (7th century) through to the Ottoman period (the 19th century). This is the opinion held by archaeologists from the Israel Antiquities Authority.²⁵ The assumption is that during the works conducted by the Waqf, some remains

dating to the Second Temple Period were also damaged, but it appears that these were few, and of an unknown quality.²⁶

In 2000 a “Public Committee against the Destruction of Antiquities on the Temple Mount” was established²⁷ and recruited an impressive list of Knesset members, public figures, leading writers and intellectuals, as well as figures identified with the Israeli Left²⁸ who had come out against the destruction of antiquities at the Temple Mount. Much of the criticism voiced by the committee focused on the destruction of remains from the Second Temple period. Although growing religious extremism and nationalism in Jerusalem has distanced many of the original committee members from the committee or from its activities,²⁹ the list of supporters can testify to the widespread interest amongst the Israeli public in the archaeology of the Temple Mount/Haram al-Sharif.³⁰

The renovations in the Al-Marwani Mosque led to growing pressure and criticism of the Israeli authorities and a demand for closer oversight over activities on the Mount. Although Jewish groups working to change the status quo at the Temple Mount/Haram al-Sharif had existed prior to the Al-Marwani renovations, since then, complaints about the destruction of antiquities have been used to galvanize support and serve as the main justification for those arguing to defend the Temple Mount and its heritage which, they allege, is being destroyed by the Islamic Waqf.³¹

- 21) J. Seligman, “*Solomon’s Stables, The Temple Mount, Jerusalem*,” *’Atiqot* 56, p. 41.
- 22) For more information about the lack of involvement by the Jordanian authorities in the administration of the precinct see Y. Reiter & J. Seligman, “1917 to the Present: Al-Haram al-Sharif/Temple Mount and the Western Wall,” Grabar and Kedat. *Where Heaven and Earth Meet* pp. 244-248.
- 23) Y. Al-Nashif, The Al-Marwani Mosque – “Between Past Goals and Future Threats,” Tourism and Antiquities Administration - The Waqf, Jerusalem 2012 (Arabic).
- 24) N. Al-Jubei, “1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967,” in Grabar and Kedat. *Where Heaven and Earth Meet*, p. 281.
- 25) J. Seligman, “*Solomon’s Stables, The Temple Mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999–2001*,” *’Atiqot* 56, pp. 33-53

- 26) *Ibid.*, p. 45.
- 27) The internet site of the “[Public Committee Against the Destruction of Antiquities on the Temple Mount](http://templemountdestruction.com/Default.aspx)” (<http://templemountdestruction.com/Default.aspx>, accessed 15 Dec, 2014).
- 28) The internet site of the “[Public Committee Against the Destruction of Antiquities on the Temple Mount](http://www.echad.info/templemount/letter.htm)” [Committee Members](http://www.echad.info/templemount/letter.htm).
- 29) N. Hasson, “[Intellectuals deny association with Temple Mount Pressure Group](http://www.echad.info/templemount/letter.htm),” *Haaretz*, 19 February, 2014.
- 30) See also the signatories of the petition. A call to prevent additional destruction of antiquities on the Temple Mount in Jerusalem (Heb.) (<http://www.echad.info/templemount/letter.htm>, accessed 15 Dec, 2014).
- 31) Information about the Jewish groups active at the Temple Mount can be found in a report by Ir Amin and the Keshet Foundation: Y. Beer “[Dangerous liaison – the dynamics of rise of the Temple movements and their implications](http://www.keshet.org.il/2013/03/13/dangerous-liaison-the-dynamics-of-rise-of-the-temple-movements-and-their-implications/)” (Heb) March 2013.

The Temple Mount Sifting Project in the Tzurim Valley

Since 2005, there is an ongoing project called “The Temple Mount Sifting Project” offering experiential activities for students and other visitors in an area outside the Old City, called “Tzurim Valley” at the foot of the Palestinian neighborhood of A-Tur. The soil for sifting purportedly originates in debris removed from the Temple Mount/Haram al-Sharif in the wake of major construction work conducted by the Waqf without archaeological oversight. The project receives the support of the Elad Foundation (a settlers’ organization that also manages the visitors’ center at the Mount of Olives and the archaeological site “The City of David”). The sifting project is not an archaeological excavation and has no scientific value. Its stated aim is to discover remains from the Temple or other Jewish antiquities, but in practice very little earth has been sifted, and from every possible perspective it cannot provide credible information about the extent of destruction at the Temple Mount/Haram al-Sharif. This is an example of a project that combines concern for antiquities with a religious, national and political agenda.³² The average number of visitors to the sifting project annually is approximately 20,000.³³ In October 2016, Prime Minister Binyamin Netanyahu declared government support for the project in response to a UNESCO decision on Jerusalem which was perceived by Israel as an effacement of Jewish history.³⁴ If this support is translated into funding it will mean an increase in the number of visitors, presumably students and soldiers.

Part III | Changes Around the Temple Mount/Haram al-Sharif and the Impact on the Status Quo

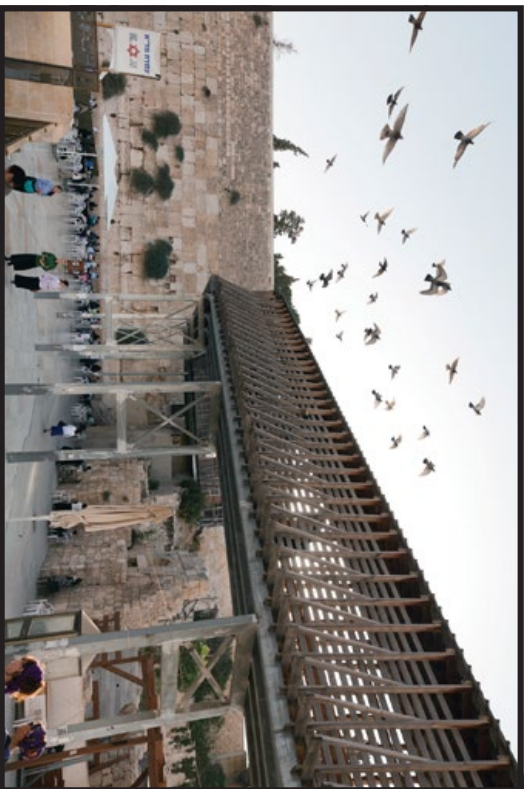
The summer of 2014 saw unprecedented developments in works conducted by Israeli authorities in the area around the Temple Mount/Haram al-Sharif.³⁵ In August, Israel began building a new temporary ramp for non-Muslim visitors to ascend the Temple Mount. Several days later, following pressure by Jordan, Prime Minister Binyamin Netanyahu gave instructions to dismantle the ramp stating that its construction was undertaken without the knowledge of the Prime Minister’s Office.³⁶ The subject of constructing an entryway is a political issue which first emerged when the previous Mughrabi bridge collapsed in 2004. Since then, Israel has been trying to reach an agreement with the Jordanian government and the Waqf about building a new bridge.³⁷ The issue of the Mughrabi bridge is linked to the question of who controls the entrances and passages to the Temple Mount/Haram al-Sharif. As mentioned, today the temporary ramp is the only place through which non-Muslims can enter the Temple Mount and is under the jurisdiction of the Israeli police.

The question of who controls the gates to the precinct is significant and any modifications constitute a change in the status quo. Israel frequently justifies restricting entry to or exit from the precinct citing “security needs” and claims this does not in any way undermine the status of the Islamic Waqf. But, the fact is that police restrictions do have major implications for the question of who is in charge of the Temple Mount/Haram al-Sharif and the freedom of worship on the Mount.

Both the decision to build the Mughrabi ramp without first coordinating with the Jordanian government and the Islamic Waqf, and the tensions around the gates demonstrate that even if these activities were undertaken without the knowledge of the Prime Minister’s Office, they were driven by efforts to increase Israeli control over access to the precinct and by a conviction that the time has come to create unilateral facts on the ground.

32) R. Greenberg and Y. Mizrahi “Archaeology on a slippery slope: Elad’s sifting project in Emek Tzurim National Park.” Emek Shaveh 2012; G. Barkai and Y. Zweig “The Temple Mount Sifting Project,” *New Studies on Jerusalem* E. Baruch, Z. Greenhut, and A. Faust (eds.), 2006.
 33) Y. Shapira, State Comptroller; the Management and Operation of tourism site in the Old City basin in Jerusalem, State Comptroller’s Report 67a, p.39 (Heb), November 2016.
 34) N. Hasson, *Amid UNESCO flap, Israel will sponsor Rightist NGO’s Temple Mount Project*, *Haaretz*, 21 October, 2016.

35) Emek Shaveh, “Construction of a New Temporary Ramp Beside the Mughrabi Ramp,” 15 August 2014.
 36) B. Raviv and N. Hasson “PM orders removal of wooden ramp at Temple Mount, following pressure from Jordan,” *Haaretz*, 3 September, 2014.
 37) A discussion of the Mughrabi Ramp by Emek Shaveh in “Why is the Mughrabi Ramp a political issue?” 9 September, 2014.



The interim Mughrabi ascent



The Huldah Gates

The Western Wall Tunnels

The "Western Wall Tunnels" are the most extensive archaeological-tourism project in the Old City. The entrance to the tunnels is located in the Western Wall Plaza. The tunnels run north ending at the Via Dolorosa in the Muslim Quarter, near the al-Umariya School. The tunnels are not necessarily recognized as religious or sacred. However, according to regulations on safeguarding the Jewish holy places from 1981, the Western Wall and the adjacent plaza—including every overpass or underground passageway with an entry point at the plaza—are holy places.³⁸ That is, the fact that the tunnels originate at the Western Wall Plaza means that legally they are considered to be sacred spaces appended to the Western Wall.

Excavations of the Western Wall Tunnels began in the late 1960s and continued, with some interruptions, to the present day. Since 2004, the archaeological activities continue almost non-stop.³⁹ The excavations are carried out beneath land owned by Jewish organizations and under the houses of Palestinian residents of the Muslim Quarter.⁴⁰

The central significance of the Western Wall Tunnels for the Jewish people is that they exposed the northward extension of the Western Wall foundations. Visitors are impressed by a wall constructed of massive stones - the outer foundations of the Temple Mount/Haram al-Sharif. This foundation wall is associated with King Herod's renovation of the temple in the 1st century BCE (in fact, he rebuilt it). The wall is the most impressive testimony to the magnificence and size of the Second Temple, destroyed in 70 CE. Along the extension of the Western Wall, tunnels and additional spaces were excavated, most of them from later periods.

There is a major discrepancy between the manner in which the Western Wall Heritage Foundation presents the tunnels to the public and the research findings from the excavations as they appear in the published scientific literature. The common assumption for most researchers is that the underground spaces were

38) [Regulations on Protecting Jewish Holy Sites](#), 1981.

39) For information about the tunnel excavations and their political implications see: "Underground Jerusalem: The Excavation of Tunnels, Channels and Underground Spaces in the Historic Basin", Eneke Shaveh, September 2015.

40) The first excavation began in 2004, see H. Barba and T. Dealde, Jerusalem, "The Ohel Yitzhak Synagogue", *Archaeological News* 119, 2007; A. Omn and S. Wester Boudlah and R. Bar Naham, Jerusalem, *The Old City, Wilson's Arch and the Large Bridge*, *Hadasot Archiologi* 123, 2011 (Feb).

built throughout the various Islamic periods. For example, the suggested date of the covered “secret cave,” which now serves as the main entrance to the tunnels, is the early Islamic period (Abbasid period, 8-9 century CE onwards).⁴¹ Excavators consider the main spaces of the Western Wall Tunnels to belong to later periods, particularly the Mamluk period onwards (beginning in the 13th century CE).⁴² The streets and buildings beneath the Muslim layers are dated to the Late Roman period (2nd-4th centuries CE) or the Byzantine period (4th-7th century CE).⁴³ Additionally, there are remains, particularly cisterns and baths dated to the early Roman period (also known as the Second Temple period). Archaeologists agree that most of the remains post-date the destruction of the Second Temple. However, the narrative related to visitors at the Western Wall Tunnels focuses almost exclusively on the history of the Temple Mount - the holiest site in the Jewish tradition - thus diverging from the story emerging from the antiquities. The tunnels route includes several stations which feature the Temple Mount at the center of the story: the enormous foundation wall for the Temple Mount/Haram al-Sharif, identified with the original stones of the temple; the doorways blocked over the years and identified as entrances to the Temple, and more.

Several synagogues and places of prayer are found inside the tunnels, which the visitors pass through or walk alongside. Typically, the guide points out the location and importance of the synagogues. During excavations in the Western Wall tunnels in the 1970s, an underground cavern was converted into a synagogue; today it is named after Rabbi Getz, the first rabbi of the Western Wall. The synagogue is located in the tunnel section identified as the closest to the Holy of Holies of the Jewish Temple. The proximity of the synagogue to the sanctuary endows it with a greater significance, particularly in certain ultra-Orthodox circles that use it as a place of worship.⁴⁴ The synagogue was renovated and re-

consecrated in 2007.⁴⁵ In addition, in the southern section of the tunnels, facing the Western Wall foundations and near Wilson's Arch, a women's prayer area known as 'Ezrat Nashim' was authorized in 2006.⁴⁶ This area was not officially declared as a synagogue but it is visited by many devout women at all times of the day. Another synagogue is planned for an underground chamber referred to as the “Model House”. The construction of the synagogue is funded by the oil company belonging to the Israeli millionaire, Yitzhak Tshuva, and his daughter was hired as the architect.⁴⁷

One of the largest spaces in the Western Wall Tunnels excavated in recent years is a hammam (bathroom) from the Mamluk period (14th century CE). This space, which has undergone extensive conservation, has been recently converted into an interactive museum. Called “The Journey to Jerusalem”, the museum is dedicated to telling the story of Jewish pilgrimage to Jerusalem throughout the generations,⁴⁸ thus completely ignoring the historical significance of the site in which it is situated.

The experience at the Western Wall Tunnels reinforces a Jewish religious narrative, one that talks about a yearning for the Temple Mount while ignoring the non-Jewish chapters of the site's story. All of the following indicate that the Western Wall tunnels are considered first and foremost a Jewish sacred space: the location of the entrance near the Western Wall, the route along the foundations of the wall, the synagogues and the proliferation of places of worship along the route, the requirement to dress “modestly,” and the placing of notes between the stones.

41) Solomon, A and H. Barbé, “When was the Secret Arch from the Western Wall built?” unidentified PDF publication, 2014, pp. 82-107 (Heb).

42) D. Bahat, “The Western Wall Tunnels,” *Qadmoniot* 1993, 101-102, pp. 38-48 (Hebrew); D. Bahat “New interpretations in the research of the Western Wall Tunnels,” 2007, *Qadmoniot* 133, pp. 41-47.

43) Solomon and Barbé, “When was the Secret Arch from the Western Wall built?” unidentified PDF publication, pp. 82-107 (Heb); A. Oren and S. Westler-Balolah (2010), “Remains of the eastern Roman Cardo in the Western Wall Plaza,” *Qadmoniot* 140, 2010, pp. 109-132.

44) “The Western Wall Heritage Foundation started renovating the synagogue in the Western Wall Tunnels,” Western Wall Heritage Foundation website, 3 June 2007.

45) Shragai N., “A new place to pray: 97 meters from the Holy of Holies,” *Haaretz*, 25 September 2007 (Hebrew); Conservation Department, “Jerusalem, The Old City, Western Wall Tunnels, The Rabbi Getz Synagogue, Conservation and renewal”, Israel Antiquities Authority website.

46) Conservation Department, “[Conservation Works on Wilson's Arch](#)”, The Website of the Conservation Department at the Israel Antiquities Authority.

47) “[The Western Wall Administration: The Oil Company donated the money, Tshuva's daughter will design the project](#)”, Emek Shaveh, February 2016.

48) “[A tourist site dedicated to the Jewish people's longing for Jerusalem was launched in the Old City's Muslim Quarter in a 14th century structure from the Mamluk period](#)”, Emek Shaveh, August 2016.

Davidson Center - Antiquities at the Heart of the Struggle Over “The Egalitarian Wall” and the Elad Foundation

For Whom is the Egalitarian Wall at the Davidson Center Intended?

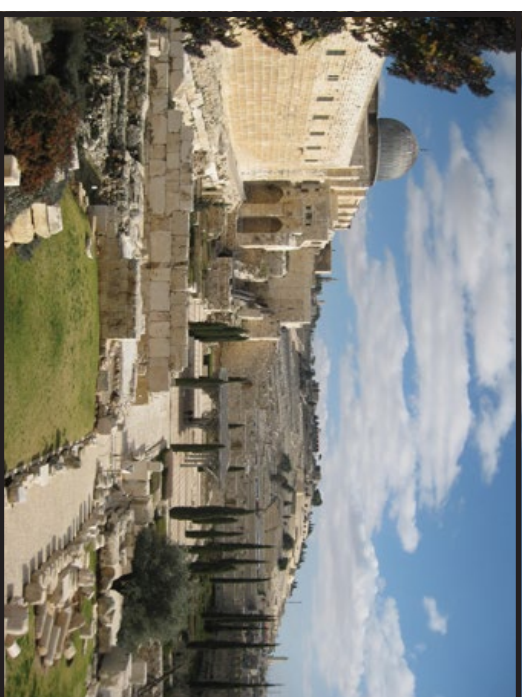
The Western Wall Heritage Foundation rejected a demand by “Women of the Wall” to be given the right to conduct egalitarian prayer at the women’s section of the Western Wall plaza. As a result, a compromise was reached to dedicate a prayer site to Conservative and Reform Jewish women south of the Mughrabi ascent, in an archaeological park known as the “Davidson Center” (Robinson’s Arch area). In 2013 a large podium was built over the archaeological remains. The prayer area reduced the antiquities site, and in recent years has become a popular place for performing bar and bat mitzvahs and prayers.

Archaeological excavations conducted in the area from the 1970s exposed structures from different periods. The most notable are street remains dated to the Second Temple period (1st century CE), facilities associated with the Tenth Legion of the Roman army, remains from the Byzantine period (4th-7th century CE), the Umayyad period (7th or 8th century CE) and later Islamic periods. The dedication of a prayer area in an archaeological park, which has hitherto served to tell the story of the Old City through archaeological evidence, reflects a growing pattern in Jerusalem of subordinating a secular historical perspective to the religious Jewish story. The public’s growing regard for the area as a holy site is attested to by the bar and bat mitzvah events taking place there, even by families that do not identify with the Reform or Conservative movements, and the placement of notes in the crevices between the stones, as is the custom at the Western Wall.⁴⁹

Minister Uri Ariel Promotes the Elad Foundation at the Davidson Center

In early 2014, during the tenure of Uri Ariel (Jewish Home Party) as Housing Minister, the Company for the Reconstruction and Development of the Jewish Quarter (under the Ministry of Housing) which owns the Davidson Center signed an agreement to transfer the management of the archaeological park to the Elad Foundation⁵⁰ (Map 1 no.6). Up until that point, due to the site’s sensitive

location by the Temple Mount/Haram al-Sharif, the site had always been managed by state authorities.⁵¹ Uri Ariel, currently Minister of Agriculture, is the minister most closely identified with the struggle to change the status quo on the Temple Mount. As former Housing Minister, Ariel spoke about the need to build the Third Temple.⁵² On the other hand, the Elad Foundation makes no declarations regarding the Temple Mount. The foundation’s activities around the area seemingly focus only on archaeological activities that strengthen the Israeli public’s relationship with the Temple Mount. For example, one of Elad’s key ventures is the aforementioned “Sifting Project” which involves sifting the debris dug out by the Islamic Wāqf during its development work on Al-Aqsa in 1996-1999. The project takes place in East Jerusalem, and visitors are welcome to sift the dirt and discover archaeological finds, whose scientific value is a matter of dispute.⁵³



The Davidson Center and al-Aqsa

49) These are notes that Jews traditionally place between the stones containing prayers, requests or supplications from the divine.

50) Emek Shaveh, “Press Release: The Ministry of Housing acted against the Attorney General in case of ‘Davidson Center’ in Old City of Jerusalem,” 24 March 2014.

51) Government Decision no. 2925, from government meeting on 19 December 2004 regarding changing the Western Wall Heritage Foundation into a government foundation.

52) H. Barouch, *Minister of Housing: Build the Temple at the Temple Mount*, *Arutz 7*, 4 July 2013 (Heb).

53) Greenberg, R. and Y. Mizrahi, “Archaeology on a Slippery Slope”, Emek Shaveh, 2012.

In April 2014, the Attorney General's Office petitioned the Court against the agreement between Elad and the Company for the Reconstruction and Development of the Jewish Quarter, and won in the Magistrates Court. In the appeal filed by Elad to the District Court, the latter accepted Elad's position and decided to grant Elad the right to manage the site.⁵⁴ Following that decision, the state appealed the district court's decision to the high court. As of writing the present document, the high court has not yet ruled on the issue.

Managing the Davidson Center will allow Elad to strengthen the link between the Palestinian village of Silwan - located just across from the Temple Mount/Haram al-Sharif - and the Old City, particularly the Western Wall plaza. Visitors to the Davidson Center can now continue to Silwan through an ancient drainage channel that has been excavated and opened to the public. Elad conducts public tours via the drainage channel that connects the two sites and that runs along the southwestern corner of the Temple Mount/Haram al-Sharif compound. Elad continues to fund the digging of additional underground tunnels and routes, which will link the various sites under its management. The Kedem Center ((see below) - a tourist compound that Elad plans to build at the entrance to Silwan (Map 1 no. 2) - will, according to the plan, link the 'City of David' National Park with the Davidson Center and the Western Wall plaza. Assuming that the foundation will manage the Davidson Center as it does the City of David, it is expected to invest millions in archaeological excavations and in developing a tourist center showcasing remains associated almost exclusively with Jewish history. Such activity is likely to increase inter-religious tension in the most sensitive spot in the region.

The Elad Foundation and the Israel Nature and Parks Authority in the Village of Silwan

Bible Center Blurs Distinction Between Archaeological Evidence and Faith

In May 2012 the Israeli government decided to look into the establishment of a Bible Center inside the planned Kedem Compound which is slated to be built

54) Hasson, N. "Settler Group Wins Right to Run Jerusalem Archaeology Park After Appeal," *Haaretz*, 13 October 2015.

at the entrance to Silwan.⁵⁵ Its construction is based on the 'Establish a Bible Center in Jerusalem' bill from 2012, which authorizes the establishment of a corporation whose purpose is "gathering, preserving, developing and caring for the Bible and the cultural treasures, art, spirit and philosophy imbued in it, for the Jewish people and Israeli society."⁵⁶ The idea of building a complex that will feature biblical stories and their centrality for the people of Israel at the entrance to the village of Silwan underlines an attempt to promote the importance of the City of David Archaeological Park as a biblical site. Despite the plan to build the complex atop archaeological excavations, as of writing no significant remains from biblical periods have been discovered at Givati. The Israeli government and the Elad Foundation see the Bible Center as a key element in the struggle for the identity of Silwan and the areas surrounding the Temple Mount. Even if the archaeological remains from other historical periods will be preserved and presented to the public, they will be minor in relation to the structure towering above them and to the power of the story about the birthplace of the people of Israel and their historical rights to the land that will, no doubt, dominate the visitors' experience.

The construction plan for the Kedem Center which is due to house the Bible Center, has been vetted by various planning committees for at least six years. The developers (the Elad Foundation and the Israel Nature and Parks Authority) seek to build a 16,000 sqm., seven-story complex on an area of approximately 4 dunam. The height of the building, planned above the archaeological excavation area known as the "Givati Parking Lot", would reach an elevation of about two meters below the highest point of the nearby Old City walls.⁵⁷ In May 2015, the National Planning and Building Committee's appeals sub-committee decided to significantly reduce the size and limit the uses of the building.⁵⁸ But following political pressure by the Minister of Justice Ayelet Shaked, it was decided to hold a rehearing at the National Council for Planning and Building in March 2016. Once reconvened, the Council approved the maximal version

55) Prime Minister's Office: *Cabinet Approves Moving Forward on the construction of a Bible Museum*, 20 May 2012.

56) Bill proposed by Ronnie Bar-On and Binyamin Ben-Eliezer: *Establish A Bible Center in Jerusalem*, 2012, 18th Knesset.

57) *The Government Decided to Build the "Kedem Compound" in Silwan*, Eneq Shaveh, 2013.

58) *Press release: A Hard Blow to the Elad Initiative and the Mayor of Jerusalem concerning the Building of the Kedem Compound*, Eneq Shaveh, 7 June 2015.

of the plan - 15,000 sqm. - as it had been approved originally by the district planning committee.⁵⁹

From King David to the Second Temple Period

An examination of the archaeological excavations conducted in the past decade in Silwan by the Israeli Antiquities Authority and which are funded by the Elad Foundation reveals a trend to showcase the layer known to the Israeli public as the “Second Temple Era”. This is a Jewish-Israeli term referring to a period of about 200 years during Roman rule in the area - from the first century BCE to 70 CE - when the Jewish rebellion against the Romans failed and ended with the destruction of the Second Temple. Although according to the Jewish tradition, the Second Temple was built centuries earlier by the Babylonian exiles who returned to their homeland, the century and a half prior to its destruction - the days of the Judean Hasmonean kings and King Herod - are considered the glory days of Israel in Judea. The key sites excavated in the last decade are the Givati Parking Lot in the north (where Elad intends to build the Kedem Center - see separate section) and south of the site - al-Hamra Pool - called by the settlers the Shiloah Pool. The pool is adjacent to al-Bustan neighborhood excavated by the IAA in the 2004-2005, and has been closed to residents ever since. Both excavation sites are strategic for the settlers. Shiloah/al-Hamra Pool is located at the bottom of the Wadi Hiliweh slope before it becomes the al-Bustan neighborhood, delineating the southern edge of the City of David archaeological site. The Givati parking lot, the planned location for the Kedem Center, is at the northern entrance to Silwan, facing the Old City and the Haram al-Sharif/Temple Mount.

In between the pool and the Givati Parking Lot lie underground tunnels which are under excavation. These are presented to the public as the ancient “pilgrim-age route”, the road which served the pilgrims on their way to the Temple, after they purified themselves in the Shiloah Pool. There is no certainty regarding the dating of the drainage channel or other facilities discovered at the site, nor have

59) Press Release: Political Pressured to reconsideration of the Kedem Compound – this time under more favorable conditions to the settlers. Emek Shaveh, March 14, 2016, and Press Release: Decision to Approve Elad’s “Kedem Compound” Plan in Silwan Awakens Fear of Extreme Politicization of Planning and Building Institutions”, Emek Shaveh, March 30, 2016.

any scientific papers been published which can corroborate this assumption or form the basis for a discussion.⁶⁰ Yet, even the Israel Antiquities Authority presents the tunnels as part of this ancient pilgrimage route, as can be seen in their public relations video.⁶¹

If Elad is given the rights to manage the Davidson Center, the “route of the Pilgrims” will, no doubt, become even more significant. The southern wall of the Temple Mount/Haram al-Sharif compound features three gateways with visible arches that have been blocked for centuries. These gates are identified as the Hulda Gates. Some scholars date them to the Second Temple period or to the early Islamic period. Walking the route which begins at the al-Hamra/Shiloah Pool to the Hulda gates, a visitor will be able to follow in the footsteps of the Jewish pilgrims in antiquity almost to the route’s final destination.



Archaeological excavations at the foot of the Southern Wall and mikvehs (ritual bathhouses) after conservation

60) See video: “Herodian Road from Shiloah Pool to the Western Wall”, City of David, April 5 2012.

61) The Israeli Antiquities Authority, “The Discovery of the Route from the Siloam Pool to the Temple”, 26 January, 2011 (Heb).

The isolation of archaeological sites in Silwan from their contemporary environment via fencing or underground routes, heightens the visitor's experience of walking in the footsteps of a Jewish pilgrim during Jerusalem's Second Temple Period. This experience is detached from the multicultural legacy of the Roman street (the one called the "Pilgrims' route" by Elad). The people at the Elad Foundation are creating an imaginary historical reality that is shaped by their religious beliefs and nationalist goals, rather than by the archaeological finds and other historical evidence.

The Israel Nature and Parks Authority at Bab al-Rahma Cemetery

The Muslim cemetery Bab al-Rahma is adjacent to the eastern wall of the Haram al-Sharif/Temple Mount compound (see Map 1 no. 13). The struggle over the identity of the cemetery and who is in charge of it has been ongoing for more than a decade. The Public Committee against the Destruction of Antiquities on the Temple Mount, which brings together Israeli right-wing archaeologists with scholars and lawyers, is a major player in this battle. In 2005, the Committee petitioned the High Court of Justice against the State of Israel for failing to enforce the ban on burials in the southern part of the cemetery.⁶² The basis for the claim is that the cemetery is a declared antiquities site and part of the "Jerusalem Walls" national park. Therefore, digging and burial constitute damage to antiquities.⁶³

While the cemetery of Bab al-Rahma is included in the Jerusalem Walls National Park, the latter does not include the Christian cemetery in the Valley of Jehoshaphat or the Jewish cemetery on the Mount of Olives. The fact that the Muslim cemetery was included within the park area now enables the INPA to manage the cemetery under the National Parks Act, and in so doing limit access to, and strive to stop burial at the site.

The INPA has argued that the fence is designed to prevent the expansion of the cemetery into the Jerusalem Walls National Park. In the eyes of Palestinians in the city, fencing is a political response by the Israeli authorities to the presence of Palestinian-Muslims near the Temple Mount/Haram al-Sharif. The fence was vandalized by Palestinians almost as soon as it was put up. Tensions over the

character of the cemetery and the use of the land continued into 2016. In December the INPA prevented the burial of a child in the central section of the cemetery who passed away following an illness.⁶⁴ The cemetery's location adjacent to the eastern wall of the Temple Mount/Haram al-Sharif is possibly Israel's main reason for taking these measures. It seems that the conflict over Muslim burial in the cemetery is part of the struggle over the character of the Old City in general and the Temple Mount/Haram al-Sharif area in particular.



Bab al-Rahma

62) High Court of Justice 7800/05 and 7192/04.

63) N. Shragai, *Temple Mount Politics: Make Strange Bedfellows*, *Haaretz*, 16 May, 2006 and Shragai, N., *The State Fought Illegal Muslim Burial at the Foot of the Temple Mount*, *Haaretz*, 21.06.2009 (Feb).

64) Y. Avraham, "Tension in Jerusalem: Funeral of a 9-year-old was terminated," *Mako*, 6 December 2016 (Hebrew)

The Palestinians, the International Community and UNESCO

The Palestinian Authority (PA) owes whatever influence it has in Jerusalem to international recognition of its political rights in East Jerusalem and the Historic Basin. One of the key ways by which the PA has leveraged power has been its membership with UNESCO (since 2011). This membership has complex ramifications in all that pertains to Jerusalem. As far as the UN is concerned, East Jerusalem and the area of the Old City are occupied territory, and therefore, recognition of Palestine means recognition of Palestinian sovereignty in the Old City of Jerusalem. Jerusalem is recognized by UNESCO as a World Heritage Site (1981) and as a World Heritage Site in Danger (1982). As a result, the organization sees itself as a stakeholder in the city, and in the past, UNESCO prepared a plan for protecting the Old City's cultural heritage (Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem).⁶⁵

UNESCO's activity in Jerusalem is often met with difficulties because of the need to coordinate with various authorities: Israel, which is the sovereign country, Jordan, which is responsible for the Temple Mount/Haram al-Sharif, and the Palestinian Authority.

UNESCO's recognition of East Jerusalem as part of Palestine enables the PA to work via the organization to advance decisions against Israeli policy in Jerusalem. Official draft resolutions must be submitted by the member states of the UNESCO Executive Board. The board comprises elected member states that serve for a number of years (usually between two and four). Since Palestine is not a member of the Executive Board, draft resolutions on Jerusalem are submitted in its name by states that support it. For example, in October 2016, Algeria, Egypt, Lebanon, Morocco, Oman, Qatar and Sudan submitted a draft resolution to the UNESCO Executive Board (Draft Resolution 200) protesting Israel's infringement on the Muslims' right of worship in Jerusalem and the undermining of Jerusalem as a world heritage site. Their criticism, most of which is justified, focused on different construction projects in the city, such as the Kedem Center in Silwan and Beit Haliba at the Western Wall. The draft resolution included a demand to dispatch a professional delegation that would investigate how best to protect historic sites in Jerusalem, sections concerning the protection of the Haram al-

Sharif, and objections to the restrictions placed on Muslim worshippers.⁶⁶ In the draft resolution, the Western Wall is referred to by its Islamic name, "al-Buraq," and "The Western Wall" appears in quotation marks. Yet, this draft resolution is relatively moderate, compared to the resolution passed a year earlier which referred to the Western Wall plaza as "al-Buraq plaza" completely ignoring the site's centrality in the Jewish tradition.⁶⁷ For Israelis and Jews around the world, the Western Wall is considered a remnant of the Temple. Even though it is not explicitly stated in the draft resolution, which was submitted in the name of the Palestinian Authority, it definitely implied that the Jewish nation has no attachment to the site. As far as Israeli Jews are concerned, the meaning of such a resolution is that the Palestinians and their allies are not to be trusted, and that therefore they should not be handed responsibility over Jerusalem's antiquities or sites that are sacred to multiple faiths. The way Israelis and Jews interpret this kind of statement is that given a chance, the Palestinians will destroy and erase Jewish heritage in Jerusalem and override the historic rights of the Jewish people.

65) The plan was drafted by UNESCO in 2003 and its implementation began in 2004.

66) Draft Resolution No. 25, 200th Session of the UNESCO Executive Board, October 2016.
67) Draft Resolution No. 32, 197th Session of the UNESCO Executive Board, October 2015.

Conclusion and Lessons

The Temple Mount is the most sacred site to the Jewish people. Despite this and because of it, large parts of the religious establishment are opposed to Jewish pilgrimage to the Temple Mount and to changing the status quo. The Temple Mount/Haram al-Sharif complex has been under the management of Islamic religious entities for almost 1,000 years, the most obvious expression of which is the diverse architectural styles characterizing the structures built on the precinct over the centuries.

The Temple Mount/Haram al-Sharif has seen many changes over time, but beginning with the 8th century, and particularly after the defeat of the Crusaders in the 12th century, it evolved as a holy site for Muslims. The most significant changes occurred immediately after the 1967 War: on the one hand Israel continued to respect the status of the Islamic Waqf on the Temple Mount, but on the other hand it created the conditions for changing this status. The most well known of these is Israel's control over the Mughrabi Gate and the positioning of a police headquarters in the Mahkamah building, which overlooks the holy precinct.

Immediately after the Six Day War Israel created a new area around the Temple Mount: The Mughrabi Quarter was destroyed, archaeological excavations took place all along the southern wall of the precinct, and later underground excavations extended from the Western Wall plaza under the Muslim Quarter, and along the western wall of the Temple Mount/Haram al-Sharif. During the excavations of the tunnels there was at least one incident when excavators penetrated under the area of the Temple Mount itself.

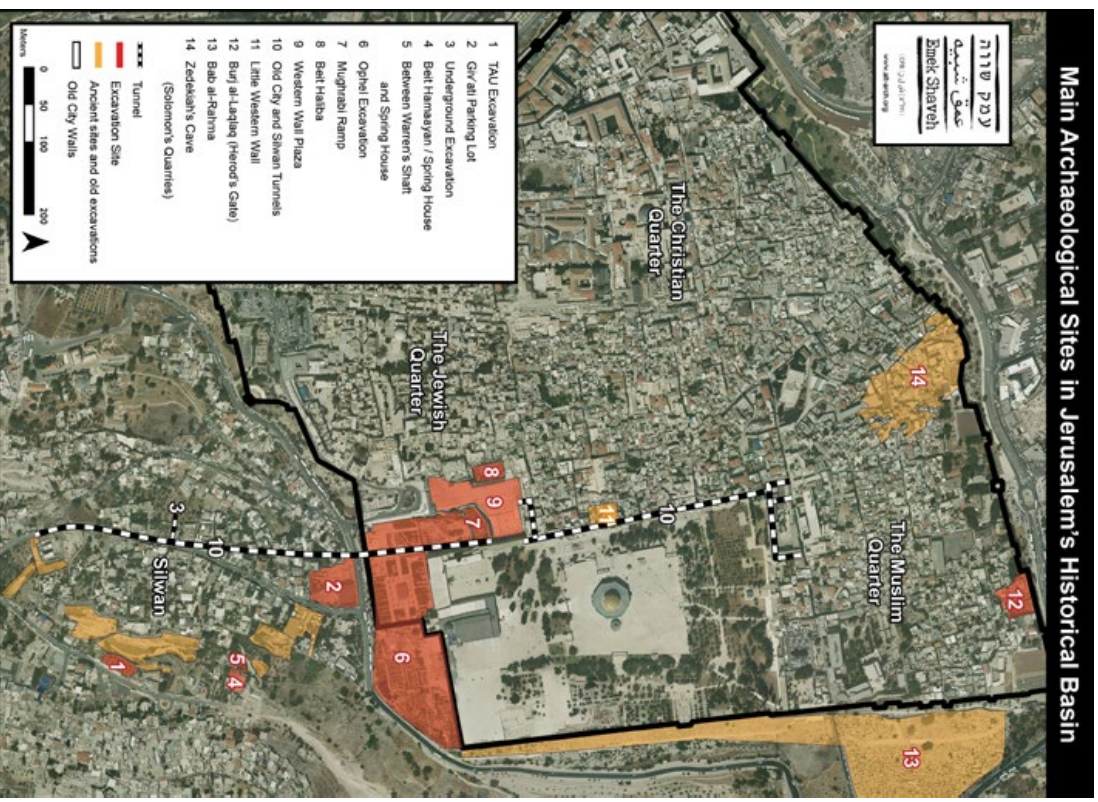
The next most significant change took place in 1996 with the opening of the Western Wall Tunnels and the works on Al-Marwani Mosque, in the area called "Solomon's Stables" underneath Al-Aqsa Mosque. Some Jewish groups seek to convert that space into a Jewish place of prayer. Encouraged by the political orientation of the present government, these groups are motivated to intensify their struggle to increase Jewish presence at the Temple Mount. In recent years, public criticism of the destruction of antiquities at the Temple Mount by the Waqf has increased and with it a delegitimizing of the Waqf's role in administering the site. These dynamics have led to the attempt, in the summer of 2014, to rebuild the Mughrabi Ramp and modify the opening hours at the gates to the Temple Mount/Haram al-Sharif.

When reviewing Israeli involvement in East Jerusalem in general and in the area surrounding the Temple Mount/Haram al-Sharif in particular - i.e. the Old City and the village of Silwan - there can be no doubt but that Israel is interested in expanding its presence and entrenching its authority over the area. The Israeli authorities and settler NGOs invest their best efforts in transforming Silwan into a tourist site and into the Israeli settlement of "The City of David". At the same time, the Old City is undergoing unprecedented development of a nature which prioritizes Jewish belonging and the Jewish people's historic rights to Jerusalem. In Bab al-Rahma there are attempts to prevent the burial of Muslims through the application of the National Parks Law. The volume and pace of archaeological works and development for tourism is in striking contrast with the years of neglect of the Palestinian population. These processes in the city solidify an Israeli vision that ancient Jerusalem should remain under Israeli sovereignty forever.

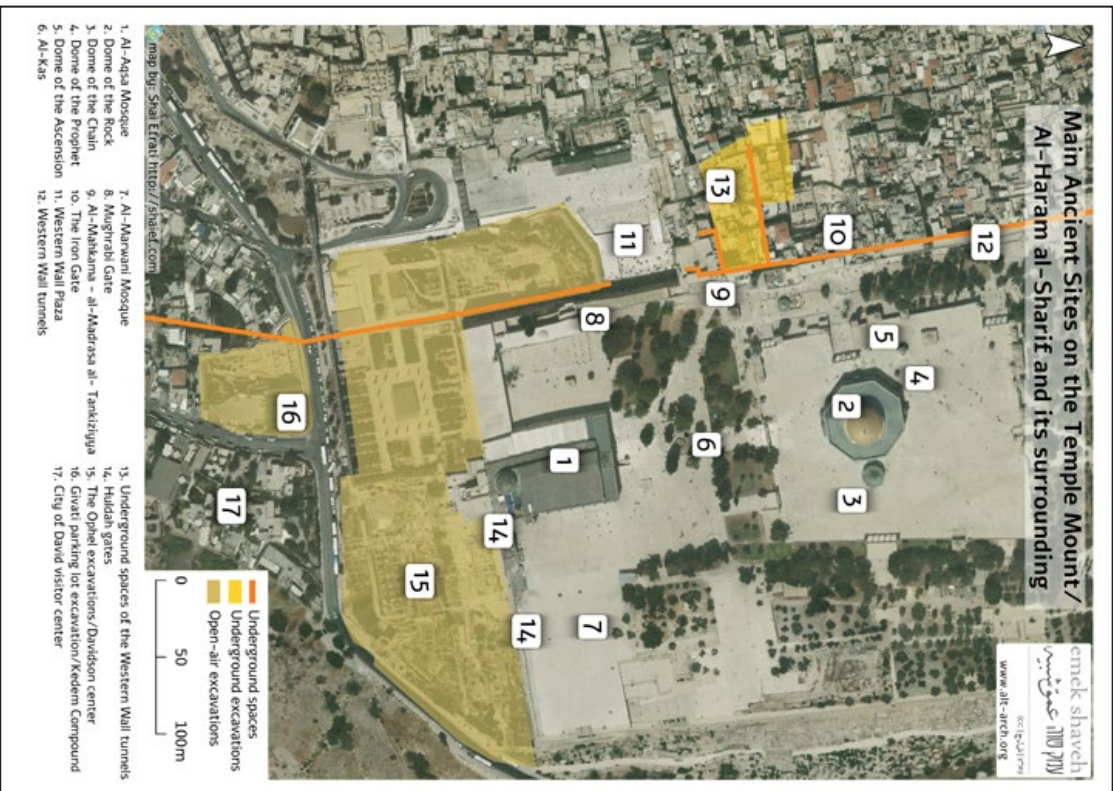
The demand to change the status quo at the Temple Mount is a result of these processes. If Israel modifies the landscape in and around the Old City and expands and entrenches its presence in the area surrounding the Temple Mount, then it should come as no surprise that the next logical step would be to affect changes on the precinct itself. Even if Israel officially distances itself from Jewish groups who ascend the Temple Mount and are demanding a change in the status quo, its activities around the precinct and even in the Temple Mount itself reflect an intention to prepare the ground for a significant change in the current situation.

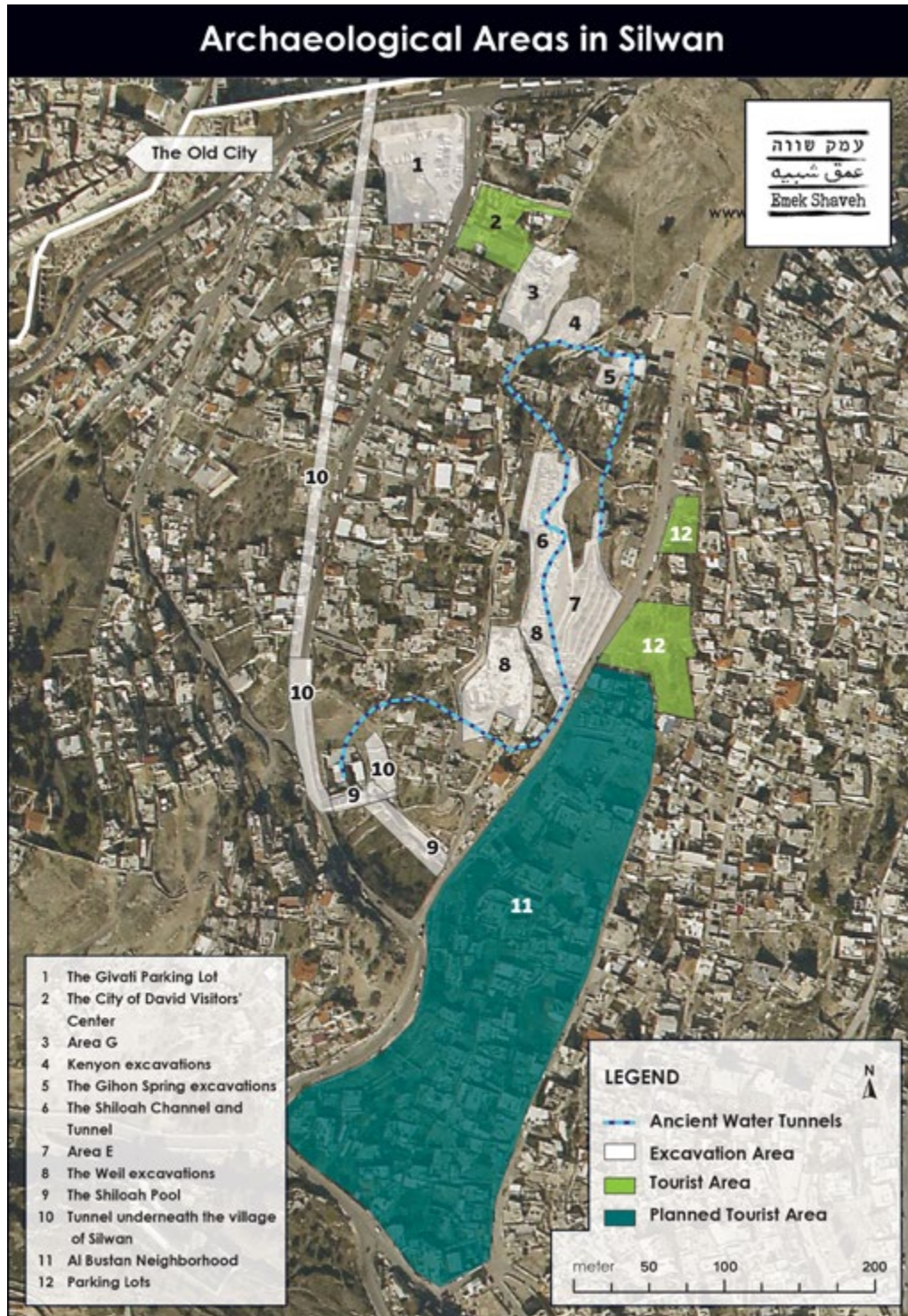
In the present reality, characterized by trends towards greater nationalism and religious intensification, it is necessary to take measures that will restore trust and cooperation between the sides. In our opinion, a significant part of the archaeological projects conducted around the Mount heights tensions and creates a reality whereby the precinct is increasingly isolated from its Muslim believers. Israel ought to refrain from unnecessary archaeological excavations and cease the controversial tunnels project. It must allow freedom of worship, including Muslim burial within the Bab al-Rahma cemetery.

UNESCO has the capacity to become an international conciliator between the sides, although this would require the Arab countries to recognize that radicalization, even terminological, harms the Palestinian interest in Jerusalem first and foremost by contributing to radicalization on the Israeli side.



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המרכז הלאומי לזכויות אדם

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**Circumventing Red Lines:
The Paradigmatic Shift in Israel's Policy on Jerusalem**

19. July 2018 by [Betty Herschman](#), [Yudith Oppenheimer](#)



Over the past several years, the government of Israel has intensified its two-pronged Jerusalem strategy to consolidate control over East Jerusalem while eroding Palestinians' hold on the city. This dual approach is being carried out both on the periphery of the city and within the heart of East Jerusalem – the Old City and surrounding band of Palestinian neighbourhoods. Israel is actively working to redraw the boundaries of Jerusalem through legislation and political proposals to both territorially and demographically reshape the city. In parallel, it is asserting its power in the core of East Jerusalem by promoting an unprecedented number of touristic settlement initiatives inside Palestinian neighbourhoods, advancing evictions and uprooting Palestinian families, demolishing homes (throughout East Jerusalem), tolerating pressure from messianic Temple movements to challenge the status quo on the Temple Mount/Haram al Sharif, stepping up policing activities under the guise of 'governance' and compounding stress on everyday life for Palestinians in the city.

Alongside these under-reported developments, the Israeli government continues to assert new facts on the ground through its steady, seemingly inexorable erasure of the Green Line. While maintaining resistance against settlement expansion in East Jerusalem and the adjacent settlement blocs is crucial – particularly in the red line areas of E-1 and Givat Hamatos – any practicable analysis of the situation on the ground must meaningfully acknowledge and incorporate these less prominently recognised trends in the core of the city and on its perimeter, as well as the changing international political environment in which they are occurring. Policy recommendations for both improving life conditions in the city – for the Palestinians whose residence in Jerusalem is being daily challenged and also for the residents of the city as a whole – and salvaging the two-state solution must be informed by a clear understanding of two decisive mutually reinforcing dynamics:

- 1) A shift in the Israeli political landscape from a post-Oslo/post-Second Intifada paradigm of 'conflict-management', under the pretence of receptiveness to a two-state solution, to Israel now taking steps to unilaterally determine the permanent terms of the conflict – terms that exclusively reflect the agenda of the Israeli right wing and that substitute annexation and entrenched occupation of an unsustainably fragmented Palestinian space for an agreed upon solution.
- 2) A radical shift in US policy in the Middle East that is serving to diplomatically and symbolically buttress Israel's policy on Jerusalem. Whether or not a prospective Trump plan (viable or not) reaches the table, the move of the US Embassy to Jerusalem, appointment of a US ambassador to Israel with widely known links to the settler movement, and the president's casual declaration that 'Jerusalem is off the table' have already considerably destabilised conditions for any prospective peace process.

To illustrate the immediacy of the causal effect of US policy: President Trump, in his November 2017 unilateral declaration on Jerusalem as capital of Israel, stated that his intention was to simply acknowledge the current reality in the city (a problematic assertion in itself given the unresolved conflict in Jerusalem), without taking any clear position on the borders of the city. But *the context* in which the president made his declaration immediately invalidated his pledge not to take a position on borders. For months, members of Knesset and the Israeli cabinet had been advancing

numerous bills and plans to unilaterally alter the boundaries of the city toward their own political and demographic ends. Within 24 hours of Trump's declaration, one of those bills came back onto the Knesset agenda and by early January, it had passed into law with minor modifications. The president's declaration therefore provided thrust for three determinative trends on the ground today.

Trend #1: Unilateral plans to redraw both the territorial and demographic borders of Jerusalem in order to cement the reality of a Greater Jerusalem already physically outlined by the route of the Separation Barrier.

Goal one: Changing the territorial borders of Jerusalem

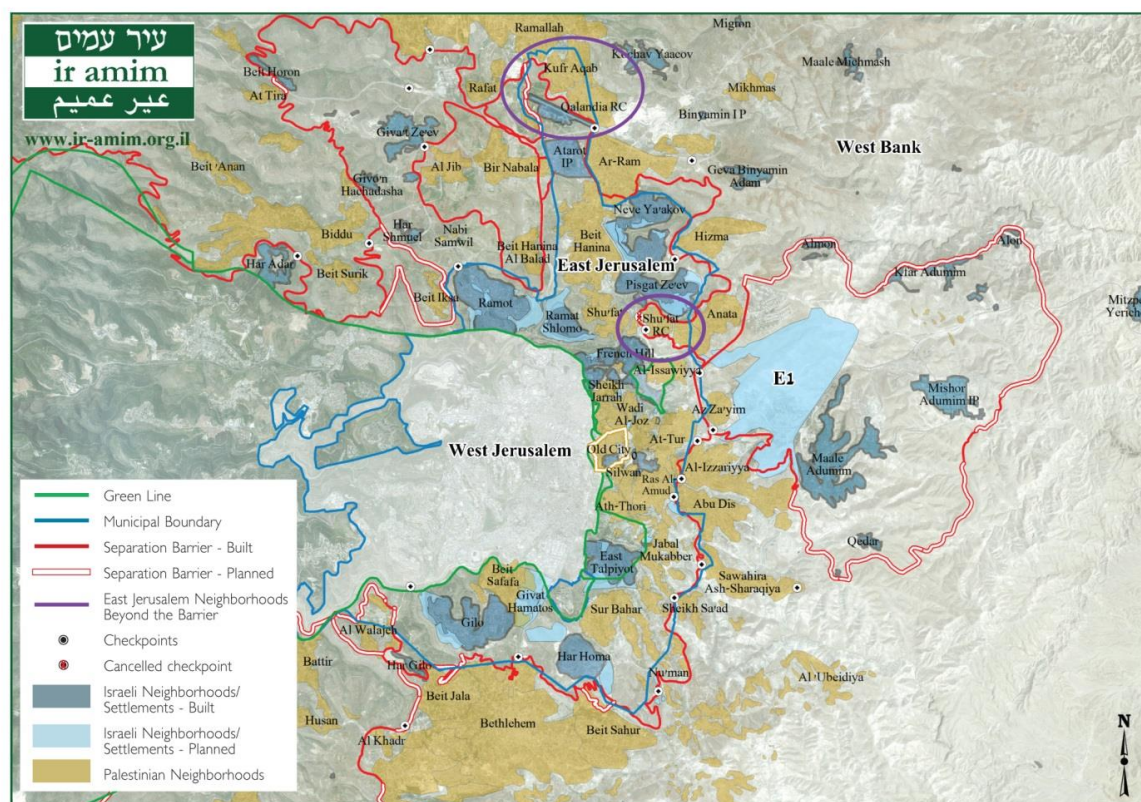
In June and July 2017, two bills were introduced to the Knesset by members of the coalition: Amendment 2 to the Basic Law: Jerusalem, Capital of Israel and the Greater Jerusalem (or Daughter Sub-municipalities) Bill. Together, these bills (one since enacted into law, with minor modifications) were designed to substantively alter Jerusalem's boundaries toward the goal of the de facto annexation of the three settlement blocs surrounding Jerusalem: Gush Etzion, Ma'ale Adumim/E-1, and Givat Ze'ev. Depending on the proposal, these blocs would be subsumed under state or municipal (Jerusalem) authority; in the latter case, by artificially adding some 140,000 settlers to Jerusalem by eventually granting them the right to vote in municipal elections¹.

Goal two: changing the demographic borders of Jerusalem

Beyond the goal of annexation is the intention to transfer some 120,000 Palestinian permanent residents of the city (1/3 of the entire Palestinian population of East Jerusalem) who live within the municipal boundary but were left outside the Separation Barrier when it was erected². These Jerusalemites would remain physically in place but the boundary would be pulled in to leave them *outside* of municipal jurisdiction. In other words, although the land on which they live would remain under Israeli sovereignty, it would no longer be considered part of Jerusalem. The Palestinians living in the neighbourhoods beyond the Barrier are already obligated to enter a checkpoint to get into their own city; under new plans, they would be removed altogether.

¹ For an in-depth analysis of unilateral bills, plans and legislation, see Ir Amim's comprehensive policy paper, "[Destructive Unilateral Measures to Redraw the Boundaries of Jerusalem](https://bit.ly/2m1olqL)" (https://bit.ly/2m1olqL).

² See Ir Amim's seminal report, "[Displaced in their Own City: The Impact of Israeli Policy on Jerusalem on the Palestinian Neighborhoods of the City beyond the Barrier](https://bit.ly/2dUc69K)." (https://bit.ly/2dUc69K)



Recommendation: While serious actions must be taken to oppose Israeli steps to annex additional territory (either to a state or to a municipal body), pressure must likewise be brought to bear on moves designed to transfer Palestinians from Jerusalem via plans to reinvent the boundaries of the city. In parallel, steps must be taken to fortify the Palestinian collective existence in the city within and outside the Barrier through substantial economic investment, protection of permanent residency status, promotion of planning rights, and political and financial support for Palestinian institution building.

It is important to stress that meaningful economic investment in East Jerusalem must not come at the expense of a viable political resolution to the conflict or be used to solidify plans to redefine the boundaries of the city. A recently announced government plan to invest 1.8 billion shekels in East Jerusalem must be carefully analyzed and closely monitored to ensure that 1) resources will be equitably invested in the neighborhoods beyond the Separation Barrier, often omitted from proposals to increase budgetary support to East Jerusalem; and 2) investment is not used as a system of carrots and sticks to deepen control over the Palestinian population, e.g. by promising educational funding on adoption of the Israeli curriculum.

Trend #2: Consolidating Israeli control over the Old City and its surroundings

The private settlement compounds being built in the Old City and its circumference (where roughly 2,500 settlers are now quartered) cannot be quantitatively compared to settlement building in the ring neighborhoods of East Jerusalem but qualitatively, they have disastrous implications for

Palestinians in Jerusalem, the relationship between Palestinians and Israelis in Jerusalem, the two state solution, and the Old City as home and historic center of the three major monotheistic world religions.

The essential components of Israel's policy in and around the Old City include:

- 1) **State sponsored private settlement** in the hearts of Palestinian neighbourhoods – legal, administrative and financial support of radical settlers and their organised campaigns to evict Palestinians and take over their homes
 - a. In **Sheikh Jarrah**, where plans were frozen for many years prior to a major announcement of plan promotion last year, there are now 75 families at risk of eviction. The settler leading the crusade is a city councilperson.
 - b. In **Batan al-Hawa, Silwan**, an entire community of up to 100 families is at risk of eviction; some 17 have already lost their homes.³ This wholesale campaign is the single largest settlement takeover operation since the annexation of East Jerusalem in 1967.
 - c. The **General Custodian**, in charge of managing the disposition of assets owned by Jews prior to 1948 (a right reserved for Jews only), has repeatedly demonstrated bias by favoring Jewish trusts that claim ownership of Palestinian homes. While these trusts may have once been linked to original Jewish owners, they are now run by settlers who have no established connection to them. In this way, the state is directly abetting the development of settler compounds within the hearts of Palestinian neighbourhoods in and around the Old City.
- 2) **Touristic settlement**, via both direct Israeli management and privatization of sites to radical settlers, enables Israel to impose a singular Jewish nationalist narrative onto the Old City and environs – a narrative with the power to influence the hearts and minds of hundreds of thousands of people a year, from Israeli school children to tourists from around the world. At the same time as altering the religious and cultural character of the area, these plans wreak physical damage to the environment by imposing massive new structures (prospectively including a theme park-like cable car line being fast tracked outside of the customary planning process) onto the delicate fabric of the Old City and surrounding neighbourhoods.
- 3) While a major topic unto itself, it is important to note here the pressures on the status quo at the **Temple Mount/Haram al-Sharif** – another example of the state working in cooperation with radical, ideologically motivated groups. In this case, the state is helping to bolster Temple Movement activists who are mission driven to topple the status quo, as a means of deepening the Israeli presence and challenging current arrangements, including Muslim management of the holy site. Exemplifying this pattern, just last week Prime Minister Netanyahu announced that he would lift the ban – in place since 2015 – on government ministers and Knesset members making ascents to the Mount, resulting in immediate visits by prominent right wing figures. These 'visits' are the short-term manifestation of a radical agenda promoted by Temple Movement activists who seek to fundamentally change arrangements at the holy site and in the long-term, to realise construction of the Third Temple.

³ For more on government-settler collusion in East Jerusalem, see "[Broken Trust: State Involvement in Private Settlement Building in Batan al-Hawa](https://bit.ly/2dSAcmc)." (https://bit.ly/2dSAcmc)

Recommendation: It is vital that the traditional calculus of settlement building be readjusted to 1) treat these coordinated efforts to consolidate control of the Old City and surrounding Palestinian neighbourhoods with the same urgency afforded to settlement building throughout the whole of East Jerusalem; 2) ensure a holistic response that regards private settlement inside the Old City Basin and touristic settlement not as individual phenomena but as multiple elements of a unified and politically lethal strategy.

Recommendation: Cultural, religious, and academic institutions and professionals can serve an important role in researching, reporting on, and advocating for the safeguarding of the pluralistic and multicultural nature of the Old City; preventing touristic settlement building; halting evictions and demolitions; and protecting and strengthening the Palestinian community in and around the Old City.

Trend #3: Attack on the Palestinian home – both individual and collective – in the city

The goal of Israeli policy on East Jerusalem is to control not only the land but to control its people – more specifically, to erode the Palestinian presence in the city and Palestinians' right to the city, on both an individual and collective level. Pressures being brought to bear on Palestinians, both as individuals/families and as a collective include:

- Since 1967, Israel has revoked the **permanent residency** status of more than 14,600 Palestinians. Revocation of permanent residency has become a primary tool for displacing Palestinians from the city. The unilateral plans already discussed aim to transfer more than 120,000 Palestinians from the city, effectively revoking their permanent residency status.
- The number of **demolitions** in East Jerusalem has skyrocketed over the last several years. In 2016, the number of demolitions tripled from the prior year to a record 203 and last year to 173 (half of them home demolitions). The Municipality claims most of these demolitions are for unpermitted building.
- On the flipside is Israel's near complete **suppression of Palestinian planning and building** in service to its demographic goals. Palestinians face enormous hurdles in obtaining building permits – even after expending their own personal resources to finance professional plans – putting individual families at risk of home demolition and thwarting the growth and development of the Palestinian community as a whole.⁴
- The **burden on Palestinian culture**: The closure of Palestinian cultural and political institutions since the Second Intifada leaves the community without critical communal infrastructures. No more than 20 Palestinians are allowed to gather for cultural events. This past Ramadan, several Musaharati – responsible for the call to prayer – were detained. This is but a sampling of the ways in which authorities obstruct Palestinians' freedom to enjoy their cultural and religious life in the city.
- Arguably, the most significant threat to Palestinian culture is the perpetuation of gross disparities in Jerusalem's **education system**. There is a current dearth of more than 2,600 classrooms in East Jerusalem and, consequently, there are now more children attending 'recognized but unofficial' schools (private or for-profit institutions licensed by the state but offering a substandard curriculum, often in unregulated buildings) than municipal schools. Moreover, funding for Palestinian education is often contingent on acceptance of the Israeli curriculum.

⁴ See Ir Amim's and Bimkom's joint report, "[Deliberately Planned: A Policy to Thwart Planning in the Palestinian Neighborhoods of Jerusalem](https://bit.ly/2LjbxYc)." (https://bit.ly/2LjbxYc)

Recommendation: Substantive actions and investments must be made to build the capacity of the Palestinian community to resist displacement from the city – including but not limited to strengthening of Palestinian institutions, protection of permanent residency status, reduction of socio-economic disparities in the city, and confronting endemic discrimination in the planning process that prohibits the growth and development of Palestinian communities.

Trend #4: The steady creep toward annexation of the settlement blocs adjacent to Jerusalem

It is imperative that heightened vigilance be directed to the intensifying trends described herein – in the core of the city, on its boundaries, and against the Palestinian community throughout the city. Simultaneously, those committed to a two state solution must hold the line of defense against the two settlement projects widely considered to be the principal threats to the viability of a two-state solution: 1) the E-1 plan for construction of almost 4,000 housing units and large-scale commercial and industrial development next to Ma’ale Adumim, which would fatally break contiguity between East Jerusalem and the West Bank on the eastern flank of the city; 2) the plan for 2,600 housing units in Givat Hamatos, considered to be the linchpin in Israel’s strategy to decisively entrench its control over the southern perimeter of the city. Last year, industrial drilling for the purpose of soil analysis signaled the looming potential to announce building tenders in Givat Hamatos. While large-scale construction plans in the E-1 area have not been advanced since the end of 2012, over the last several years Israel has conducted various activities prerequisite to construction, including completion of the northernmost section of the Eastern Ring Road and checkpoint, and legally paving the way for the long threatened expulsion of the Bedouin community in Khan al-Ahmar, only recently delayed due to strong local and international protest.

Recommendation: While sustaining pressure against the evacuation of the Bedouin community in Khan al-Ahmar, steps must also be taken to prevent the tendering of Givat Hamatos and to proactively address the myriad developments prerequisite to construction in the red line areas, including national park plans to physically bridge Jerusalem and E-1 and road infrastructure projects designed to route settlers from the West Bank into Jerusalem while diverting Palestinians from the city and a future settlement in E-1. Such plans are ostensibly harmless but in fact essential to the realization of E-1; and the steady, incremental advance of these plans should be cause for apprehension, particularly in light of a US silence that renders long established red lines increasingly tenuous.

FINAL POLICY RECOMMENDATIONS

In the absence of a permanent solution to the conflict in the foreseeable future, the two national groups in Jerusalem – Israeli and Palestinian – will continue to share a complex urban reality dependent on a delicate weave of symbiotic relations. In this reality, policies should be adopted to enhance the living environment in the city and the personal security of all its residents and to reduce, to the extent possible, factors that exacerbate tension in the city.

Particularly in light of rapidly shifting dynamics on the ground – in Israel and externally, as expressed by mounting challenges to the established international consensus on principles of a two state solution as they pertain to Jerusalem – we advocate adoption of the following policy recommendations:

- 1) Immediate and determinative steps to challenge unilateral plans to redraw the boundaries of Jerusalem in order to satisfy Israeli territorial and demographic goals
- 2) Pressure on the Israeli government to secure a full stop on evictions in the Old City and its circumference – most critically, in Sheikh Jarrah and in Batan al-Hawa, Silwan, where an entire community of roughly 600 men, women and children are at risk of displacement. Recent protests have demonstrated the effectiveness of intervention in Khan al-Ahmar; determined, proactive measures must also be brought to bear in Batan al-Hawa, which has equally disastrous implications in terms of both humanitarian and political impact.
- 3) In tandem, challenges to Israel's use of touristic settlement to secure its dominance over both the physical space and historical narrative of archeological and holy sites in the Old City and its surroundings
- 4) Sustained pressure to halt home demolitions in East Jerusalem
- 5) Substantive actions and investments to build the capacity of the Palestinian community to resist displacement from the city – including but not limited to strengthening of Palestinian institutions, protection of permanent residency status, reduction of socio-economic disparities in the city, and confronting endemic discrimination in the planning process that prohibits the growth and development of Palestinian communities
- 6) Meaningful economic investment in East Jerusalem but not at the expense of a viable political resolution to the conflict; and with respect to Israeli investment, not leveraged to strengthen any new borders of Jerusalem aimed at annexation and transfer
- 7) Substantive improvements in living conditions and security for all Palestinians in Jerusalem – both inside and outside of the Separation Barrier
- 8) Robust efforts to protect the pluralistic and multicultural nature of the Old City and its surrounding environment
- 9) The creation of channels for residents of both parts of Jerusalem and their respective political leaderships, with the assistance of the international community, to work as partners in determining the future of the city

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The Nea Church

History and Significance of the Church

The Nea Church is situated at the southern end of the Jewish Quarter. It was built in the 6th century CE by the Byzantine Emperor, Justinian I, and its full name is the New Church of the Theotokos. The construction of this church constituted one of the largest building enterprises in Jerusalem in the Ancient World. In order to build the church, Justinian I ordered the construction of an artificial lot by filling in the slopes of Mount Zion. The church stands partly on the bedrock and partly on fill.

Even though the church was recognized in the literature, its location was unknown until it was discovered by Professor Nahman Avigad, as part of his excavations of the Jewish Quarter during the 1970s. The church extended over 147X58 meters (the size of a soccer field)². The locations of the various remains give an indication of the original size of the church: its northeast corner was unearthed in the vicinity of Batei Hamahase (the area of the 19th century shelters for the poor) from whence it stretches east, beneath the parking lot of the Jewish Quarter and the Resurrection Garden. Its southeast corner was unearthed outside of the current Old City walls. It is visible from the B'nai B'rit Garden.

The construction of the church symbolized Jerusalem's most significant golden age. The city flourished and enjoyed a time of relative peace that prevailed in the region throughout the Byzantine period. The church housed the many crusaders who visited the city³. The decision of Justinian I to call it the Church of Theotokos (In Latin: Mother of God), reflects his position in the theological controversy over Mary Mother of Jesus, and if she indeed gave birth to a son of flesh and blood who became a God or whether she gave birth to a God, directly from the womb⁴.

Another reason for building the church was Justinian I's desire to reconstruct the beauty and splendor of the Second Temple, and even surpass as a way of stating Christianity's superiority over Judaism⁵. According to some sources, Justinian I commanded that the treasures from the Temple, which were looted during its destruction, be returned to Jerusalem. Some even believe that these treasures were placed within the church and additional excavations in its cellars are likely to expose them⁶. There are even claims that Justinian I ordered that all the pillars of the destroyed temple be used for the construction of the church⁷.



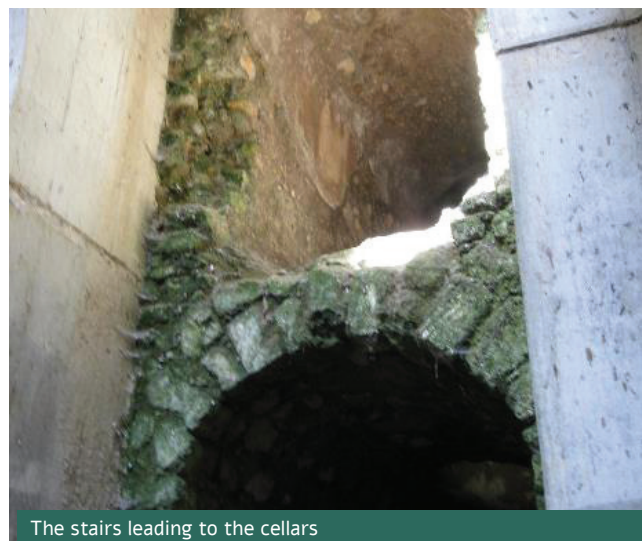
A vault in the cellars of the Nea



The Apse - currently on the property of a school in the Jewish Quarter



The vaults, reinforced with modern concrete



The stairs leading to the cellars

According to a study by Oren Gutfeld, who analyzed the artefacts discovered in the excavation of the Nea Church, the latter was in use even after the Byzantine period, at least until the Umayyad period (the 7th and 8th centuries CE)⁸, and possibly even during the Abbasid period (the 9th and 10th centuries CE). Once it was no longer in use, the church was forgotten and knowledge of its location lost until it was unearthed in the excavations of the Jewish Quarter after the city was conquered in the Six Day War in 1967.

Status of the Site's Preservation

Despite the historical and archaeological importance of the church, it stands neglected and forgotten. Other sites which were unearthed during archaeological excavations in the Jewish Quarter after the conquest of the Old City were preserved and developed into major tourist sites. Yet, the Nea Church has undergone very little conservation. The gate to its enormous halls is locked. In order to visit them, it is necessary to coordinate a time in advance with the Company for the Reconstruction and Development of the Jewish Quarter in the Old City of Jerusalem. These requests are usually denied. According to the Company, the reason requests are denied is due to the lack of resources to develop and maintain the site; but in light of the extensive development works and preservation undertakings of archaeological and historic sites concerning the quarter's Jewish history, it is reasonable to wonder whether the reason it has been neglected may also have something to do with government entities who are wary of emphasis on other religions, particularly in the Jewish Quarter.

Emek Shaveh approached the Company for the Reconstruction and Development of the Jewish Quarter at the beginning of 2019, demanding that the site be made safe and accessible to visitors. Several weeks later, press releases came out indicating an intention to by the government to invest 200 million shekels for the development of the Jewish Quarter⁹. The Company for the Reconstruction and Development of the Jewish Quarter responded to our query several days after we approached them saying that they are looking into our demand.

© Emek Shaveh, February 2019



The Project is funded
by the European Union

This report was produced with the support of the European Union (EU). Responsibility for the information contained in this report belongs exclusively to Emek Shaveh and does not necessarily represent the opinions of the EU.

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2. Gutfeld, O. 2012 The Nea Church: (Areas D, T): Stratigraphy and Architecture. In Gutfeld, O. (ed) *Jewish Quarter Excavations in the Old City of Jerusalem Conducted by Nahman Avigad, 1969–1982. Vol V: The Cardo (Area X) and the Nea Church (Areas D and T), Final Report*. Jerusalem: Israel Exploration Society and Institute of Archaeology, Hebrew University of Jerusalem, pp. 149–245.
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7. Segal, A, 2018, [Who Stole the Royal Stoa?](#) Makor Rishon. 20.11.18 (Hebrew)
8. Gutfeld, O. 2012 Discussion and Summary, In Gutfeld, O (ed) *Jewish Quarter Excavations in the Old City of Jerusalem Conducted by Nahman Avigad, 1969–1982. Vol V: The Cardo (Area X) and the Nea Church (Areas D and T), Final Report*. Jerusalem: Israel Exploration Society and Institute of Archaeology, Hebrew University of Jerusalem, pp. 495.
8. Jerusalem Post, [NIS 200 Million To be Invested in Development of Old City's Jewish Quarter](#), 17 February, 2019.

Collective restrictions must be averted on Temple Mount/Haram al-Sharif

February 28 2019

Over the past several days, frictions have continued to escalate on the Temple Mount/Haram al-Sharif around the renewed use of the Bab al-Rahma (Golden Gate/Gate of Mercy) site, recalling events leading up to the metal detector protests during the summer of 2017.

Bab al-Rahma has been shut down since 2003, when Israel blocked access based on claims of collaboration between the organization responsible for building management and Hamas and the Islamic movement. In response to the Waqf's re-opening and entry into Bab al-Rahma on February 13, at the beginning of last week Israeli forces chain-locked the gate leading to the building and clashed with Muslim worshippers who had breached the barricade, triggering an escalation of tensions.

Although the Israel Police arrested nearly 60 Palestinians ahead of last Friday's prayers, it refrained from imposing collective restrictions on Muslim worshippers' access to the Temple Mount/Haram al-Sharif, a policy that has been proven to exacerbate hostilities (link [here](#) for Ir Amim's analysis of the correlation between application of collective restrictions and upticks in tension and violence on the Mount/Haram and East Jerusalem).

According to Israeli media, on Sunday morning (February 24) Prime Minister Netanyahu acceded to the Jordanian request to conduct renovations of the Bab al-Rahma building, a decision likely calculated to avert a larger crisis. The move sparked outrage among the Temple Movements – radical Jewish activists committed to overturning the status quo on the Temple Mount/Haram al-Sharif and asserting Jewish sovereignty over the site – and political supporters in the government, who rushed to publicly demand that Netanyahu prohibit Palestinian access to Bab al-Rahma. In response, on the evening of February 24, the prime minister ordered equipment and materials, e.g. carpet to prepare the building for prayer, removed and the site reclosed. Though the order has yet to be executed, Palestinian anxiety about the possibility of forced removal of worshippers from the site remains high.

The conflict over Bab al-Rahma comes after a one and a half year period of limited friction on the Temple Mount/Haram al-Sharif as the result of

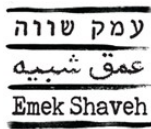
ongoing cooperation between Israel and Jordan. Despite this relative calm, Israel has continued to take actions that compromise the management role of the Waqf and contribute to the erosion of the status quo. Over the past two years, the Israel Police has repeatedly restricted the Waqf from carrying out maintenance in the compound while intensifying its cooperation with the Temple Movements. And despite the active prohibition on public Jewish prayer, groups of religious Jews have been increasingly observed praying under police escort. [See Ir Amim's [analysis](#) of the growing collaboration between the Temple Movements and security authorities].

Last year, the Police erected a new watchtower over Bab al-Rahma in defiance of Waqf authorities, while at the same time Temple Movement activists have been observed praying in the Muslim cemetery just beyond the walls of the compound and adjacent to Bab al-Rahma. Given [the deepening ties between the movements and the right wing Israeli political establishment](#), there are rising suspicions in the Palestinian community that the State intends to establish a synagogue at the site. As a result, there is increasing pressure among some Palestinians to consolidate the Muslim presence at Bab al-Rahma in order to curtail any potential plans.

The coming days will be critical to maintaining calm on the Temple Mount/Haram al-Sharif. Temple movement activists and right-wing politicians have called for tough Israeli measures, demanding full restrictions on Palestinian access to the compound this coming Friday (March 1) from the prime minister. If Netanyahu capitulates to the pressure and orders the forcible removal of Muslim worshipers from the site and/or imposes entry restrictions to the entire compound, the likelihood of eruptions increases significantly.

It is especially important to track the government's response and police activity on the ground in lead-up to Friday. If tensions on the Temple Mount/Haram al-Sharif begin to escalate, there is growing fear that Israel will impose collective restrictions, further inflaming tensions at the site and triggering unrest throughout the city.

All efforts must be made to avert a return to this policy.



East Jerusalem

Alert: High Court Green Lights Jerusalem Cable Car Plan Condemning Historic City to Irreversible Damage

June 6, 2022

This morning, Sunday, May 15th, the High Court of Justice ruled that the plan to build a cable car in Jerusalem's historic core can go ahead thus bringing to an end a [three-year legal battle](#) over one of the most controversial projects that has ever seen the light of day.

The plan was approved despite original reservations by the court in reference to the highly [irregular](#) planning process and to the hundreds of objections by architects and planners from Israel and [abroad](#) who have criticized the plan as extremely destructive to the historic city and its multicultural character. In its decision the court has proved once again that it is a political actor and that it is willing to ignore the importance of due process and the public interest to approve a plan that will cause [irreversible damage](#) to one of the most sensitive sites in the world and a unique World Heritage Site.

The cable car serves only one interest group: the Jewish settlers of East Jerusalem. The cable car will create a whole new route for tourists visiting the ancient city. Instead of entering the city via Jaffa Gate and the Muslim and Christian Quarters tourists will now be funneled through the settler-controlled City of David Site in Silwan.

Background

The cable car plan was [approved](#) by the Israeli government in 2018 and drew strong public opposition from the outset. According to the plan, the cable car will be suspended from cables held by 15 massive eight-story-high columns along its route, which will spoil the historic landscapes of the Old City Basin. The cable car will travel from the First Station complex to Mount Zion, passing over the Valley of Hinnom. This historic valley has never undergone modern development and a cable car would destroy the timeless landscape. From Mount Zion, the cable car will continue along the Old City walls to the Kedem Compound, a large visitor's center which the Elad Foundation plans to build across the street from Dung Gate, and is also predicted to compromise the view. The controversial plan was promoted by the Ministry of Tourism which advanced it through the National Infrastructure Committee (NIC), a process which precludes public objection, in contrast to standard planning procedures.

A group of organizations opposing the cable car formed the "Coalition for the Preservation of the Historic Basin". The coalition includes professional organizations from all relevant fields, including environmental organizations (the Society for the Protection of Nature in Israel and Adam Teva V'Din); the Israel Association of Architects and Urban Planners; the Israel Association of Landscape Architects; the Israel tour guides organization, Moreshet Derech; the Public Transportation Alliance, 15 Minutes; Karaite Judaism; the Arab Center for Alternative Planning; and the heritage rights organization, Emek Shaveh.

Approximately 70 intellectuals, academics, archaeologists, and architects signed a public statement against the plan, and 35 of the world's leading architects had sent [a letter](#) to the Israeli government calling to halt the project that will dramatically harm the Old City Basin, which constitutes a heritage asset for all of humanity.

In February 2021, the High Court issued an [Order Nisi](#) for the cable car project and demanded that the state provide an answer as to why the plan was advanced through the NIC as opposed to standard planning procedures.

Emek Shaveh:

We had hoped that the HCJ would also see the failures that we have noted all along, and will save Jerusalem from a cable car over the Valley of Hinnom and along the Old City walls.

Privacy - Terms

In its decision the court has proved today that the real masters of Jerusalem are the settlers who want to displace the Palestinians and create a whole new historic identity for Jerusalem which imposes an exclusive Jewish narrative and marginalizes Christian and Muslim symbolic assets in the holy city.

Israel's intentions are now laid bare: On the one hand the State seeks to [expand](#) the Jerusalem Walls National Park to the Mount of Olives claiming the need for historic preservation. On the other hand, the State is promoting development projects which will cause irreversible damage to the ancient city's skyline preserved for millennia. This is a blow not only to residents of Jerusalem but to people all over the world who hold Jerusalem as a multicultural, multifaith historic city dear.

Emek Shaveh is determined to continue the fight against this insidious plan in the public arena.

East Jerusalem Publications Silwan/City of David City of David Historic Basin
Kedem Compound Legal Petitions Mount of Zion Nature and Parks Authority
Objection to Building Plan Silwan tourism

Statement at the Western Wall by Defence Minister Dayan 7 Jun 1967

VOLUMES 1-2: 1947-1974

IV. JERUSALEM AND THE HOLY PLACES

11. Statement at the Western Wall by Defence Minister Dayan, 7 June 1967:

On 7 June 1967, the Israel Defence Forces liberated the Old City of Jerusalem and nineteen years of Jordanian rule came to an end. The Defence Minister, accompanied by the Chief of Staff and senior officers, arrived at the Western Wall at noon on that day. The Minister made the following statement:

This morning, the Israel Defence Forces liberated Jerusalem. We have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our Holy Places, never to part from it again.

To our Arab neighbours we extend, also at this hour - and with added emphasis at this hour - our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples' Holy Places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity.

Prime Minister Levi Eshkol's Address to the Spiritual Leaders of all communities in Jerusalem 7 Jun 1967

VOLUMES 1-2: 1947-1974

IV. JERUSALEM AND THE HOLY PLACES

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Before proceeding to the Western Wall, the Prime Minister invited the Chief Rabbis and spiritual leaders of other communities to his office and read the following declaration.

Honourable Chief Rabbis, Honourable Community Leaders:

I have taken the liberty to call you to this meeting in order to enable you to share with me the news of the events taking place these last few days in Jerusalem, the Holy and Eternal City.

Statement at the Western Wall by Defence Minister Dayan 7 Jun 1967

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I have taken the liberty to call you to this meeting in order to enable you to share with me the news of the events taking place these last few days in Jerusalem, the Holy and Eternal City.

HP EXHIBIT 78

On the Monday of this week, after the Egyptian aggression against Israel began, I announced in a radio broadcast that Israel would take no military action against any State that did not attack it. Despite this statement, the Government of Jordan - under Egyptian command - declared war upon the State of Israel and its forces and embarked upon hostile action by land and in the air. Our forces were compelled to take the necessary military steps in order to put an end to this aggression and to protect human lives. By its actions, the Government of Jordan, with the agreement of Egypt and following upon pressure from Cairo, violated international law, the United Nations Charter, and the neighbourly relations between our two countries.

In its aggression Jordan made no distinction between civilians and soldiers.

Crime was piled upon crime by Jordan when it carried war into Jerusalem, thus desecrating the eternal peace of this city, which has always been a source of hallowed inspiration to mankind. As a result of Jordanian aggression, dozens of people were killed and many hundreds were wounded. Blood was shed in the streets of Jerusalem and hundreds, perhaps thousands, of dwellings were hit. There was shelling specifically directed at hospitals, synagogues, Yeshivoth, the President's residence, the Hebrew University, the Israel Museum and Government buildings. Likewise a large number of schools in the city were hit. The shelling continued uninterruptedly from Monday until today, Wednesday. Out of consideration for the sanctity of the city, and in accordance with our policy of avoiding casualties among the civilian population, we have abstained from any answering action inside the city, despite the casualties incurred by our soldiers and citizens.

The criminal actions of Jordan's Government shall stand before the court of international opinion and before the judgement of history.

Peace has now returned with our forces in control of all the city and its environs. You may rest assured that no harm whatsoever shall come to the places sacred to all religions. I have requested the Minister of Religious Affairs to get in touch with the religious leaders in the Old City in order to ensure regular contact between them and our forces, so as to make certain that the former may continue their spiritual activities unhindered.

Following upon my request, the Minister of Religious Affairs has issued the following instructions:

- a) arrangements in connection with the Western Wall shall be determined by the Chief Rabbis of Israel;

- b) arrangements in connection with the Moslem Holy Places shall be made by a council of Moslem clerics;
- c) arrangements connected with the Christian Holy Places shall be made by a council of Christian clergy.

With the aid of the Rock and Salvation of Israel, from Jerusalem, a symbol of peace for countless generations, from this Holy City now returned to its peace, I would like to have you join me in this call for peace among all the people of this area and of the whole world.

Law and Administration Ordinance -Amendment No 11- Law 27 Jun 1967

VOLUMES 1-2: 1947-1974

IV. JERUSALEM AND THE HOLY PLACES

13. Law and Administration Ordinance (Amendment No. 11) Law, 27 June 1967. Municipal Corporation Ordinance (Amendment) Law, 1967:

On 27 June 1967, the Knesset adopted amendments to two existing laws integrating Jerusalem in the administrative and municipal spheres. The amendments enabled the extension of public utility services and of municipal and administrative facilities to all parts of the city. Text of the amendments follow:

Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967

1. In the Law and Administration Ordinance, 5708-1948, the following section shall be inserted after section 11 A:

"Application of 11 B. The law, jurisdiction and administration of the State law. shall extend to any area of Eretz Israel designated by the Government by order."

2. This Law shall come into force on the date of its adoption by the Knesset.

Levi Eshkol
Prime Minister

Protection of Holy Places Law 27 Jun 1967

VOLUMES 1-2: 1947-1974

IV. JERUSALEM AND THE HOLY PLACES

14. Protection of Holy Places Law, 1967:

On 27 June 1967, Prime Minister Eshkol again addressed the spiritual leaders of all communities and assured them of Israel's determination to protect the Holy Places. On behalf of the religious dignitaries present, His Beatitude Benedictos, the Greek Orthodox Patriarch, replied. On the same day, the Knesset passed the Protection of Holy Places Law, 1967. Texts of the statements and the Law follow:

I. Statement by the Prime Minister:

It is my pleasure to inform you that the Holy Places in Jerusalem are now open to all who wish to worship at them - members of all faiths, without discrimination. The Government of Israel has made it a cardinal principle of its policy to preserve the Holy Places, to ensure their religious and universal character, and to guarantee free access. Through regular consultation with you, heads of the communities, and with those designated by you, at the appropriate levels, for this purpose, we will continue to maintain this policy and to see that it is most faithfully carried out. In these consultations, I hope that you will feel free to put forward your proposals, since the aims that I have mentioned are, I am certain, aims that we share in common. Every such proposal will be given full and sympathetic consideration. It is our intention to entrust the internal administration and arrangements of the Holy Places to the religious leaders Of the Communities to which they respectively belong; the task of carrying out all necessary procedures is in the hands of the Minister of Religious Affairs.

II. Reply by the Greek Orthodox Patriarch:

We have heard with pleasure of the free access to the holy sites and we deeply appreciate your kind wish... I believe that I speak on behalf of all my brothers and fellow leaders here tonight if I say that we are pleased with the behaviour of the Israeli army. All of its men have shown us kindness and a willingness to serve us. Everybody has displayed respect for the Holy Places and churches...

III. Protection of Holy Places Law, 5727-1967

- Protection of Holy Places. 1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.
- Offences. 2.
(a) Whosoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.
(b) Whosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.
- Saving of laws. 3. This Law shall add to, and not derogate from, any other law.
- Implementation and regulations 4. The Minister of Religious Affairs is charged with the implementation of this Law, and he may, after consultation with, or upon the proposal of, representatives of the religions concerned and with the consent of the Minister of Justice make regulations as to any matter relating to such implementation.
- Commencement. 5. This Law shall come into force on the date of its adoption by the Knesset.

Levi Eshkol
Prime Minister

Yaakov S. Shapiro
Minister of Justice

Shneur Zalman Shazar
President of the State

Basic Law: Jerusalem, Capital of Israel 30 Jul 1980

Jerusalem, Capital of Israel 1. Jerusalem, complete and united, is the capital of Israel.

Seat of the President, the Knesset, the Government and the Supreme Court 2. Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court.

Protection of Holy Places 3. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings towards those places.

Development of Jerusalem 4. (a) The Government shall provide for the development and prosperity of Jerusalem and the well-being of its inhabitants by allocating special funds, including a special annual grant to the Municipality of Jerusalem (Capital City Grant) with the approval of the Finance Committee of the Knesset.

(b) Jerusalem shall be given special priority in the activities of the authorities of the State so as to further its development in economic and other matters.

(c) The Government shall set up a special body or special bodies for the implementation of this section.

MENACHEM BEGIN
Prime Minister

YITZCHAK NAVON
President of the State

* Passed by the Knesset on the 17th Av, 5740 (30th July, 1980) and published in Sefer Ha-Chukkim No. 980 of the 23rd Av, 5740 (5th August, 1980), p. 186; the Bill and an Explanatory Note were published in Hatz'a'ot Chok No. 1464 of 5740, p. 287.

Press Releases

PM's Statement Regarding the Opinion of the International Court of Justice at The Hague

Government: The 30th Government, Ariel Sharon

Publish Date: 11.07.2004

The following is the Prime Minister's statement at the opening of the Cabinet meeting:

Less than an hour ago, an Israeli woman was murdered by Palestinian terrorist criminals, and other citizens were wounded. We all pray for their speedy recovery. The murder which took place this morning is the first to take place under the patronage of the opinion of the International Court of Justice at The Hague. On Friday, the sacred right of the war against terror received a slap in the face from the International Court of Justice at The Hague, following its opinion that the Security Fence for the Prevention of Terror is an illegal act, and that Israel must dismantle it.

I would like to clarify: the State of Israel rejects outright the International Court of Justice at The Hague's opinion. This is a biased opinion, which is supported solely by political considerations. The opinion completely ignores the reason behind the construction of the Security Fence – which is murderous Palestinian terror. It is only concerned with the Israeli response – the erection of the Fence, which is the most reasonable measure in the face of this wicked terror.

However, what the judges of the Court refused to see, the Palestinians were quick to demonstrate this morning, by killing and injuring innocent civilians. There is a reason that the Palestinians are fighting the construction of the Fence. They know very well that the completion of the Fence will make it extremely difficult for them to continue perpetrating acts of murder.

The opinion transmits a deadly message encouraging terror on the one hand, while on the other hand undermining the countries who are trying to protect themselves against it. Anyone who is concerned about the spread of the plague of terror must, today, stand beside Israel in its claim that such an immoral and dangerous opinion must cease to exist. Any cultured person to whom a stand against terror is important must stand beside Israel, and negate the opinion and its dangerous implications.

This page was last updated on 11.07.2004

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Statement by FM Livni on the Mugrabim ramp construction work

7 Feb 2007

(Communicated by the Foreign Minister's Bureau)

In talks with her colleagues (7 February) regarding the construction work being carried out at the Mugrabim ramp, Vice Prime Minister and Minister of Foreign Affairs Tzipi Livni made the following comments:

"The Temple Mount is the site most holy to the Jewish people. The State of Israel will never do anything to harm the freedom of worship of members of all religions - in Jerusalem or anywhere in Israel.

There are irresponsible elements, who know full well that no harm is being caused here to any holy site, who are exploiting Israeli democracy to fan religious feelings for political gain. This is true of both political groups within Israel and extremist elements outside Israel."



HP EXHIBIT 83

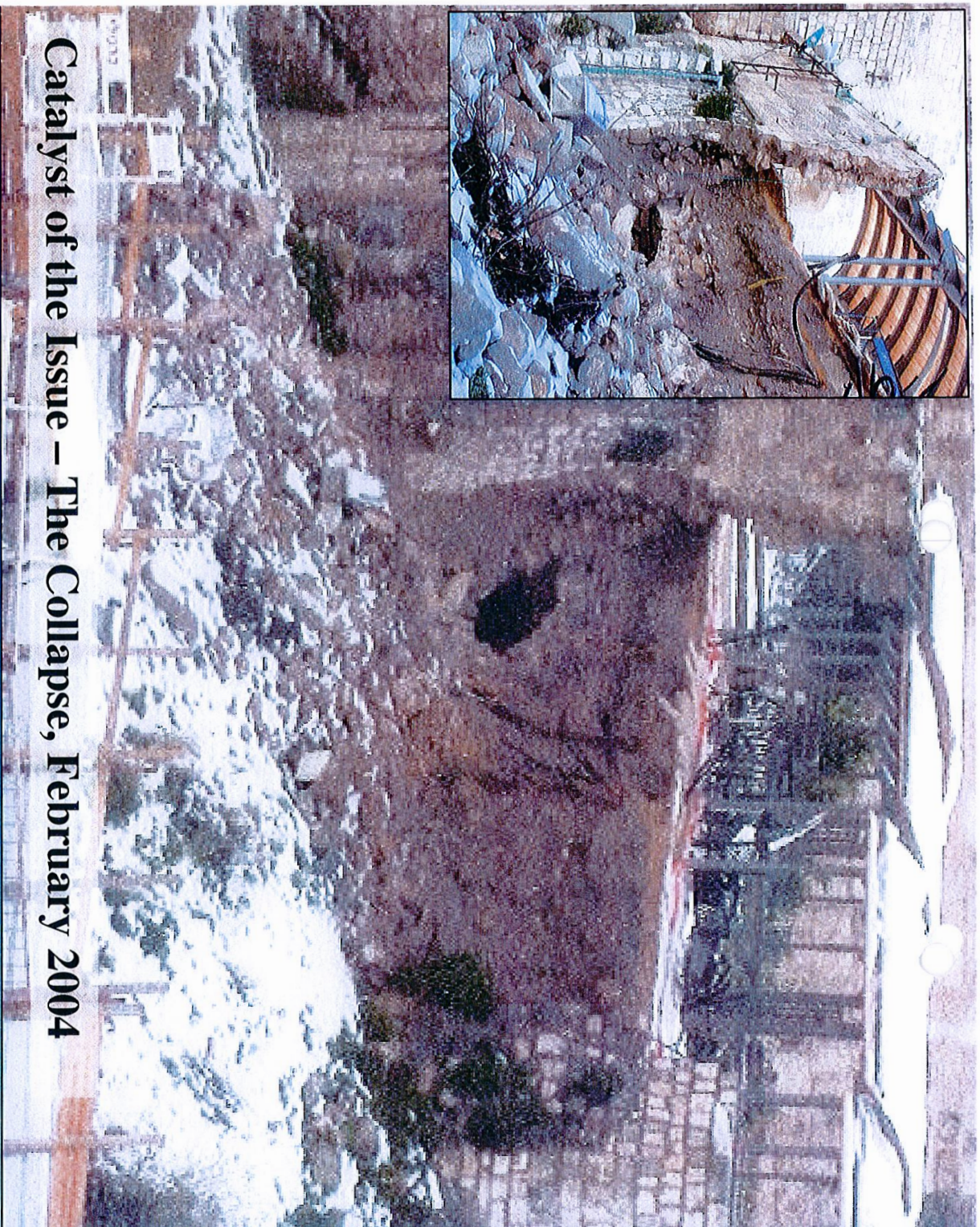
The Mughrabi Ascent Excavation

www.israantique.org.il

Israel Antiquities Authority – Jerusalem Region

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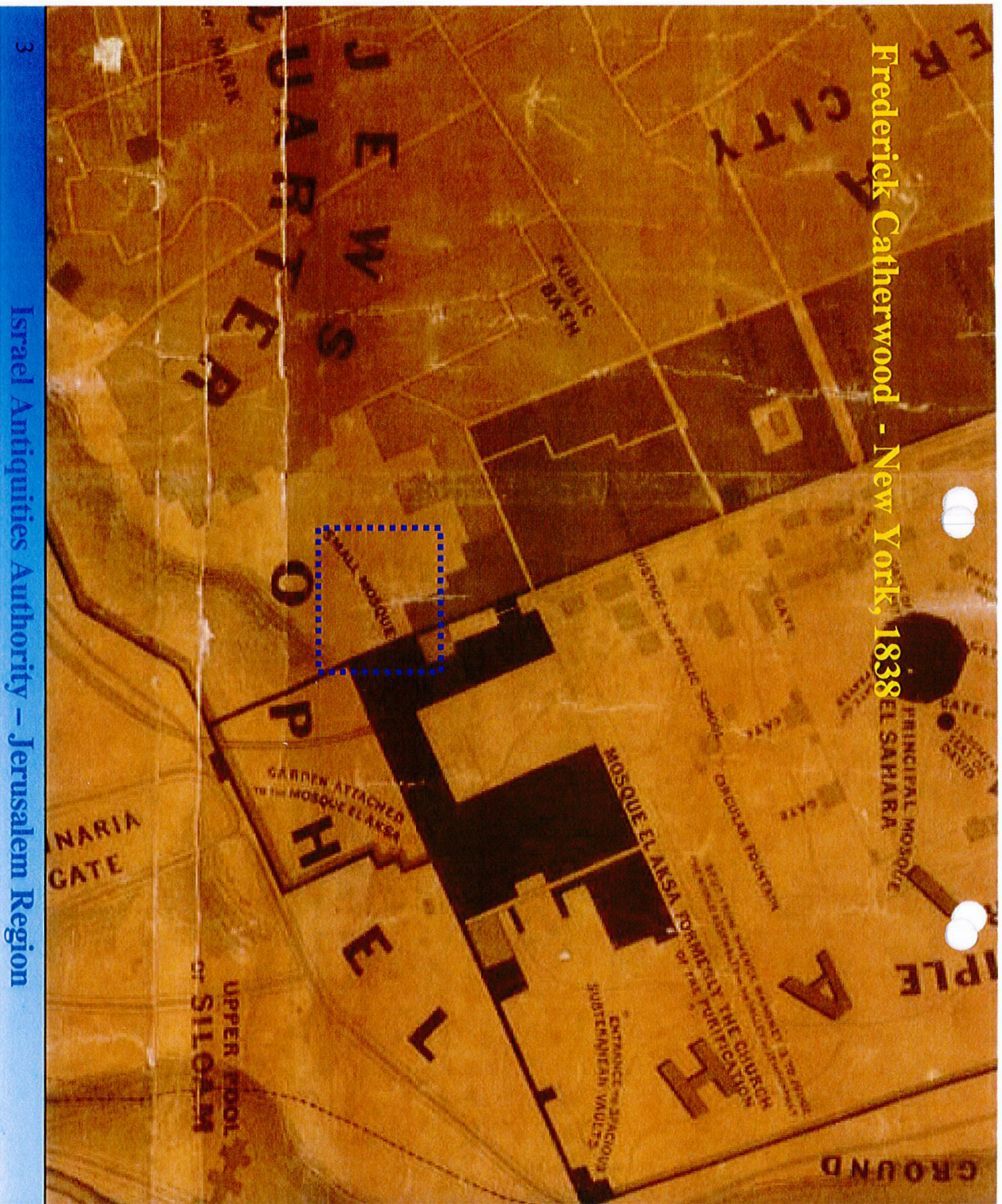
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Catalyst of the Issue – The Collapse, February 2004

2 Israel Antiquities Authority – Jerusalem Region





Frederick Catherwood - New York, 1838

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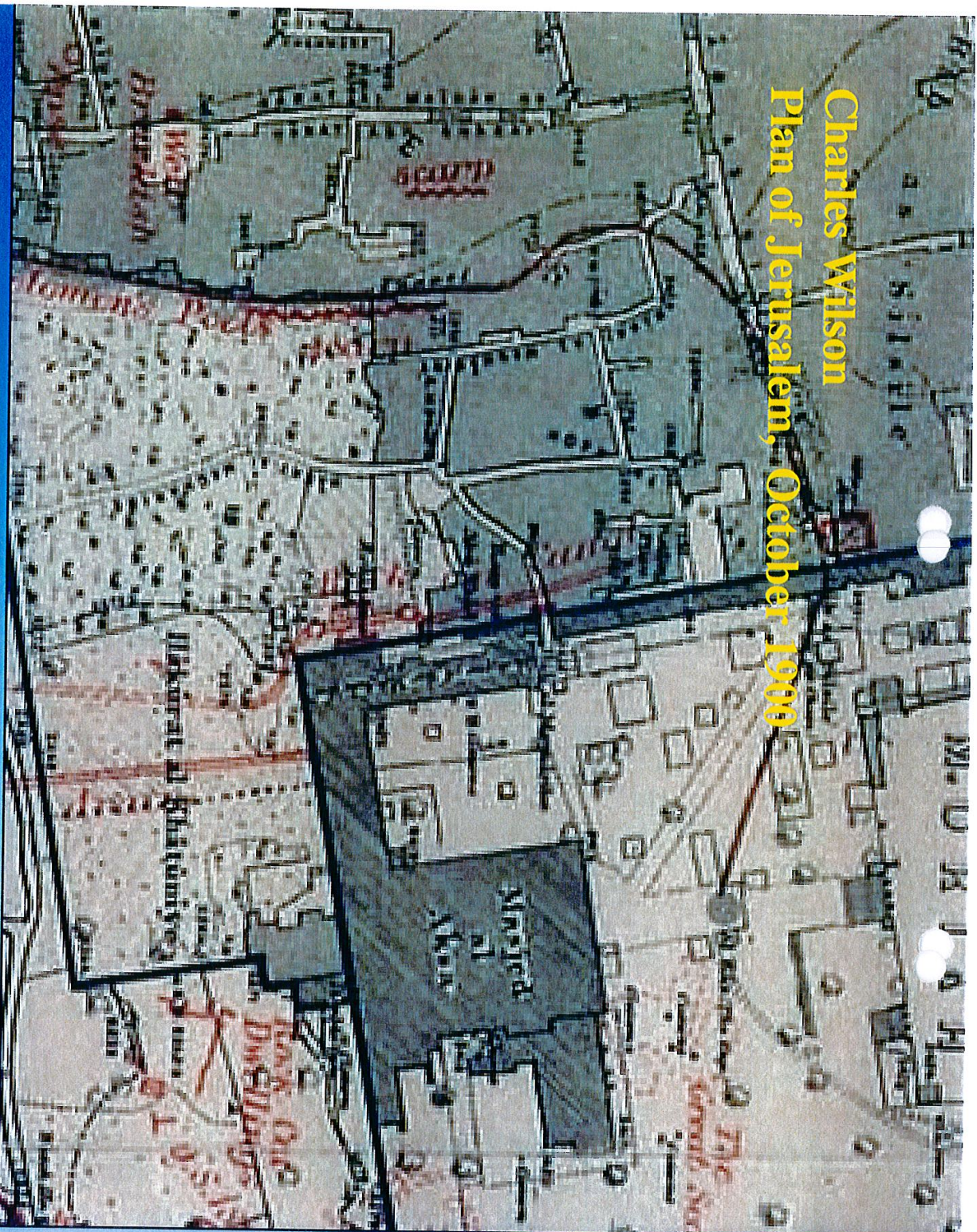
Israel Antiquities Authority – Jerusalem Region

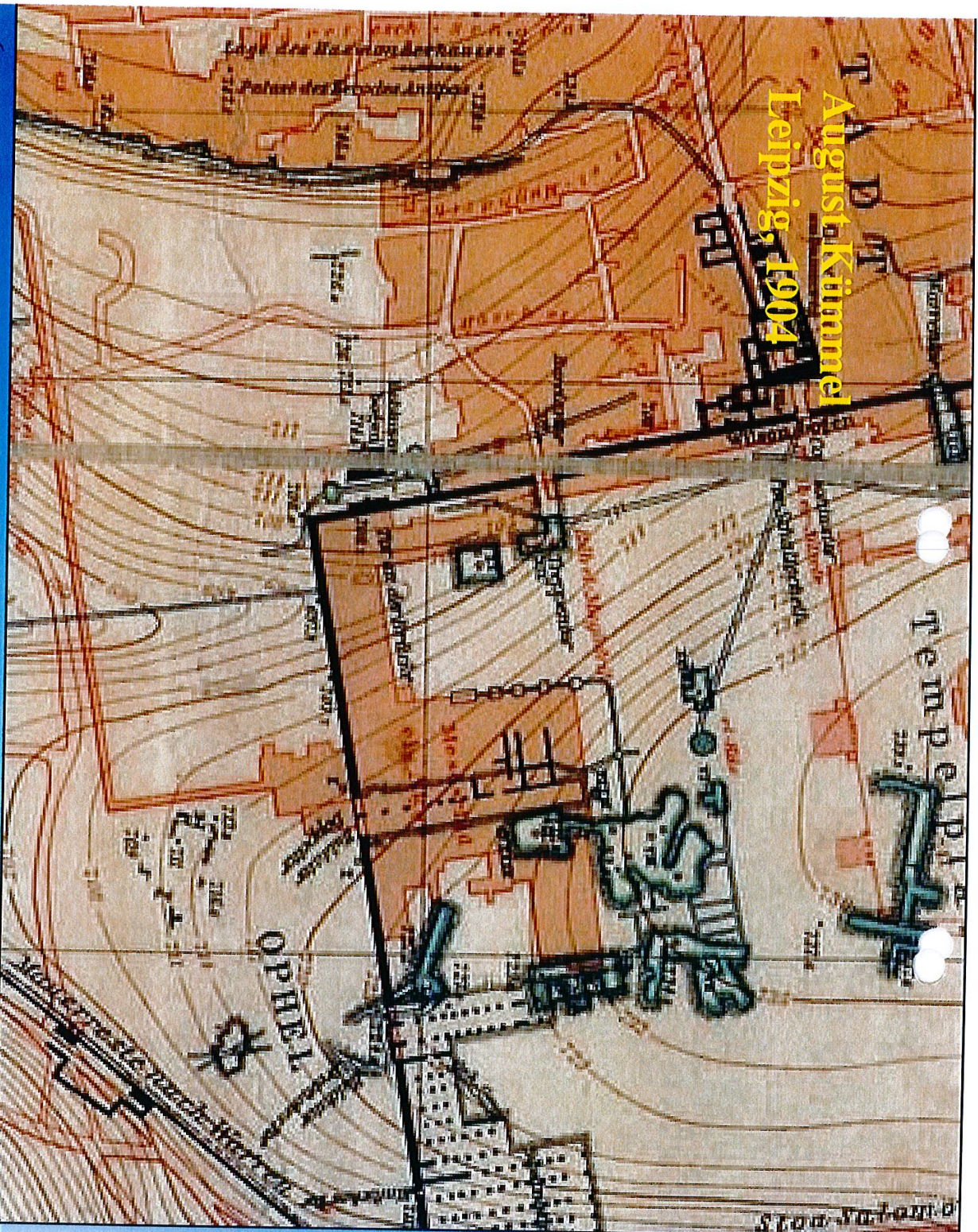
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Israel Antiquities Authority – Jerusalem Region

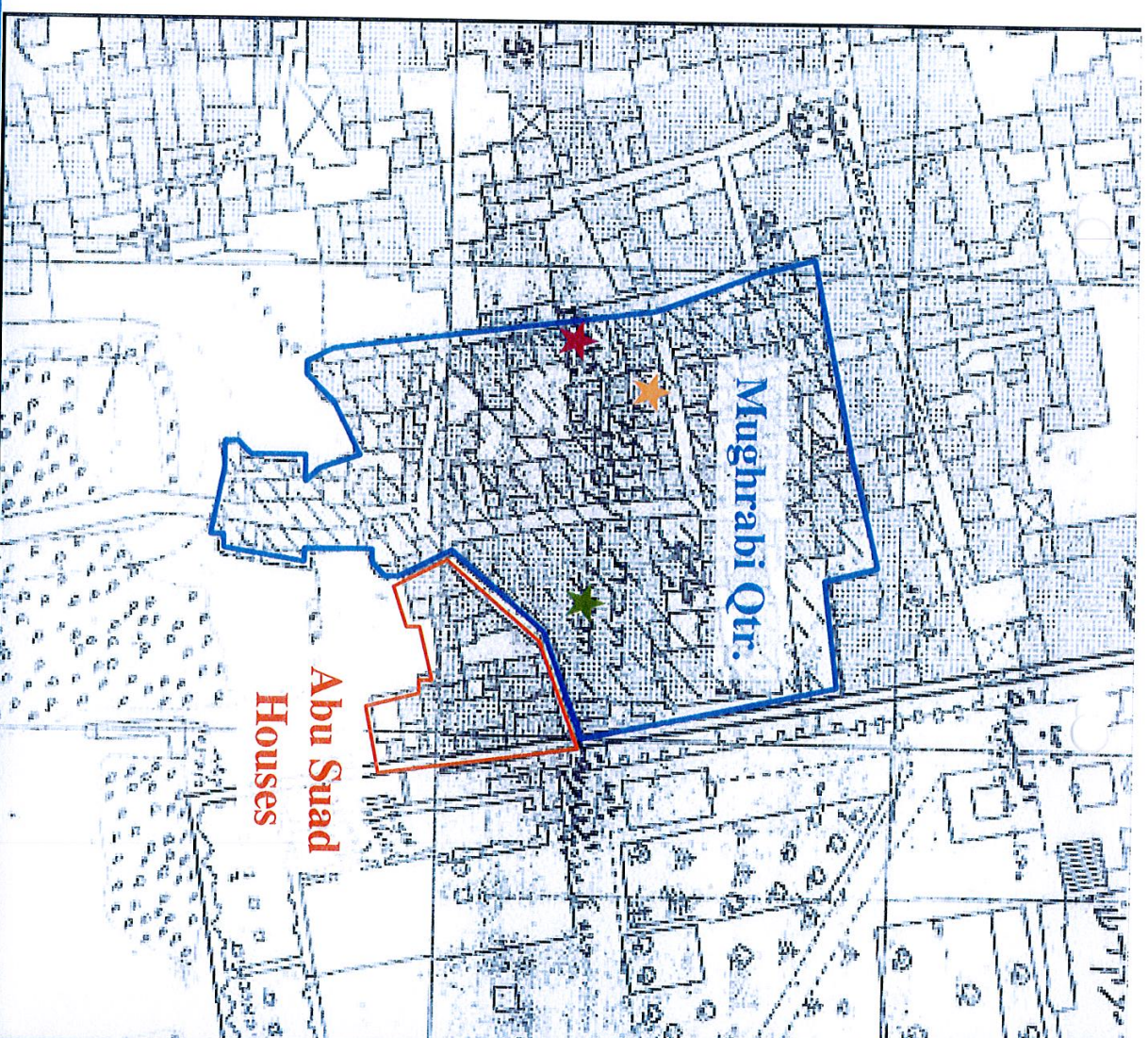
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1073

The Solomon Map of 1936. The area of the Mugrabi Qtr. is divided between lower and upper areas.

- Jama al-Buraq ★
- Madrasa Afdhaliyya ★
- Zawiyya al-Tawashiyya ★



Abu Suad Houses at beginning of 20th Century



8

Israel Antiquities Authority – Jerusalem Region



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Aerial View of Mughrabi Quarter

(around 1935)

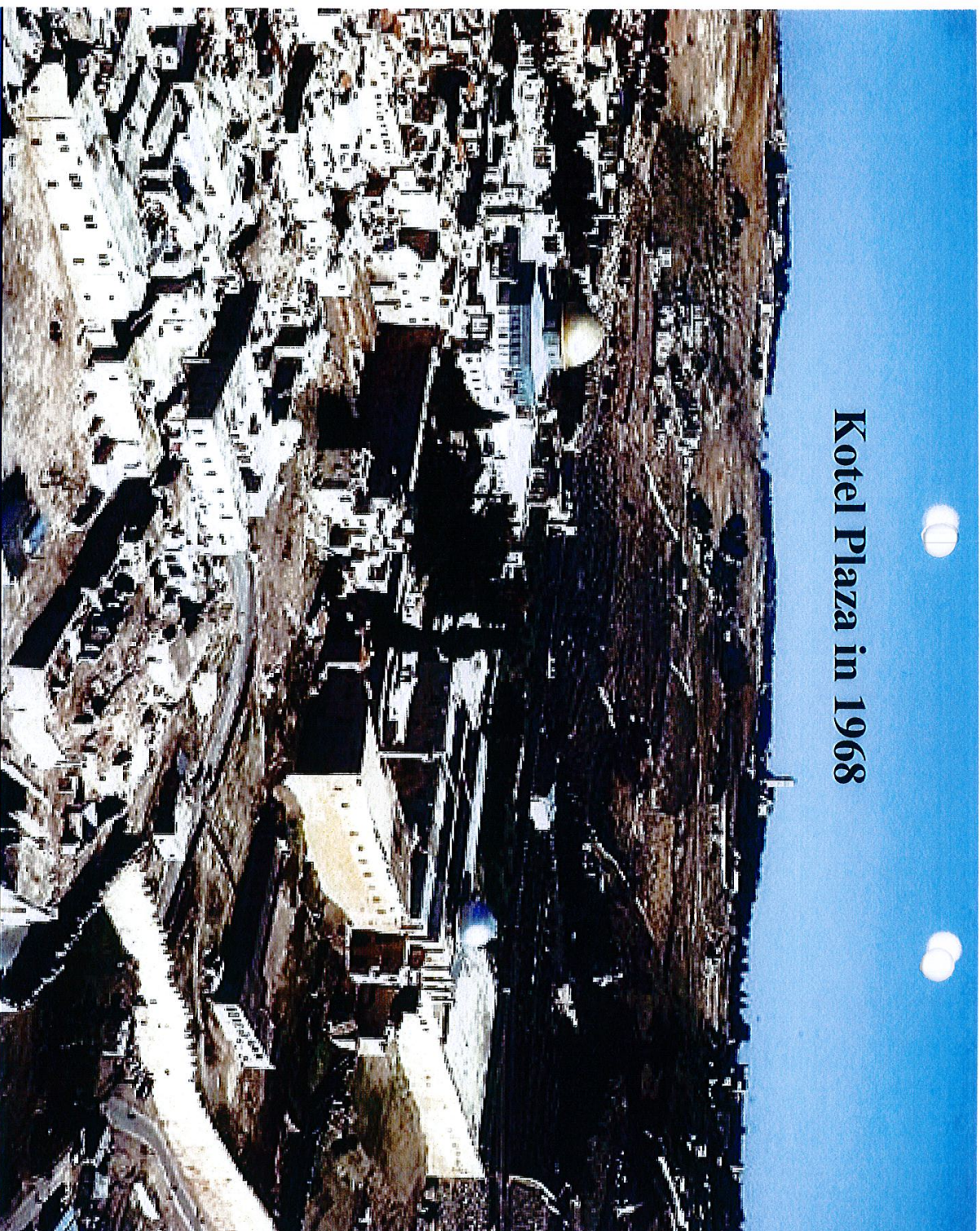


HP EXHIBIT 83

Israel Antiquities Authority – Jerusalem Region

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Kotel Plaza in 1968



10

Israel Antiquities Authority – Jerusalem Region



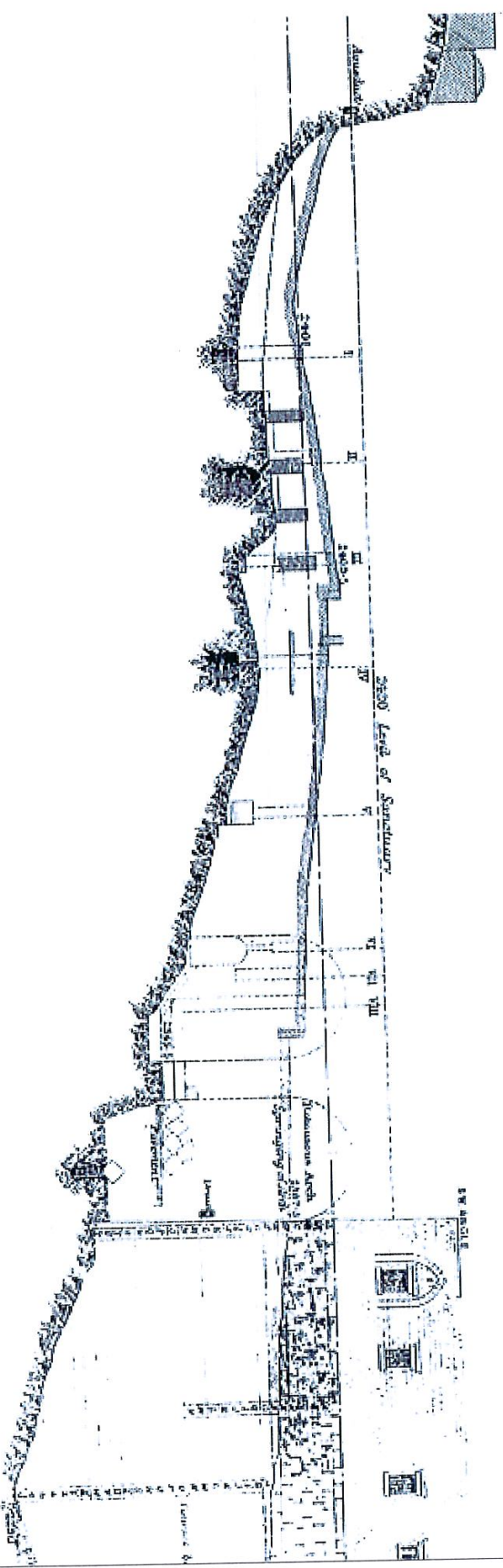
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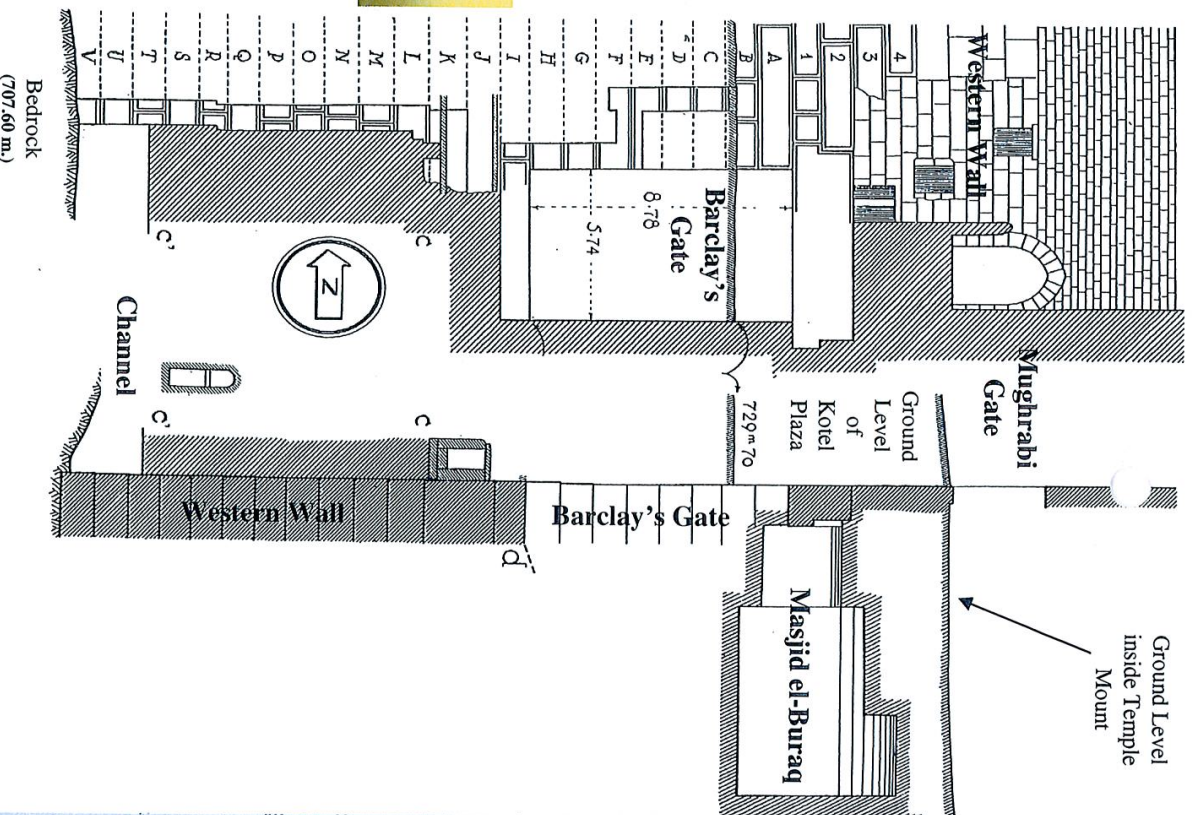
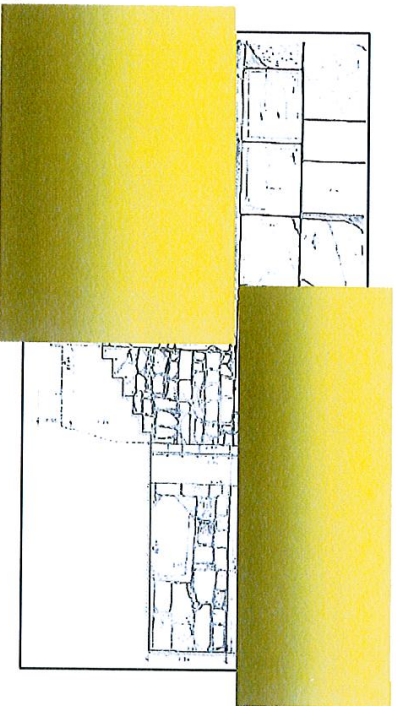
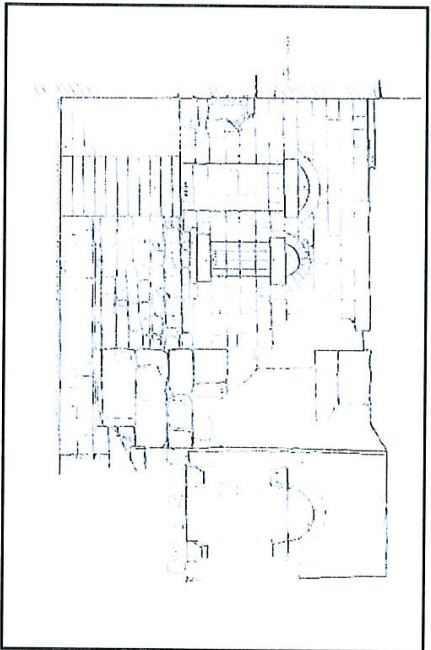
Section between Jewish Quarter and Temple Mount

SECTION AND ELEVATION SHEWING SOUTH FRONT OF THE NOBLE SANCTUARY
FROM THE UPPER CITY TO THE KEDRON VALLEY.

From the Ordnance Survey & from measurements by
Charles Warren



Barclay's Gate



Barclay's Gate – View from inside Masjid el-Buraq

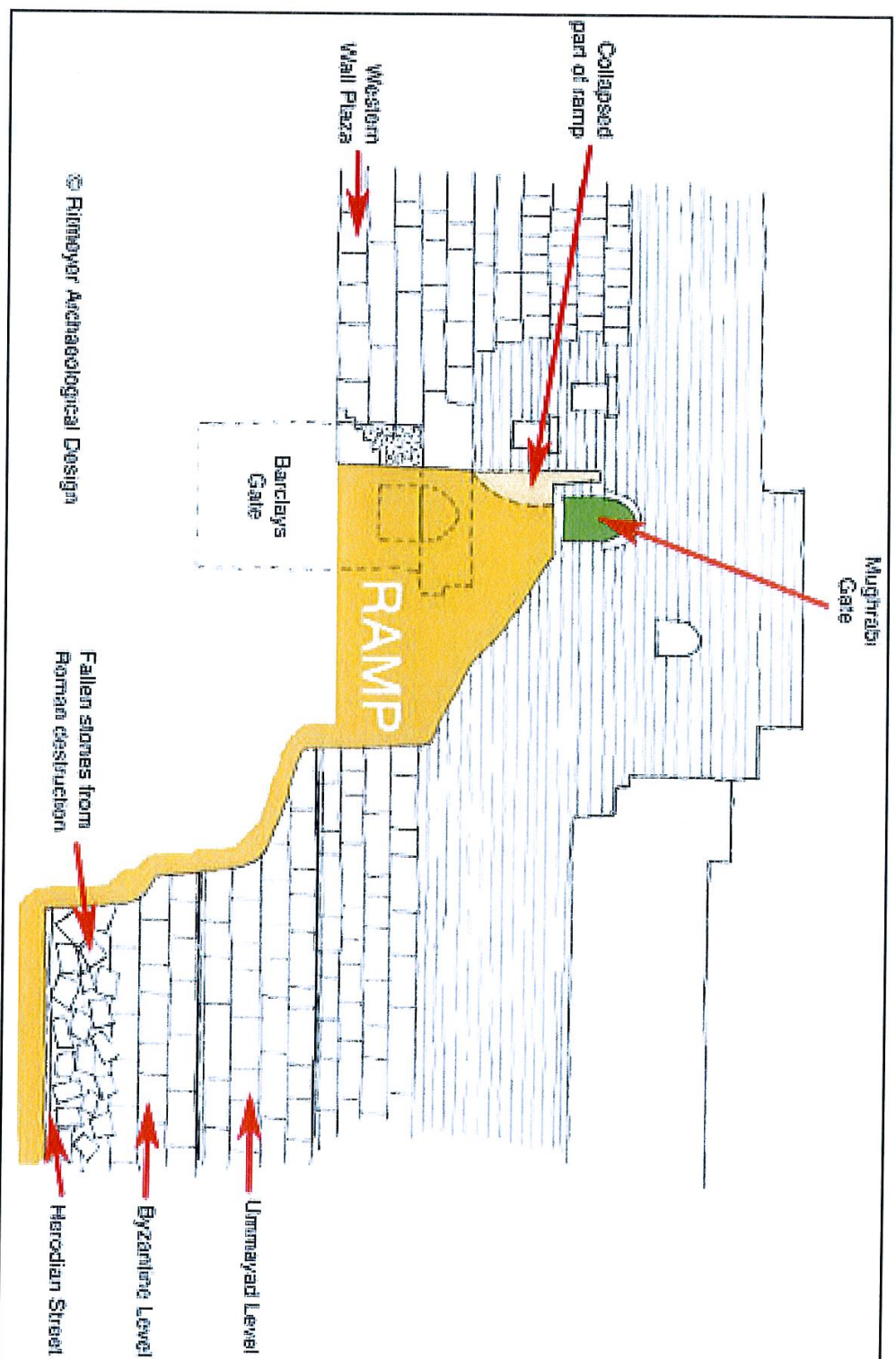


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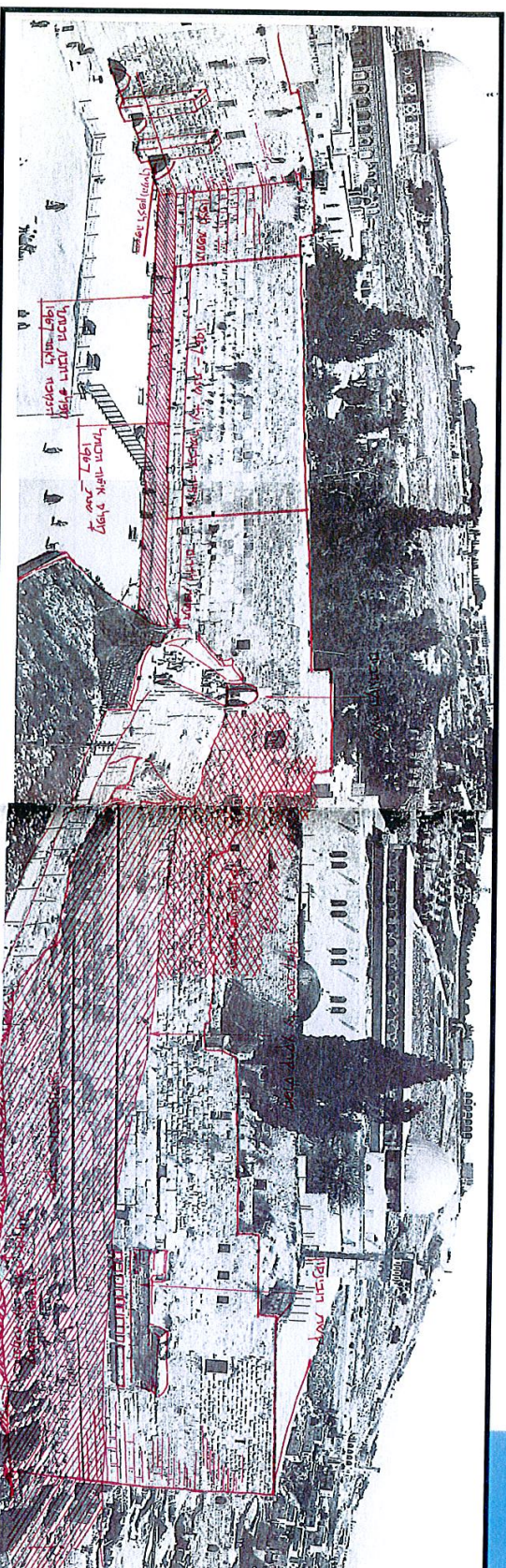
Israel Antiquities Authority – Jerusalem Region



Schematic Section through Mughrabi Ascent



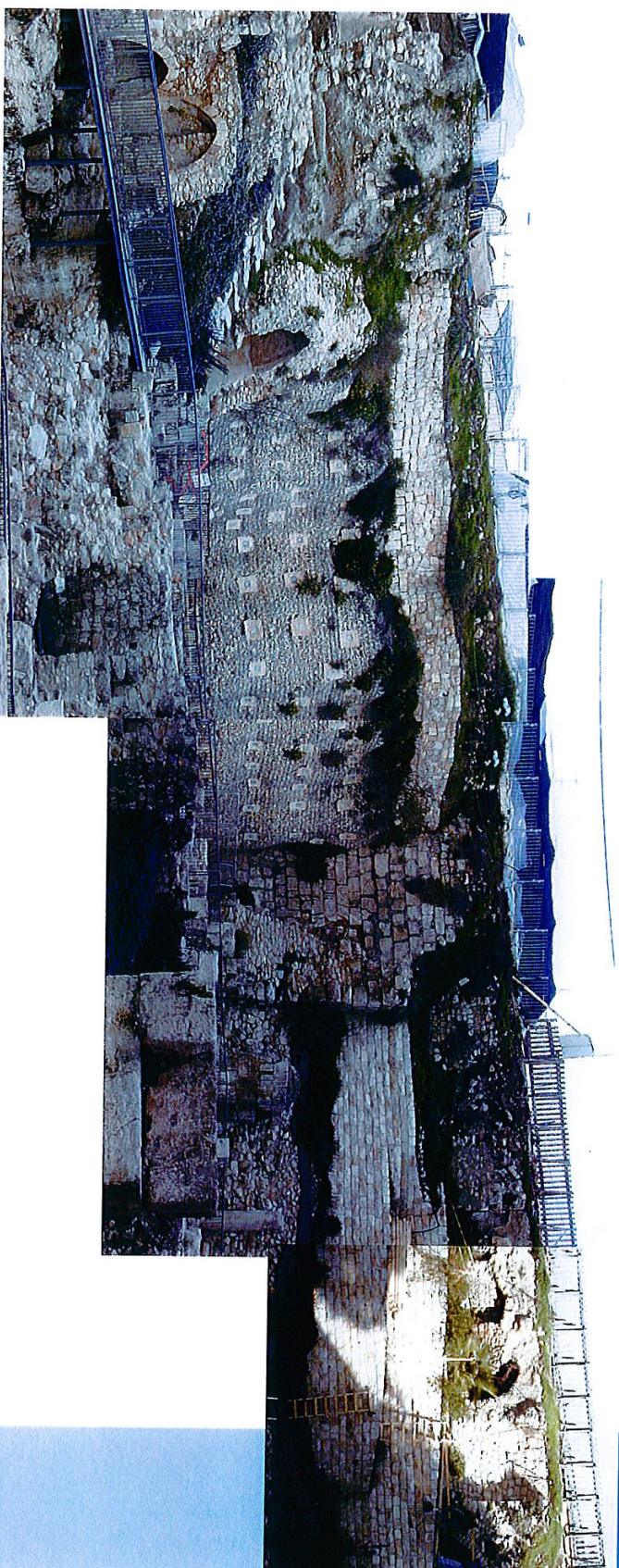
Stages of Work at Kotel Plaza and Archaeological Park between 1967 to 1971.



מקור: אדריכל שוברג, תשל"ב

Southern Section of Mughrabi Ascent

**Section shows remains of Byzantine baths, Umayyad Palace and
Mamluke Structures**



Southern Section of Mughrabi Ascent

The Byzantine-Umayyad Bathhouse

**Remains exist to top of
Mughrabi Ascent**



Possible Reconstruction of the Umayyad Palaces





The Mughrabi Ascent Excavation

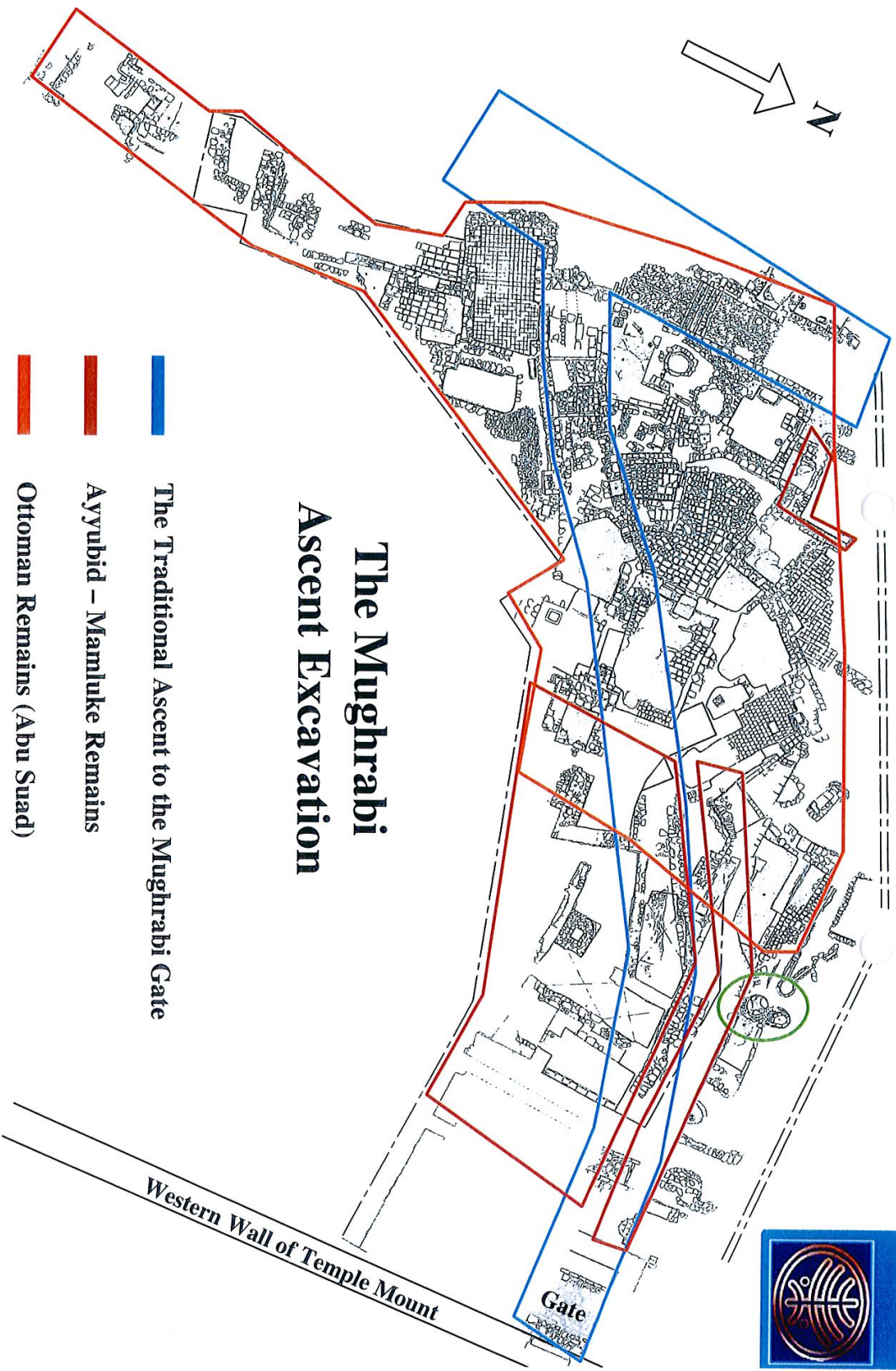
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Israel Antiquities Authority – Jerusalem Region



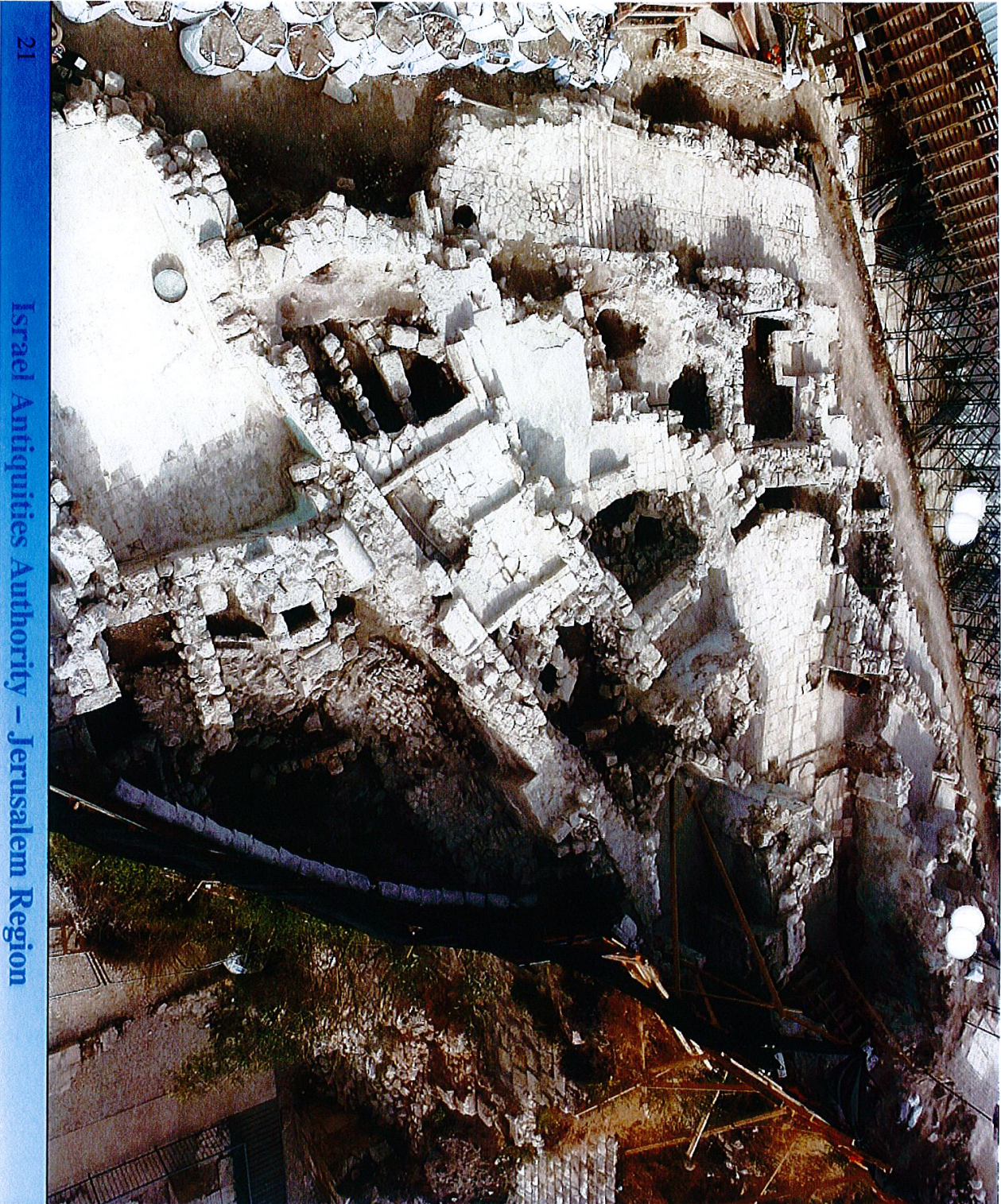
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The Mughrabi Ascent Excavation

- █ The Traditional Ascent to the Mughrabi Gate
- █ Ayyubid - Mamluke Remains
- █ Ottoman Remains (Abu Suad)
- █ Mamluke Pottery Kih



21

Israel Antiquities Authority – Jerusalem Region



HP EXHIBIT 83

1088



HP EXHIBIT 83



23

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HP EXHIBIT 83

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26

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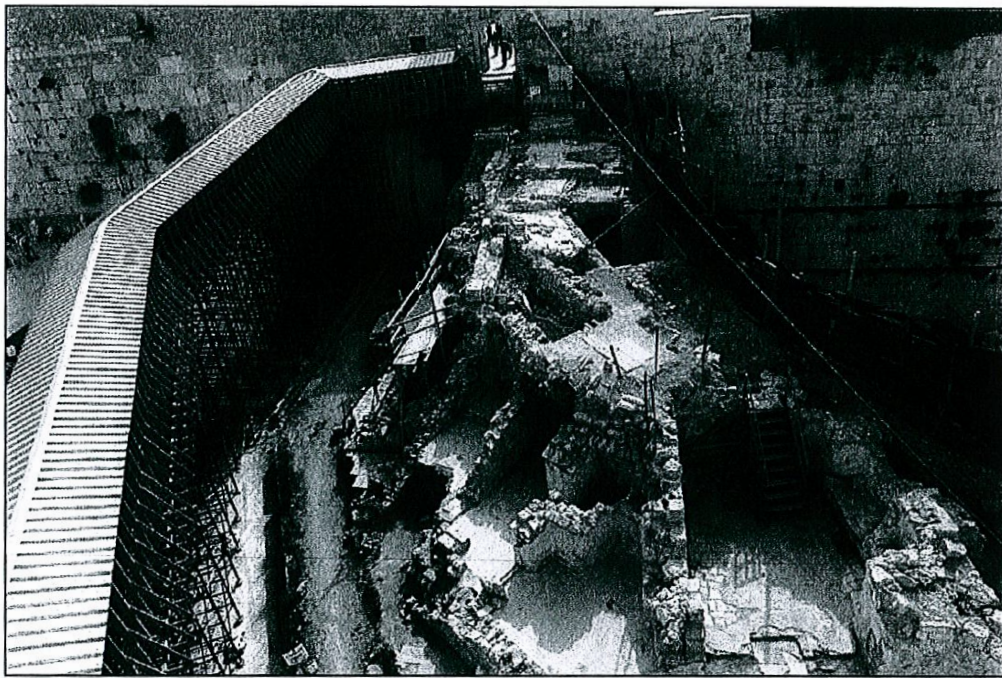
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Excavation at the Mughrabi Gate Ascent – Jerusalem

Report on the Archaeological Work - January to July 2007

**Chaim Barbe, Fanny Vito and Jon Seligman
Israel Antiquities Authority**

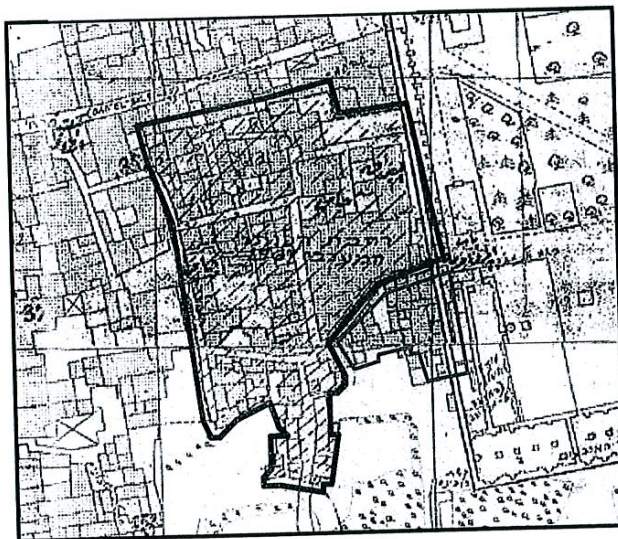


Maps and Photographs of the Mughrabi Ascent



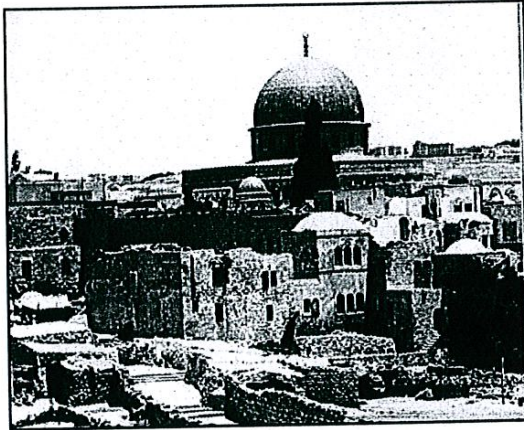
A map dating to 1838 drawn by Francis Catherwood shows in systematic fashion some of the houses of the Mughrabi quarter.

Charles Wilson's ordnance survey map of 1876 gives detailed data concerning the outline of the buildings of Abu Su'ad and the street layout of the Mughrabi quarter.

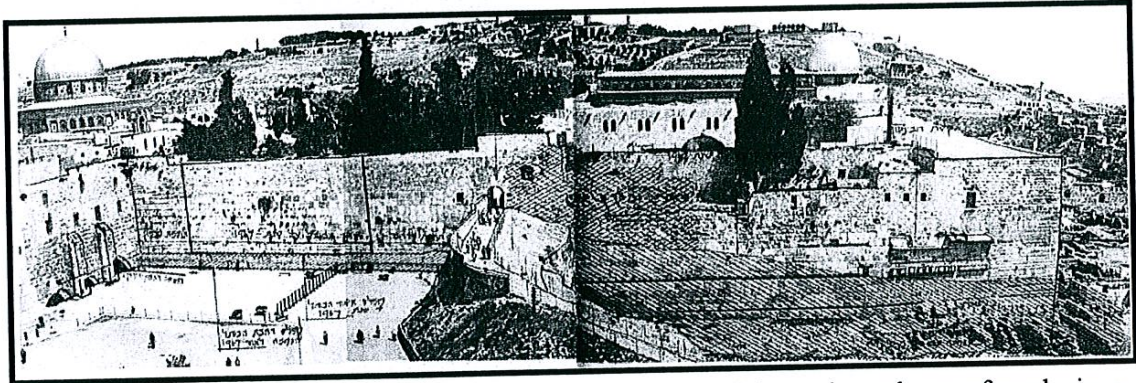


Solomon's 1936 map for the mandatory Survey Department gives detailed urban information including streets and division of the dwellings with each insulae. The area outlined in blue is the lower section of the Mughrabi quarter and the section in red is the Abu Su'ad houses including the street leading up to the gate.

HP EXHIBIT 84

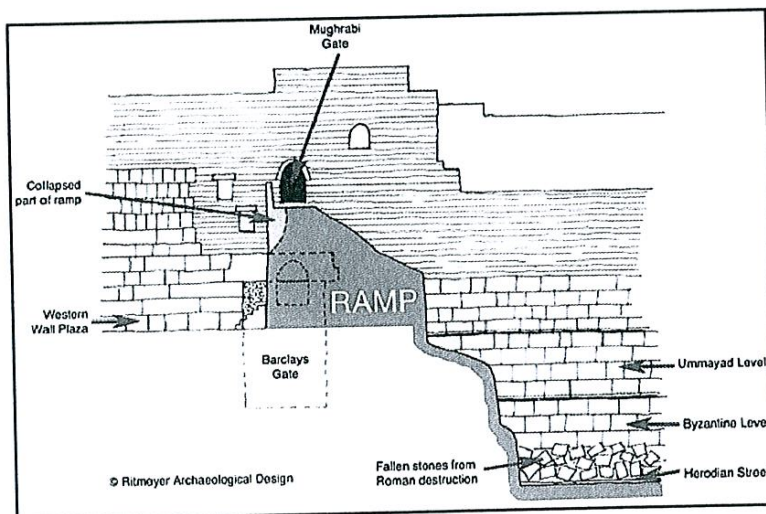


The Abu Su'ad house in the early twentieth century with the Dome of the Rock in the background



A section facing east towards the Temple Mount shows in red the various phases of work since 1967, the Western Wall plaza to the north (left), the

Mughrabi ascent prior to its collapse in 2004 and the excavation area to the south (right).



Schematic cut through the Mughrabi ascent showing (inaccurately) the different historical and archaeological layers.

The Excavation

The Mughrabi Quarter is noted in a number of sources, the earliest being Sawity in 1470 and Mujar ed-Din in 1496. The establishment of the quarter should be dated to the end of the 12th century CE.

In maps and photographs of the 19th and early 20th centuries two clear areas of the Mughrabi neighbourhood can be clearly discerned. The lower area; set between the Madrasa el-Tanqaziyya to the north, the raised Mughrabi ascent to the south, the Western Wall of the Temple Mount and the rock face to the west; and the upper area along the raised ramp, also known as the Abu Suad houses. This latter area consisted of around ten houses, two to three storeys high, constructed west of the adjacent Mughrabi Gate. A paved street led up to the gate between the Abu Suad buildings from the lower area of the quarter. This street, which can be distinguished on maps and photographs from the end of the Ottoman period, was revealed during the excavation. Excavation below the paving of the street showed that it had undergone a series of renewals up to Jordanian times, though the date of the founding of the street, especially in the section close to the Gate, should be sought in the 13th century CE.

Bridge Column Sondages

Three excavation squares were excavated within the area of the Jerusalem Archaeological Park to assess the type and significance of the remains that may be affected by the construction of the bridge columns.

In the southern-most square the remains of a Byzantine Period building paved with a polychrome mosaic with geometric and floral designs was uncovered. This building was covered with a layer of the Umayyad period showing it to have been abandoned prior to this period. Bedrock was discovered 4 metres below the surface.

In the square to its north a coarse plain white mosaic of the Umayyad period was found. This mosaic is probably part of the third palace which was mostly excavated by Mazar and Ben Dov in the seventies. This square was shallow with bedrock only 1.3 metres below the surface. The rock itself showed signs of quarrying.

The northern square was partially worked. A drilling found bedrock some 15 metres below the surface and it was decided to cease the excavation at this stage. Limited remains of houses and a cistern of the Mamluk and Ottoman periods were uncovered.

The Ascent Excavation

HP EXHIBIT 84

The excavation at the Mughrabi Ascent began on February 11, 2007 after mechanical equipment removed a layer of cement from this area that covered the ascent which was used until the winter of 2004. The exposure of the excavation area was overseen by inspectors of the Jerusalem region of the Israel Antiquities Authority.

The excavation area measures c. 25 x 45 m. Remains of houses that were inhabited until 1967 were uncovered in the Mughrabi Quarter.

The remains that were revealed mostly belong to the lower region of the neighborhood, north of the alley that led up to the Mughrabi Gate. So far some twenty rooms have been exposed in the excavation. They were paved with limestone flagstones and clay floors were added on top of some of them. The walls of the rooms, which were preserved to a height of 2.0-2.5 m, were built of partially dressed stones that were bonded with cement. The walls of the rooms were treated on the inside with plaster that was painted blue, green or red. It seems the alley that led up to the Mughrabi Gate passed above several of the rooms in the lower part of the quarter; hence the inhabitants of these rooms resided beneath the ascent.

In probes that were conducted below the floors of the rooms ceramics and coins were discovered that date to the Ottoman, which in turn date the construction of the rooms. A large quantity of objects from the twentieth century was found on the floors of the rooms, among them bronze bowls, cooking utensils, tableware, glass bottles, shoes etc. Numerous coins, many of which are Jordanian dinars, were also found. Based on the kinds of artifacts that were recovered it is possible to reconstruct the use of several of the structures, for example, the barber's house and the shoemaker's house.

In the upper part of the Mughrabi Quarter was the Abu Sa'ad House in which four cellars were exposed, some of which are still covered by vaults. It was ascertained that the use of these cellars had already been negated at the end of the nineteenth century as a result of a mighty conflagration. The evidence of this that was discovered in the excavation included a thick layer of ash on the floors of the cellars, signs of fire on their walls and artifacts (among them pipes, coins and pottery vessels) that date to no later than the end of the nineteenth century.

In the northern part of the Mughrabi ascent the excavation reached the level of the Western Wall plaza. There an area was excavated below the Ottoman period layer and it became clear that the walls of the houses from this period were built on top of walls from the Mamluk period and on walls that are even earlier, from the twelfth-thirteenth centuries CE. In light of the existence of these remains we can assume there was continuity in the settlement, probably from the time of the neighborhood's establishment.

Among the remains discovered from the Mamluk period was a well preserved potter's kiln.

In the area near the Mughrabi Gate soundings were conducted below the pavement of the alley that led up to the gate and remains of an alley were discovered (L60060), which based on the ceramic finds, can be dated to the Fatimid-Crusader period (eleventh-twelfth centuries CE). These findings are likely to show that by the end of the twelfth century CE or in the thirteenth century there was already an approach that ascended to the Mughrabi Gate.

Below this alley a wall (W6008; c. 0.90 m wide) was exposed that was built of finely dressed ashlar stones, which was oriented in an east west direction. An arch (exceeding 1.15 m wide) was discovered at the front of the northern side of the wall. In the fill which blocked the arch and extended to the front of the wall was pottery from the Early Islamic period.

West of Wall 6008 another wide wall (W6045; in excess of 1.20 m) was discovered that was also oriented in an east west direction and was built of finely dressed ashlar stones. A round installation that contained ceramic finds from the twelfth-thirteenth centuries CE was built next to the northern face of this wall. The installation was constructed after the wall was built and therefore Wall 6045 predates the thirteenth century.

Another wide wall (W6015; c. 1 meter wide) that was built of ashlar stones in an east west direction was exposed for a distance of more than 14 m. The beginning of the wall was located c. 5.50 m from the Western Wall. Repairs, as well as additional courses in the upper part of the wall, were discerned; its lower part was treated with white plaster that covers strips of plaster that protrude from the joints between the stones. An arch that spans more than 2.40 m was discovered in the bottom part of the wall. The fill which reached this wall and blocked the arch contained ceramic finds that range in date from the Early Islamic period until the thirteenth century CE. This wall probably belonged to a large building, possibly the fourth Umayyad palace, in whose southern part Benjamin Mazar conducted excavations in the 1960's.

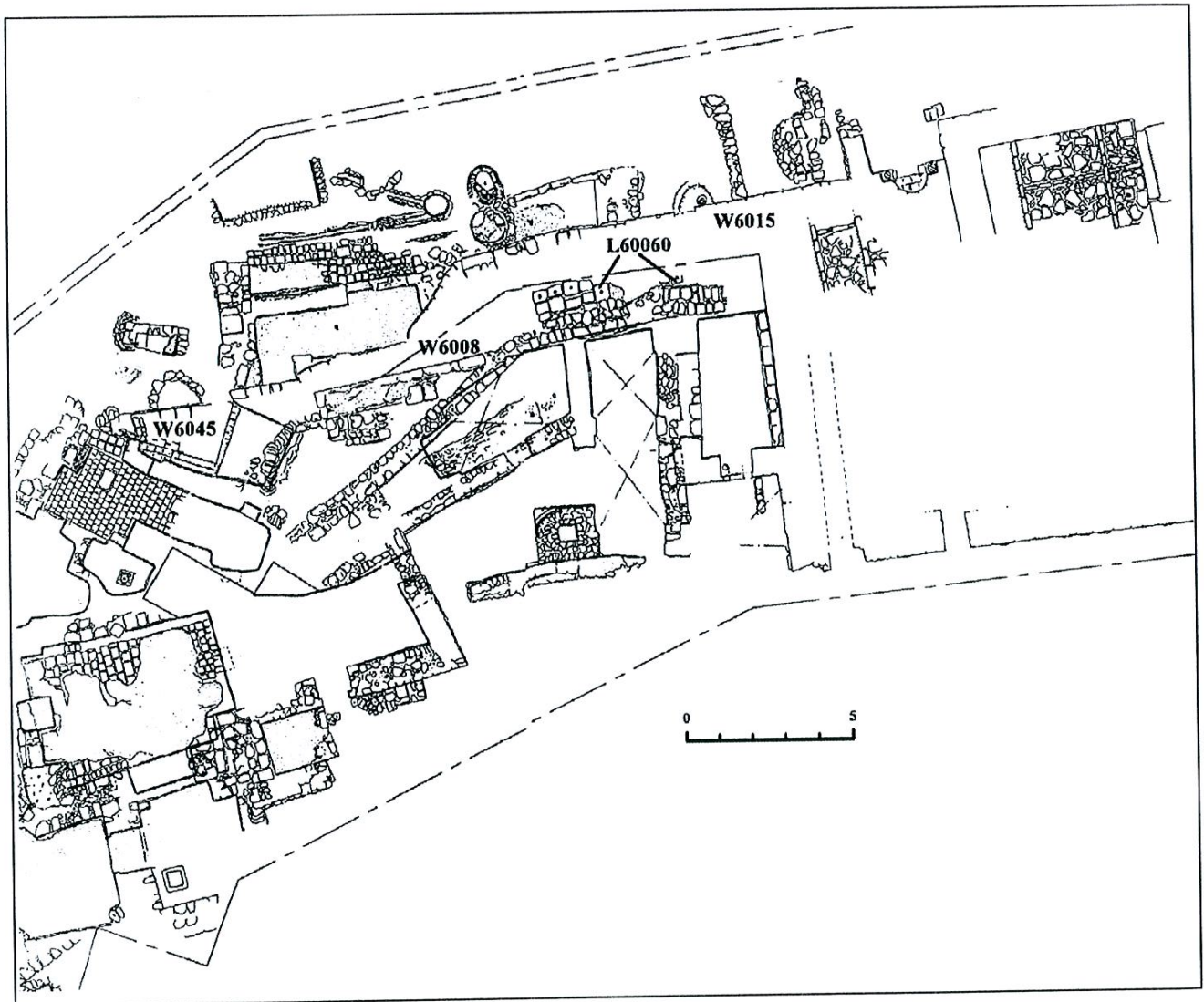
Summary

The excavation is presently reaching the end of the first phase which concentrated on exposing the remnants of the Mughrabi quarter from the Late Ottoman period and the beginning of the twentieth century.

A number of crucial archaeological questions remain unresolved:

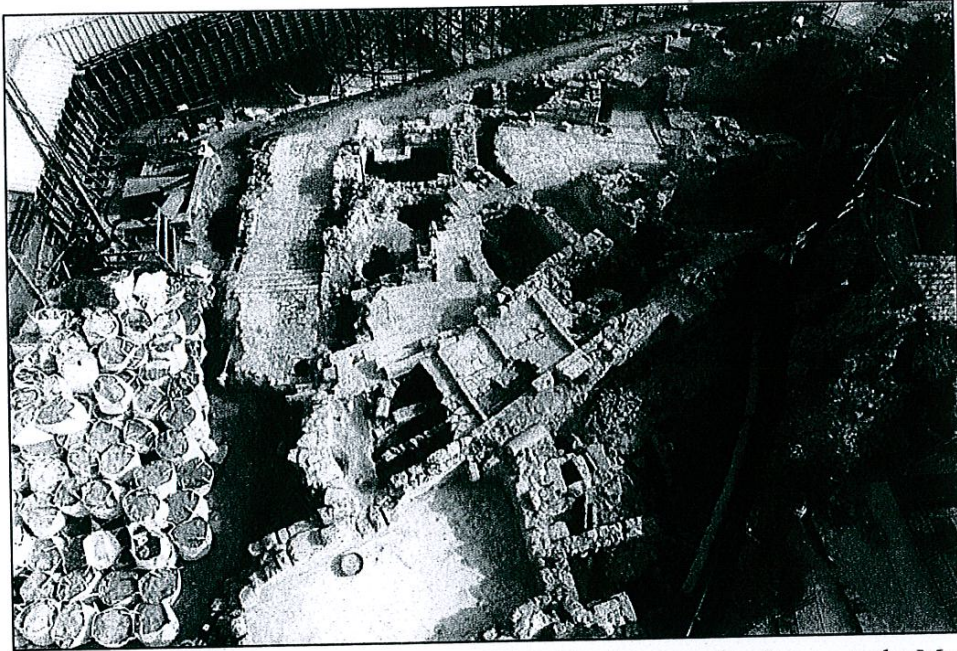
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1. When were the houses of the Mughrabi quarter constructed?
2. Was the gate opened as the result of the raising of the Abu Su'ad houses or was its opening a catalyst for the building of the houses?
3. What was the function of this area in the Middle Ages – industrial or residential?
4. Did the raised area protect and preserve the remains of walls of the fourth Umayyad palace?
5. Does the settlement continuity from the Ayyubid period until the Ottoman period exist throughout the entire excavation area?
6. Can information be added that will shed light on the theory that the Mughrabi Gate was constructed between the Fatimid period and the Ayyubid period?
7. What were the purpose and the dating of Walls 6015, 6045 and 6008?



Plan of Central Area of the Mughrabi Ascent Excavation

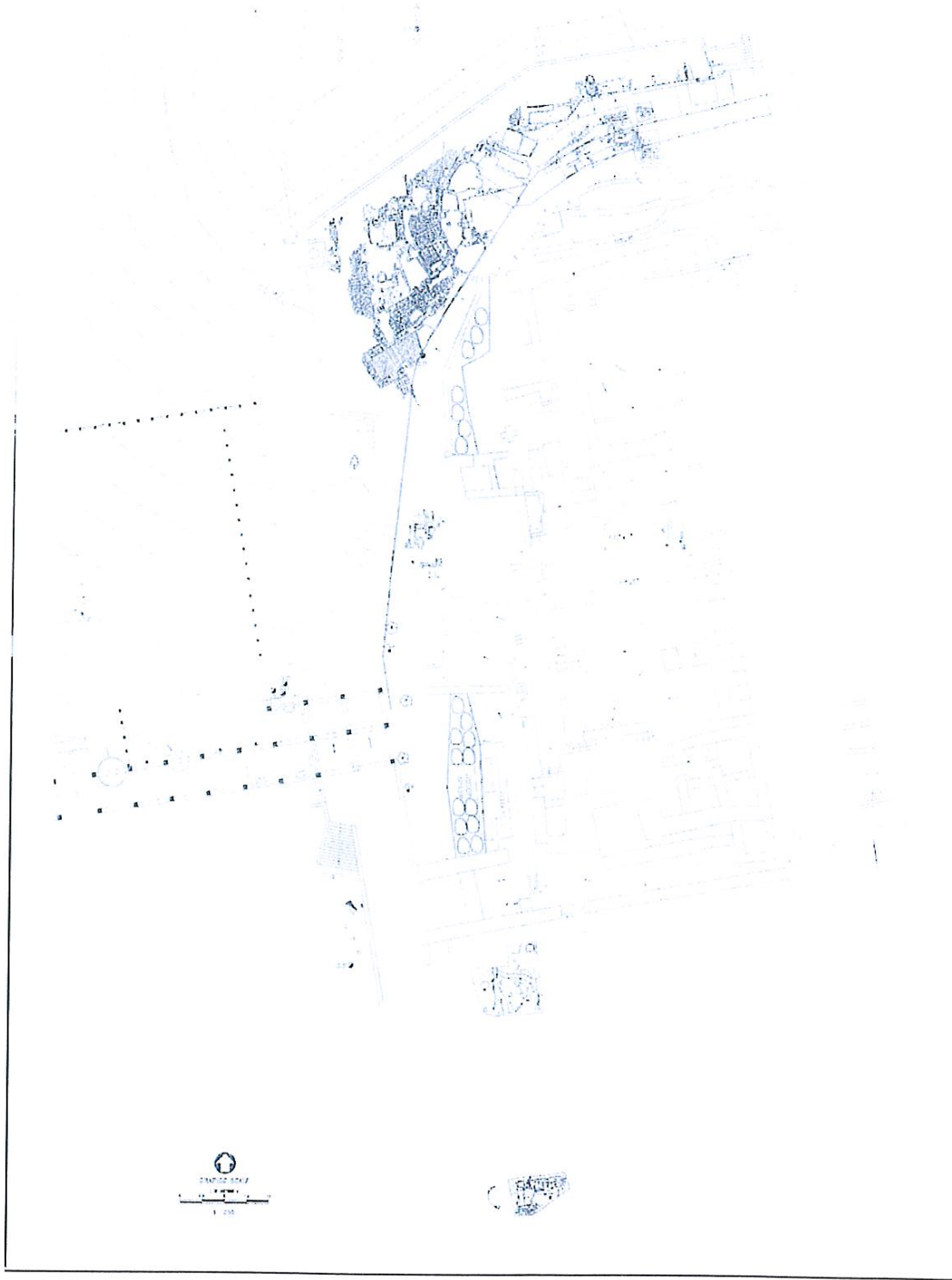
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The Ottoman buildings divided by the street leading up to the Mughrabi Gate.



The ashlar wall of the Mamluk period with the Umayyad (?) arch at its base.



Press Releases

Due to the Importance of the Western Wall, the Cabinet has Approved PM Netanyahu's Proposal to Increase the Five-Year Plan by Approximately NIS 60 Million

Government: The 37th Government

Publish Date: 21.05.2023

At its weekly meeting today, in the Western Wall Tunnels, the Cabinet approved Prime Minister Benjamin Netanyahu's proposal to increase by approximately NIS 60 million the budgetary framework of the five-year plan to upgrade infrastructure and encourage visits to the Western Wall plaza.

The decision adds around NIS 60 million which will provide a response to the increased pace of development work and construction being carried out at the site, as well as the discovery of archaeological finds, increased visits by students and soldiers and the implementation of additional educational activities.

This page was last updated on 21.05.2023

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Western Wall Cornerstone

Location **City of David National Park**

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From **36 NIS per person**

2 hours

Western Wall Cornerstone

23.06.2023

14:00

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[\(Invitation to groups\)](#) [More details](#)

The City of David National Park invites you to travel back in time 2,000 years, to the hidden world under the giant stones of the Western Wall.

Come and step under the central street of ancient Jerusalem, to the period of the return to Zion, when Jerusalem in the Second Temple Period became the most beautiful city of the East.

In this guided tour, we will progress in the depths of an underground tunnel through the Second Temple Period, to the findings that provide a glimpse into the daily lives of Jerusalem residents, up until the tragic end of the last of the rebels who hid in this place, and left behind cooking implements, a Roman sword and other finds, moments before the city's destruction. The route ends at an exit from the foundations of the Western Wall, next to the 2,000-year-old stones.

Facilities on site

Toilets Cafeteria Gift shop

Essential Information

- [Directions](#)
- [Food and Drinks](#)
- [Services](#)
- [Tour route](#)

FAQ

Is the tour suitable for strollers?

Is the track accessible?

Is there parking at the City of David National Park?

Can babies enter the tunnel?

Do you need flashlights for the tunnel?

Experiences and special content in your email

Here in the City of David, new things happen almost every day - discoveries are made, tours, special activities for the holidays, conferences, lectures and more.

1107

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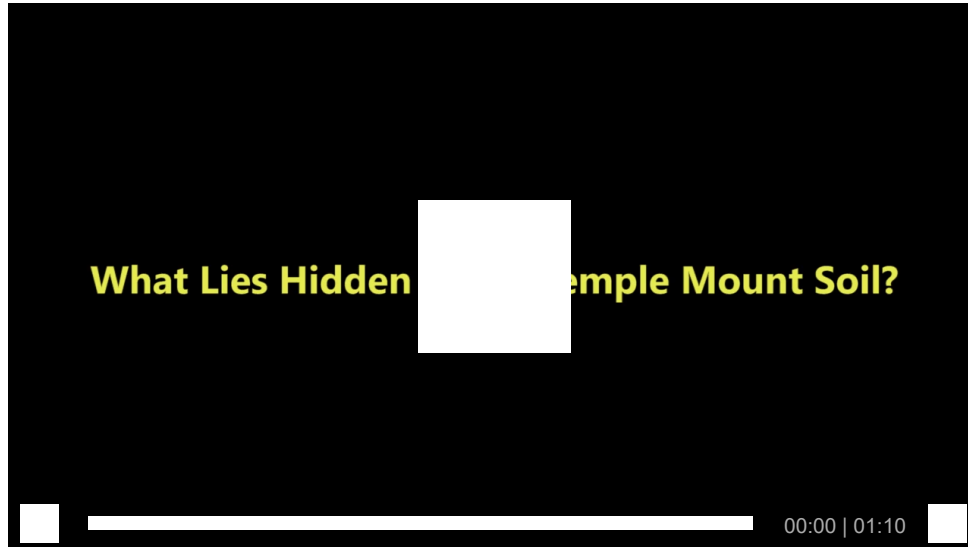
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TEMPLE MOUNT
SIFTING PROJECT



[Book Now](#)

How to Participate in the Sifting?

How Does It Work?

Participation in the Temple Mount Sifting Project is a two hour program which includes an introductory lecture and sifting guidance, the sifting itself and a summary during which the guide

Mitzpeh HaMasu'ot (The Masu'ot Lookout)

The new sifting facility is located in a scenic pine grove at the meeting point of Mount Scopus and the Mount of Olives, not far from the Hebrew University campus.



TEMPLE MOUNT
SIFTING PROJECT

The sifting work does not require physical exertion and participants are not expected to get dirty, but they may get wet. Site conditions are suitable for all seasons of the year. **Even during a heatwave the weather is pleasant at the site – Mitspeh HaMasu’ot is situated at the highest point in Jerusalem and thus benefits from a welcoming breeze. Working with water in the wet sifting also aids to reduce the heat.**

Important Note: The Temple Mount Sifting Project has moved and is no longer in our former facility at Zurim Valley National Park, which continues to operate as an archaeological sifting facility for soil from other sites (not the Temple Mount)

Further Details

Opening Hours

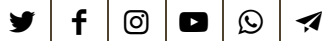
Visits must be reserved in advanced. On some days the sifting is closed – the most updated opening hours appear in the booking interface below.

mountain range separating Jerusalem from the Judean Desert and provides a magnificent panoramic view of the city. During the Second Temple Period, the first beacon (Masu’ah), announcing the birth of the new Hebrew month, was lit in this area. The site, with its convenient picnic tables and bathroom facilities, is often utilised by sightseers exploring the area. The site’s auditorium building also houses a painting exhibition as well as a display of some of the Temple Mount artifacts discovered in the sifting project.

Other nearby attractions to enjoy include the lookout tower at the Augusta Victoria church-hospital which provides a magnificent view of Jerusalem and the Judean Desert (open until 1 pm), the beautiful botanical garden at the Hebrew University’s Mt Scopus campus, which also contains the burial tomb of Nicanor who famously donated gates to the Temple, and the Yehudai Lookout facing the Judean Desert. Mitspeh HaMasu’ot is also the starting point of the Jerusalem Trail.

Testimonials

The Temple Mount Sifting Project was an extraordinary experience. It was a wonderful addition to our tour of Israel and it also was a way for me (us) to



TEMPLE MOUNT
SIFTING PROJECT

groups of 35 participants or more. To coordinate the visit of a group, contact: booking@tmsifting.org, or call: 02-5665491.

country. Each of us learned the importance of uncovering possible ruins and antiquities and I was delighted at how much fun it was for all. Everyone really "dug in" and got so excited as they uncovered even the

Bravo!

Temple Mount Sifting Project- HaMasu'ot
Lookout rated
"excellent" by 172
travelers



+ Prices

Sunday -Thursday

▣ 35 sifting activity for adults (aged 16 and above).

▣ 20 sifting activity for children aged 7-15.

▣ 2 children under age 7.

Fridays and Holidays

▣ 40 sifting activity for adults (aged 16 and above).

▣ 30 sifting activity for children aged 7-15.

▣ 2 children under age 7.

+ Location and Directions

The sifting site is located in Mitzpeh HaMasuot, on Martin Buber St on the junction with Yizhaq



TEMPLE MOUNT
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in reaching the site, call the staff on 02-566-5491 (from a non-local telephone: +972-2-566-5491).

By public transport:

The site is a short walking distance from the following bus stops:

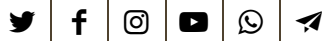
“Mount Scopus Terminal/Martin Buber, on buses 17, 19, 19A, 30, 34, 34A, 42, 48A, 53, 68

“Har HaTsofim Tunnel/Martin Buber”, on bus 84

By car:

Directions to parking lots in the vicinity of the sifting site:

Paid parking - in the Hebrew University parking lot, at the end of Binyamin Mazar St. (google maps link / waze link) - to pay you will need the cellopark application on your mobile phone. After parking, cross the street in the direction of the sifting site which is surrounded by a fence of

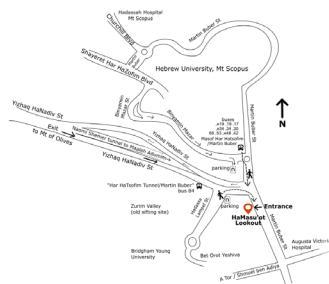


TEMPLE MOUNT
SIFTING PROJECT

Hadassah Lampel St.
(google maps link / waze link). Park at the beginning of the street, then return by foot to the start of the street, turn right and right again towards the sifting site entrance. **N.B. do not walk in the direction of the Emek Zurim national park.**

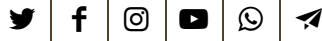
Please note – you cannot drive in the reverse direction directly back from the sifting site itself to Hadassah Lampel St.

Travel Directions to the Temple Mount Sifting Site



+ Volunteering

We are happy to accept volunteers, but since we need to invest in training volunteers, we ask potential volunteers to commit to at least thirty days of work, and to be prepared to carry out work involving physical



TEMPLE MOUNT
SIFTING PROJECT

them to accompany groups and check the sifting results of visitors.

We do not provide transport or meals for volunteers, who are asked to make their own way to the site and to bring their lunch.

Please arrange voluntary work in advance, by calling us on +972-2-5665491 during work hours, or by email: contact@tmsifting.org.

Volunteers who would like to volunteer at our lab are may apply by sending their resume/CV to: contact@tmsifting.org. We will make contact with you if you meet the necessary requirements.

We are currently looking for help in the following areas: counting artifacts and data entry, studio photography, graphical editing and programming in , Visual Basic in ACCESS, Php and SAS.

Archaeological students interested in helping out voluntarily as research

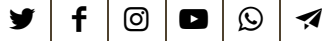


TEMPLE MOUNT
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Additional Tour Programs

For groups who wish to receive an enriched activity and a guided tour, we can provide the following programs:

- A tour of nearby sites including: the Augusta Victoria lookout tower, the Yehudai Lookout and the Mount Scopus botanical garden, including the Cave of Nicanor.
- An in-depth presentation covering the history and archaeology of the Temple Mount, including key artifacts recovered by the sifting project.
- A full day walking tour highlighting the archaeology of the Temple Mount, including: A comprehensive archaeological tour of the Temple Mount*, the royal compound at the Ophel dated to the First Temple Period and the Jerusalem



TEMPLE MOUNT
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National Park, ending at the sifting site at the Masu'ot Lookout). At the sifting site the group will receive an in-depth presentation on the Temple Mount Sifting Project and its finds, together with participation in the sifting activity.

*For those preferring not to enter the Temple Mount we offer an alternative tour including a walk around the Temple Mount's walls and the Davidson Center.

For additional information regarding these programs please contact us at booking@tmsifting.org or +972-2-5665491



TEMPLE MOUNT SIFTING PROJECT

21/06/2023



AVAILABLE
(/#5@BOOK@)

JUNE 2023						
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

Wednesday June 21

BOOK YOUR SIFTING NOW



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+10

JOIN THE TEMPLE MOUNT SIFTING PROJECT & REVEAL JERUSALEM'S BURIED SECRETS



IMPORTANT NOTES

- The activity lasts for about two hours and does not involve physical exertion.
- The weather conditions on site are suitable for all seasons, even on Hamsin days.
- The Hamasu'ot Lookout is at the highest point in Jerusalem and is highly windy.
- The sifting activity is done in water, which helps endure the heat.
- In the winter and on rainy days, the activity is held in a greenhouse, and the sifting is done using heated water.





If you're looking for a unique activity for the whole family and all ages, the special sifting activity of the Temple Mount is an excellent idea for you! A unique and fascinating experience, that allows you to hold the story of the Temple Mount in your very hands. All members of the family will try themselves in real archaeological work, becoming real-life archaeologists who are seeking historical relics in the soil.

How the activity goes?

You'll listen to the story of the soil you'll be sifting. It was removed from the Temple Mount site in the dead of night, and now you'd look for archaeology in it. The Temple Mount was such an important place with a rich history. Remnants of it can be found in every fistful of dirt – jewelry, seal prints, ancient weapons, decorated flooring til...

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MORE INFO



Sunday to Friday 9AM-17PM



Hadassah Lampel, Jerusalem



Website



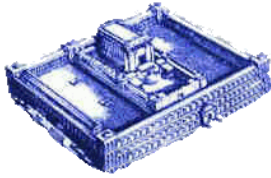


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Temple Mount & Land of Israel Faithful Movement

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ב"ה



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Objectives of the Temple Mount Faithful

Long Term Objectives

- Liberating the Temple Mount from Arab (Islamic) occupation. The Dome of the Rock and the Al Aqsa mosque were placed on this Jewish or biblical holy site as a specific sign of Islamic conquest and domination. The Temple Mount can never be consecrated to the Name of G-d without removing these pagan shrines. It has been suggested that they be removed, transferred to, and rebuilt at Mecca.
- Consecrating the Temple Mount to the Name of G-d so that it can become the moral and spiritual center of Israel, of the Jewish people and of the entire world according to the words of all the Hebrew prophets. It is envisioned that the consecration of the Temple Mount and the Temple itself will focus Israel on:
 - a. fulfilling the vision and mission given at Mt. Sinai for Israel to be a chosen people separate unto G-d, a holy nation, and a nation of priests (Exodus 19:6), and
 - b. becoming a light unto all the nations (Isaiah 42:6) so that the Name of G-d may be revered by all nations and the biblical way of life may be propagated throughout the world.
- Rebuilding the Third Temple in accordance with the words of all the Hebrew prophets (Ezekiel 40-44). This temple will be a house of prayer for the people of Israel and all nations (Isaiah 56:7).
- Providing a biblical point of assembly in order that all Israel may fulfill the commandment to assemble three times annually at the times of G-d's festivals (Exodus 23:14-17; 34:22-24) and at the place where G-d established His Name forever (1 Kings 9:3; Ezekiel 43:7).
- Making biblical Jerusalem the real, undivided capital of the State of Israel.
- Rejecting false "peace talks" which will result in the dividing of Israel and the breaking of G-d's covenant (Leviticus 25:23-24). G-d promised to Abraham and to his seed (Genesis 15:18; 26:3-4; 28:13-14) that the land and the borders of Israel (Exodus 23:31) are eternal and cannot be divided and given to other people and nations (Leviticus 25:23-24; Ezekiel 48:14).
- Supporting the settlements in Jerusalem, Judea, Samaria, and the Golan Heights as they are holy. No one is allowed to break the Word and the Will of G-d by commanding the settlers to leave. In the biblical era, G-d commanded the people of Israel to settle the land completely (Joshua 1:3-4). This command is applicable today. The holy connection and covenant between G-d, the People of Israel and the Land of Israel is eternal (Jeremiah 31:35-37).

Short Term Objectives

- To strengthen the organizational structure of the movement in Jerusalem in order to pursue its long-term objectives.
- To raise the awareness of the people of Israel to the significance of their nation in G-d's plan of redemption. This will be accomplished in a number of ways including:
 - a. youth education
 - b. formation of youth clubs, and
 - c. publication and propagation of relevant educational materials.
- To demonstrate the fulfillment of the Tanach to the people of Israel.
- To publicly proclaim the message of the Temple Mount and Land of Israel Movement in newspapers, flyers, posters, newsletters, radio, and television.
- To demonstrate publicly to raise awareness of Israel to the issue of the Third Temple, the Temple Mount, and the Land of Israel.
- To buy a house in the Old City (biblical Jerusalem) near the Temple Mount to establish a spiritual and educational center to be used by everyone. The four-ton cornerstone will be stored and exhibited on this site. This first stone of the Third Temple will soon be laid.
- To organize conferences for the study of the issues dealing with the Temple Mount and the Third Temple.

In the Almighty G-d of Israel We Trust!

In the Almighty G-D of Israel We Trust!

The Temple Mount and Land of Israel Faithful Movement continues her historical work even more intensively. Everyone in Israel and the entire world is called to take part and to help us spiritually, morally, and practically. This is a key time in our work that needs your urgent monetary help. Please help us with monthly donations as we have many expenses currently when we are so close to the top of the Holy Mountain. The call of the end-time prophet Malachi is much more actual 'now' than any time in the past. We, along with the crucial preparations for the building of the Third Holy Temple, urgently need your help:

"Bring all the tithes into the storehouse, so that there may be food in my house, and put me to the test with that, says the LORD of hosts, if I will not open for you the windows of heaven, and pour out for you blessing immeasurable" (Malachi 3:10)

Donations

Donations can be made by personal check or 'Bank' money orders (not Post Office money orders). Please see our [donation information](#) for further details.

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The Temple Mount and Land of Israel Faithful Movement is not associated or affiliated with the Temple Institute.

ARTICLE XXIX.

The present Act shall be ratified by their Imperial Majesties the Emperor of Russia and the Emperor of the Ottomans, and the ratifications shall be exchanged in fifteen days, or sooner if possible, at St. Petersburg, where likewise an agreement shall come to as to the place and the time at which the stipulations of the present Act shall be invested with all the solemn forms usually observed in Treaties of Peace. It is, however, well understood that the High Contracting Parties consider themselves as formally bound by the present Act from the moment of its ratification.

In witness whereof the respective Plenipotentiaries have appended their signatures and seals to the present Act.

Done at San Stefano, the ^{nineteenth February}_{third March}, one thousand eight hundred and seventy-eight.

(Signed)	Cte. N. IGNATIEW.	(Signed)	SAFVET.
	NELIDOW.		SADOULLAH.

[Final paragraph of Article XI of the Act of the Preliminaries of Peace signed this day, ^{February 19}_{March 3}, 1878, which was omitted, and which should form an integral part of the said Article:

[The inhabitants of the Principality of Bulgaria when travelling or sojourning in the other parts of the Ottoman Empire shall be subject to the Ottoman laws and authorities.

(Signed)	Cte. N. IGNATIEW.	(Signed)	SAFVET.
	NELIDOW.		SADOULLAH.

SAN STEFANO, ^{February 19}_{March 3}, 1878.]

TREATY BETWEEN GREAT BRITAIN, GERMANY, AUSTRIA, FRANCE, ITALY,
RUSSIA, AND TURKEY FOR THE SETTLEMENT OF AFFAIRS IN THE EAST.

Signed at Berlin, July 13, 1878.

In the name of Almighty God.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, the President of the French Republic,

His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, being desirous to regulate, with a view to European order, conformably to the stipulations of the Treaty of Paris of 30th March, 1856, the questions raised in the East by the events of late years and by the war terminated by the preliminary Treaty of San Stefano, have been unanimously of opinion that the meeting of a Congress would offer the best means of facilitating an understanding.

Their said Majesties and the President of the French Republic have, in consequence, appointed as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Benjamin Disraeli, Earl of Beaconsfield, Viscount Hughenden, a Peer of Parliament, Member of Her Majesty's Most Honourable Privy Council, First Lord of Her Majesty's Treasury, and Prime Minister of England; the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, a Peer of Parliament, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Lord Odo William Leopold Russell, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of Germany, King of Prussia, Otho, Prince Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire; Bernard Ernest de Bulow, His Minister of State and Secretary of State for Foreign Affairs; and Chlodwig Charles Victor, Prince of Hohenlohe-Schillingsfurst, Prince of Ratibor and Corvey, His Ambassador Extraordinary and Plenipotentiary to the French Republic, Great Chamberlain of the Crown of Bavaria;

His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, Jules, Count Andrassy of Csik Szent-Kiraly and Krasna-Horka, Grandee of Spain of the First Class, Privy Councillor, His Minister of the Imperial Household and for Foreign Affairs, Lieutenant Field-Marshal in his armies; Louis Count Karolyi of Nagy-Karolyi, Chamberlain and Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia; and Henri, Baron de Haymerle, Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the King of Italy;

The President of the French Republic, William Henri Waddington, Senator, Member of the Institute, Minister Secretary of State for Foreign Affairs; Charles Raymond de la Croix de Chevreire, Count de Saint-Vallier, Senator, Ambassador Extraordinary and Plenipotentiary from France at the Court of His Majesty the Emperor of Germany, King of Prussia; and Felix Hippolyte Desprez, Councillor of State; Minister Plenipotentiary of the First Class, charged with the direction of Political Affairs at the Department of Foreign Affairs;

His Majesty the King of Italy, Louis, Count Corti, Senator, His Minister for Foreign Affairs; and Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of all the Russias, Alexander, Prince Gortchakow, His Chancellor of the Empire; Peter, Count de Schouvaloff, General of Cavalry, His Aide-de-camp General, Member of the Council of the Empire, and His Ambassador Extraordinary and Plenipotentiary at the Court of Her Britannic Majesty; and Paul d'Oubril, Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

And His Majesty the Emperor of the Ottomans, Alexander Caratheodory Pasha, His Minister of Public Works; Mehemed Ali Pasha, Mushir of His Armies; and Sadoullah Bey, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

Who, in accordance with the proposal of the Court of Austria-Hungary, and on the invitation of the Court of Germany, have met at Berlin furnished with full powers, which have been found in good and due form.

An understanding having been happily established between them, they have agreed to the following stipulations:

ARTICLE I.

Bulgaria is constituted an Autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan; it will have a Christian Government and a national militia.

ARTICLE II.

The Principality of Bulgaria will include the following territories:

The frontier follows on the north the right bank of the Danube from the former frontier of Servia up to a point to be determined by a Euro-

pean Commission to the east of Silistria, and thence runs to the Black Sea to the south of Mangalia, which is included in the Roumanian territory. The Black Sea forms the eastern boundary of Bulgaria. On the south the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodzakioj, Selam-Kioj, Aivadsik, Kulibe, Sudzuluk; crosses obliquely the valley of the Deli-Kamcik, passes south of Belibe and Kemhalik and north of Hadzimahale after having crossed the Deli-Kamcik at $2\frac{1}{2}$ kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

There it leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci, the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaula, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Carmurli and Hadzilar, follows that line by the summits of Velina Mogila, the "col" 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

From Cadir Tepe, the frontier, taking a south-westerly direction, follows the watershed between the basins of the Mesta Karasu on the one side and the Struma Karasu on the other, runs along the crests of the mountains of Rhodope called Demir Kapu, Iskoftepe, Kadimesar Balkan, and Aiji Geduk up to Kapetnik Balkan, and thus joins the former administrative frontier of the Sandjak of Sofia.

From Kapetnik Balkan the frontier is indicated by the watershed between the valleys of the Rilska reka and of the Bistrice reka, and follows the ridge called Vodenica Planina, descending into the valley of the Struma at the junction of this river with the Rilska reka, leaving the vil-

lage of Barakli to Turkey. It ascends then south of the village of Jelesnica, and reaches by the shortest line the chain of Golema Planina at the summit of Gitka, and rejoins there the former administrative frontier of the Sandjak of Sofia, leaving, however, to Turkey the whole of the basin of the Suha reka.

From Mount Gitka the western frontier goes towards Mount Crni Vrh by the mountains of Karvena Jabuka, following the former administrative limit of the Sandjak of Sofia in the upper part of the basins of Egrisu and of the Lepnica, ascends with it the crests of Babina Polana, and reaches Mount Crni Vrh.

From Mount Crni Vrh the frontier follows the watershed between the Struma and the Morava by the summits of the Streser, Vilogolo, and Mesid Planina, rejoins by the Gacina, Crna, Trava, Darkovska, and Drainica Plan, then the Descani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Piro, 1,000 metres north-west of the village of Segusa. It ascends in a straight line the Vidlic Planina and thence Mount Radocina in the chain of the Kodza Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radocina the frontier follows towards the west the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier of the Principality of Servia, near to the Kula Smiljova Cuka, and thence that former frontier as far as the Danube, which it rejoins at Rakovitzza.

This delimitation shall be fixed on the spot by the European Commission, on which the Signatory Powers shall be represented. It is understood —

1. That this Commission will take into consideration the necessity for His Imperial Majesty the Sultan to be able to defend the Balkan frontiers of Eastern Roumelia.

2. That no fortifications may be erected within a radius of 10 kilom. from Samakow.

ARTICLE III.

The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers. No member of the Reigning Dynasties of the Great European Powers may be elected Prince of Bulgaria.

In case of a vacancy in the princely dignity, the election of the new Prince shall take place under the same conditions and with the same forms.

ARTICLE IV.

An Assembly of Notables of Bulgaria, convoked at Tirnovo, shall, before the election of the Prince, draw up the Organic Law of the Principality.

In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law.

ARTICLE V.

The following points shall form the basis of the public law of Bulgaria :

The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

ARTICLE VI.

The provisional administration of Bulgaria shall be under the direction of an Imperial Russian Commissary until, the completion of the Organic Law. An Imperial Turkish Commissary, as well as the Consuls delegated *ad hoc* by the other Powers, signatory to the present Treaty, shall be called to assist him so as to control the working of this provisional régime. In case of disagreement amongst the Consular Delegates, the vote of the majority shall be accepted, and in case of a divergence between the majority and the Imperial Russian Commissary or the Imperial Turkish Commissary, the Representatives of the Signatory Powers at Constantinople, assembled in Conference, shall give their decision.

ARTICLE VII.

The provisional régime shall not be prolonged beyond a period of nine months from the exchange of the ratifications of the present Treaty.

When the Organic Law is completed the election of the Prince of Bulgaria shall be proceeded with immediately. As soon as the Prince shall have been installed, the new organization shall be put into force, and the principality shall enter into the full enjoyment of its autonomy.

ARTICLE VIII.

The Treaties of Commerce and of Navigation as well as all the Conventions and arrangements concluded between Foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any Power without its previous consent.

No transit duties shall be levied in Bulgaria on goods passing through that Principality.

The subjects and citizens and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.

The immunities and privileges of foreigners, as well as the rights of Consular jurisdiction and protection as established by the Capitulations and usages, shall remain in full force so long as they shall not have been modified with the consent of the parties concerned.

ARTICLE IX.

The amount of the annual tribute which the Principality of Bulgaria shall pay to the Suzerain Court — such amount being paid into whatever bank the Porte may hereafter designate — shall be fixed by an agreement between the Powers Signatory of the present Treaty at the close of the first year of the working of the new organization. This tribute shall be calculated on the mean revenue of the territory of the Principality.

As Bulgaria is to bear a portion of the public debt of the Empire, when the Powers fix the tribute they shall take into consideration what portion of that debt can, on the basis of a fair proportion, be assigned to the Principality.

ARTICLE X.

Bulgaria takes the place of the Imperial Ottoman Government in its undertakings and obligations towards the Rustchuk-Varna Railway Company, dating from the exchange of the ratifications of the present Treaty. The settlement of the previous accounts is reserved for an understanding between the Sublime Porte, the Government of the Principality, and the administration of this Company.

The Principality of Bulgaria likewise, so far as it is concerned, takes the place of the Sublime Porte in the engagements which the latter has contracted, as well towards Austria-Hungary as towards the Company, for working the railways of European Turkey in respect to the completion and connection, as well as the working of the railways situated in its territory.

The Conventions necessary for the settlement of these questions shall be concluded between Austria-Hungary, the Porte, Servia, and the Principality of Bulgaria immediately after the conclusion of peace.

ARTICLE XI.

The Ottoman army shall no longer remain in Bulgaria; all the old fortresses shall be razed at the expense of the Principality within one year or sooner if possible; the local Government shall immediately take steps for their demolition, and shall not construct fresh ones.

The Sublime Porte shall have the right of disposing as it likes of the war material and other effects belonging to the Ottoman Government which may have remained in the fortresses of the Danube already evacuated in virtue of the Armistice of the 31st January, as well as of those in the strongholds of Shumla and Varna.

ARTICLE XII.

Mussulman proprietors or others who may take up their abode outside the Principality may continue to hold there their real property, by farming it out, or having it administered by third parties.

A Turco-Bulgarian Commission shall be appointed to settle, within a period of two years, all questions relative to the mode of alienation, working, or use on the account of the Sublime Porte, of property belonging to the State and religious foundations (vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

Persons belonging to the Principality of Bulgaria, who shall travel or dwell in the other parts of the Ottoman Empire, shall be subject to the Ottoman authorities and laws.

ARTICLE XIII.

A province is formed south of the Balkans which will take the name of "Eastern Roumelia," and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. It shall have a Christian Governor-General.

ARTICLE XIV.

Eastern Roumelia is bounded on the north and north-west by Bulgaria, and comprises the territories included by the following line:

Starting from the Black Sea the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the vil-

lages of Hodzakioj, Selam-Kioj, Aivadsik, Kulibe, Sudzuluk, crosses obliquely the valley of the Deli Kameik, passes south of Belibe and Kemhalik, and north of Hadzimahale, after having crossed the Deli-Kameik $2\frac{1}{2}$ kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demirkapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

At this point the western frontier of Roumelia leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci — the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaula, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadzilar, follows that line by the summits of Velina Mogila, the "col" 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

The frontier of Roumelia leaves that of Bulgaria at Mount Cadir Tepe, following the line of the watershed between the basins of the Marica and of its affluents on one side, and of the Mesta Karasu and of its affluents on the other, and takes the direction south-east and then south along the crest of the Despoto Dagh Mountains, towards Mount Kruschowa (whence starts the frontier line of the Treaty of San Stefano).

From Mount Kruschowa the frontier is the same as the line laid down by the Treaty of San Stefano, that is to say, the chain of the Black Balkans (Kara Balkan), the mountains Kulaghy-Dagh, Eschek-Tschepellu, Karakolas, and Ischiklar, from whence it descends due south-east till it reaches the River Arda, and follows the mid-channel of this river up to a point close to the village of Adacali, which remains to Turkey.

From this point the frontier line ascends the crest of the Bestepe-Dagh, which it follows, then descends and crosses the Maritza, at a point sit-

uated 5 kilom. above the bridge of Mustafa Pasha; thence it takes a northerly direction by the line of the watershed between Demirhanli Dere and the small affluents of the Maritza to Kudeler Bair, whence it runs east to Sakar Bair; from this point it crosses the valley of the Tundza in the direction of Bujuk Derbend, which is left to the north, as also is Soudzak. From Bujuk Derbend it regains the line of the watershed between the affluents of the Tundza on the north and those of the Maritza on the south, up to the level of Kaibilar, which is included in Eastern Roumelia, and passes to the south of V. Almali between the basin of the Maritza to the south and the various streams which flow straight into the Black Sea, between the villages of Belevrin and Alatli; it follows to the north of Karanlik the crests of Visna and Zuvak, the line which separates the waters of the Duka and those of the Karagac-Su, and rejoins the Black Sea between those two rivers.

ARTICLE XV.

His Majesty the Sultan shall have the right of providing for the defense of the land and sea frontiers of the province by erecting fortifications on those frontiers, and maintaining troops there.

Internal order is maintained in Eastern Roumelia by a native gendarmerie assisted by a local militia.

In forming these corps, the officers of which are nominated by the Sultan, regard shall be paid in the different localities to the religion of the inhabitants.

His Imperial Majesty the Sultan undertakes not to employ irregular troops, such as Bashi-Bazouks and Circassians, in the garrisons of the frontiers. The regular troops detailed for this service must not in any case be billeted on the inhabitants. When they pass through the province they shall not make a stay there.

ARTICLE XVI.

The Governor-General shall have the right of summoning the Ottoman troops in the event of the internal or external security of the province being threatened. In such an eventuality the Sublime Porte shall inform the Representatives of the Powers at Constantinople of such a decision, as well as of the exigencies which justify it.

ARTICLE XVII.

The Governor-General of Eastern Roumelia shall be nominated by the Sublime Porte, with the assent of the Powers, for a term of five years.

ARTICLE XVIII.

Immediately after the exchange of the ratifications of the present Treaty, a European Commission shall be formed to arrange, in concert with the Ottoman Porte, the organization of Eastern Roumelia. This Commission will have to determine, within three months, the powers and functions of the Governor-General, as well as the administrative, judicial, and financial system of the province, taking as its basis the various laws for the vilayets and the proposals made in the eighth sitting of the Conference of Constantinople.

The whole of the arrangements determined on for Eastern Roumelia shall form the subject of an Imperial Firman, which will be issued by the Sublime Porte, and which it will communicate to the Powers.

ARTICLE XIX.

The European Commission shall be charged to administer, in concert with the Sublime Porte, the finances of the province until the completion of the new organization.

ARTICLE XX.

The Treaties, Conventions, and international arrangements of any kind whatsoever, concluded or to be concluded between the Porte and foreign Powers, shall apply in Eastern Roumelia as in the whole Ottoman Empire. The immunities and privileges acquired by foreigners, whatever their status, shall be respected in this province. The Sublime Porte undertakes to enforce there the general laws of the Empire on religious liberty in favour of all forms of worship.

ARTICLE XXI.

The rights and obligations of the Sublime Porte with regards to the railways of Eastern Roumelia are maintained in their integrity.

ARTICLE XXII.

The strength of the Russian corps of occupation in Bulgaria and Eastern Roumelia, which shall be composed of six divisions of infantry and two divisions of cavalry, shall not exceed 50,000 men. It shall be maintained at the expense of the country occupied. The army of occupation will preserve its communications with Russia not only through Roumania, in accordance with arrangements to be concluded between the two States, but also through the ports of the Black Sea, Varna and Bourgas,

where it may, during the period of occupation, organize the necessary depots.

The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial Russian troops is fixed at nine months from the date of the exchange of the ratifications of the present Treaty.

The Imperial Russian Government undertakes that within a further period of three months the passage of its troops across Roumania shall cease, and that Principality shall be completely evacuated.

ARTICLE XXIII.

The Sublime Porte undertakes scrupulously to apply in the Island of Crete the Organic Law of 1868, with such modifications as may be considered equitable.

Similar laws adapted to local requirements, excepting as regards the exemption from taxation granted to Crete, shall also be introduced into the other parts of Turkey in Europe for which no special organization has been provided by the present Treaty.

The Sublime Porte shall depute special Commissions, in which the native element shall be largely represented, to settle the details of the new laws in each province.

The schemes of organization resulting from these labours shall be submitted for examination to the Sublime Porte, which, before promulgating the Acts for putting them into force, shall consult the European Commission instituted for Eastern Roumelia.

ARTICLE XXIV.

In the event of the Sublime Porte and Greece being unable to agree upon the rectification of the frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations.

ARTICLE XXV.

The Provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary. The Government of Austria-Hungary, not desiring to undertake the administration of the Sandjak of Novi-Bazar, which extends between Servia and Montenegro in a south-easterly direction to the other side of Mitrovitza, the Ottoman Administration will continue to exercise its functions there. Nevertheless, in order to

assure the maintenance of the new political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient Vilayet of Bosnia. To this end the Governments of Austria-Hungary and Turkey reserve to themselves to come to an understanding on the details.

ARTICLE XXVI.

The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it.

ARTICLE XXVII.

The High Contracting Parties are agreed on the following conditions:

In Montenegro the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Montenegro, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

ARTICLE XXVIII.

The new frontiers of Montenegro are fixed as follows:

Starting at Ilino-brdo to the north of Klóbuk, the line descends to the Trebinjcica towards Grancarevo, which remains to Herzegovina, then ascends the course of that river up to a point 1 kilom. below its confluence with the Cepelica, and from thence passes by the most direct line on to the heights which border the River Trebinjcica. It then proceeds in the direction of Pilatova, leaving that village to Montenegro, and continues along the heights in a northerly direction, maintaining as far as possible a distance of 6 kilom. from the Bilek-Korito-Gacko road, up to the "col" between the Somina Planina and Mount Curilo, whence it proceeds in an easterly direction by Vratkovici, leaving this village to Herzegovina, up to Mount Orlina. Starting from this point the frontier, leaving Ravno to Montenegro, goes straight to the north-north-east, crossing the summits of the Lebersnik and of the Volujak, then descends by the shortest line on to the River Piva, which it crosses and rejoins the

River Tara, passing between Crkiica and Nedvina. From this point it ascends the Tara to Mojkovac, from which place it passes along the crest of the ridge as far as Siskojezero. Leaving this point, it coincides with the former frontier as far as the village of Sekulare. From there the new frontier passes along the crests of the Mokra Planina, the village of Mokra remaining to Montenegro; it then reaches the point 2166 on the Austrian Staff Map, following the principal chain and the line of the watershed between the Lim on the one side, and the Drin as well as the Cievna (Zem) on the other.

It then coincides with the existing boundaries between the tribe of the Kuci-Drekalovici on one side, and the Kucka-Krajna, as well as the tribes of the Klementi and Grudi, on the other, to the plain of Podgorica, from whence it proceeds towards Plavnica, leaving the Klementi, Grudi, and Hoti tribes to Albania.

Thence the new frontier crosses the lake near the Islet of Gorica-Topal, and, from Gorica-Topal, takes a straight line to the top of the crest, whence it follows the watershed between Megured and Kalimed, leaving Mrkovic to Montenegro, and reaching the Adriatic at V. Kruci.

On the north-west the frontier will be formed by a line passing from the coast between the villages of Susana and Zubci, and terminating at the extreme south-east point of the existing frontier of Montenegro on the Vrsuta Planina.

ARTICLE XXIX.

Antivari and its sea-board are annexed to Montenegro under the following conditions:

The districts situated to the south of that territory, in accordance with the delimitation above laid down, as far as the Boyana, including Dulcinjo, shall be restored to Turkey.

The Commune of Spica, as far as the southernmost point of the territory indicated in the detailed description of the frontiers, shall be incorporated with Dalmatia.

Montenegro shall have full and complete freedom of navigation on the Boyana. No fortifications shall be constructed on the course of that river except such as may be necessary for the local defense of the stronghold of Scutari, and they shall not extend beyond a distance of 6 kilom. from that town.

Montenegro shall have neither ships of war nor flag of war.

The port of Antivari and all the waters of Montenegro shall remain closed to the ships of war of all nations.

The fortifications situated on Montenegrin territory between the lake and the coasts shall be razed, and none shall be rebuilt within this zone.

The administration of the maritime and sanitary police, both at Antivari and along the coast of Montenegro, shall be carried out by Austria-Hungary by means of light coast-guard boats.

Montenegro shall adopt the maritime code in force in Dalmatia. On her side Austria-Hungary undertakes to grant Consular protection to the Montenegrin merchant flag.

Montenegro shall come to an understanding with Austria-Hungary on the right to construct and keep up across the new Montenegrin territory a road and a railway.

Absolute freedom of communication shall be guaranteed on these roads.

ARTICLE XXX.

Mussulmans or others possessing property in the territories annexed to Montenegro, who may wish to take up their residence outside the Principality, can retain their real property either by farming it out, or by having it administered by third parties.

No one shall be liable to be expropriated otherwise than by legal process for the public welfare, and with a previous indemnity.

A Turco-Montenegrin Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of the property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private parties engaged therein.

ARTICLE XXXI.

The Principality of Montenegro shall come to a direct understanding with the Ottoman Porte with regard to the establishment of Montenegrin agents at Constantinople, and at certain places in the Ottoman Empire where the necessity for them shall be admitted.

Montenegrins travelling or residing in the Ottoman Empire shall be subject to the Ottoman laws and authorities, according to the general principles of international law, and the customs established with regard to Montenegrins.

ARTICLE XXXII.

The Montenegrin troops shall be bound to evacuate within twenty days from the date of ratification of the present Treaty, or sooner if possible, the territory that they occupy at present beyond the new limits of the Principality.

The Ottoman troops shall evacuate the territories ceded to Montenegro within the same period of twenty days. A supplementary period of fifteen days shall, however, be granted to them, as well for evacuating the fortresses and withdrawing the stores and material of war from them, as for drawing up inventories of the implements and articles which cannot be immediately removed.

ARTICLE XXXIII.

As Montenegro is to bear a portion of the Ottoman public debt for the new territories assigned to her by the Treaty of Peace, the Representatives of the Powers at Constantinople shall determine the amount of the same in concert with the Sublime Porte on an equitable basis.

ARTICLE XXXIV.

The High Contracting Parties recognize the independence of the Principality of Serbia, subject to the conditions set forth in the following Article.

ARTICLE XXXV.

In Serbia the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries, in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Serbia, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

ARTICLE XXXVI.

Serbia receives the territories included in the following delimitation:

The new frontier follows the existing line ascending the mid-channel of the Drina from its confluence with the Save, leaving Mali Zwornik and Sakhar to the Principality, and continues to follow the former boundary of Serbia as far as the Kopaonik, leaving it at the summit of the Kanilug. From that point it follows at first the western boundary of the Sandjak of Nisch by the southern spur of the Kopaonik, by the crests of the Marica and Mrdar Planina, which form the watershed between the basins of the Ibar and Sitnica on one side, and that of the Toplica on the other, leaving Prepolac to Turkey.

It then turns to the south by the watershed between the Brvenica and the Medvedja, leaving the whole of the basin of the Medvedja to Serbia; follows the crests of the Goljak Planina (which forms the watershed between the Kriva-Rjeka on one side and the Poljanica, Veternica, and Morawa on the other), as far as the summit of the Poljanica. It then follows the spur of the Karpina Planina as far as the confluence of the Koinska and the Morawa, crosses this river, and ascends by the watershed between the Koinska brook and the stream which falls into the Morawa near Neradovce, to reach the Sv. Ilija Planina above Trgoviste. Thence it follows the crest of the Sv. Ilija as far as Mount Kljuc, and passing by the points marked 1516 and 1547 on the map, and by the Babina Gora, it reaches Mount Crni-Vrh.

From Mount Crni Vrh, the new delimitation coincides with that of Bulgaria, that is to say:

The line of frontier follows the watershed between the Struma and the Morawa by the summits of Streser, Vilogolo, and Mesid Planina, rejoins by the Gacina, Crna Trava, Darkovska, and Drainica Plan, then the Descani Kladanec, the watershed of the High Sukowa and of the Morawa, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot, 1,000 metres north-west of the village of Segusa. It ascends in a straight line the Vidlic Planina, and thence Mount Radocina in the chain of the Kodza Balkan, leaving to Serbia the village of Doikinci, and to Bulgaria that of Sanakos.

From the summit of Mount Radocina the frontier follows towards the north-west, the crest of the Balkans by Cipovec Balkan and Stara Planina up to the former eastern frontier of the Principality of Serbia, near to the Kula Smiljova cuka, and thence that former frontier as far as the Danube, which it joins at Rakovitz.

ARTICLE XXXVII.

Until the conclusion of fresh arrangements no change shall be made in Serbia in the actual conditions of the commercial intercourse of the Principality with foreign countries.

No transit duties shall be levied on goods passing through Serbia.

The immunities and privileges of foreign subjects, as well as the rights of Consular jurisdiction and protection, as at present existing, shall remain in full force so long as they shall not have been modified by mutual consent between the Principality and the Powers concerned.

ARTICLE XXXVIII.

The Principality of Servia takes the place, so far as it is concerned, of the Sublime Porte in the engagements which the latter has contracted as well towards Austria-Hungary as towards the Company for the working of the railways of Turkey in Europe, in respect to the completion and connection, as well as the working of the railways to be constructed on the territory newly acquired by the Principality.

The Conventions necessary for settling these questions shall be concluded, immediately after the signature of the present Treaty, between Austria-Hungary, the Porte, Servia, and, within the limits of its competency, the Principality of Bulgaria.

ARTICLE XXXIX.

Mussulmans possessing property in the territories annexed to Servia, who may wish to reside in the Principality, may retain their real property, either by farming it out or by having it administered by third parties.

A Turco-Servian Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of the property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

ARTICLE XL.

Until the conclusion of a Treaty between Turkey and Servia, Servian subjects travelling or residing in the Ottoman Empire shall be treated according to the general principles of international law.

ARTICLE XLI.

The Servian troops shall be bound to evacuate within fifteen days from the exchange of the ratifications of the present Treaty the territory not comprised within the new limits of the Principality.

The Ottoman troops shall evacuate the territories ceded to Servia within the same term of fifteen days. A supplementary term of an equal number of days shall, however, be granted to them as well for evacuating the fortresses and withdrawing the provisions and material of war as for drawing up the inventory of the implements and objects which cannot be removed at once.

ARTICLE XLII.

As Servia is to bear a portion of the Ottoman Public Debt for the new territories assigned to her by the present Treaty, the Representatives at Constantinople shall fix the amount of it in concert with the Sublime Porte on an equitable basis.

ARTICLE XLIII.

The High Contracting Parties recognize the independence of Roumania, subject to the conditions set forth in the two following Articles.

ARTICLE XLIV.

In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality.

ARTICLE XLV.

The Principality of Roumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris of 1856, bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Kilia Branch and the Stary-Stamboul mouth.

ARTICLE XLVI.

The islands forming the Delta of the Danube, as well as the Isle of Serpents, the Sandjak of Toultscha, comprising the districts (cazas) of Kilia, Soulina Mahmoudie, Isaktcha, Toultscha, Matchin, Babadagh, Hirsovo, Kustendje, Medjidie, are added to Roumania. The Principality receives in addition the territory situated to the south of the Dobroutcha as far as a line starting from the east of Silistria and terminating on the Black Sea, south of Mangalia.

The frontier line shall be determined on the spot by the European Commission appointed for the delimitation of Bulgaria.

ARTICLE XLVII.

The question of the division of the waters and the fisheries shall be submitted to the arbitration of the European Commission of the Danube.

ARTICLE XLVIII.

No transit duties shall be levied in Roumania on goods passing through the Principality.

ARTICLE XLIX.

Roumania shall have power to make Conventions to determine the privileges and attributes of Consuls in regard to protection within the Principality. Existing rights shall remain in force so long as they shall not have been modified by the mutual consent of the Principality and the parties concerned.

ARTICLE L.

Until the conclusion of a Treaty between Turkey and Roumania, fixing the privileges and attributes of Consuls, Roumanian subjects travelling or residing in the Ottoman Empire, and Ottoman subjects travelling or residing in Roumania, shall enjoy the rights guaranteed to the subjects of other European Powers.

ARTICLE LI.

With regard to public works and other enterprises of a like nature, Roumania shall be substituted for the Sublime Porte as regards its rights and obligations throughout the ceded territory.

ARTICLE LII.

In order to increase the guarantees which assure the freedom of navigation on the Danube which is recognized as of European interest, the High Contracting Parties determine that all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths shall be razed, and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates with the exception of vessels of light tonnage in the service of the river police and Customs. The "stationnaires" of the Powers at the mouths of the Danube may, however, ascend the river as far as Galatz.

ARTICLE LIII.

The European Commission of the Danube on which Roumania shall be represented is maintained in its functions, and shall exercise them henceforth as far as Galatz in complete independence of the territorial authorities. All the Treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations are confirmed.

ARTICLE LIV.

One year before the expiration of the term assigned for the duration of the European Commission the Powers shall come to an understanding as to the prolongation of its powers, or the modifications which they may consider necessary to introduce.

ARTICLE LV.

The regulations respecting navigation, river police, and supervision from the Iron Gates to Galatz shall be drawn up by the European Commission, assisted by Delegates of the Riverain States, and placed in harmony with those which have been or may be issued for the portion of the river below Galatz.

ARTICLE LVI.

The European Commission of the Danube shall come to an arrangement with the proper authorities to ensure the maintenance of the lighthouse on the Isle of Serpents.

ARTICLE LVII.

The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility which may be required in the interest of the works.

The provisions of the Vith Article of the Treaty of London of the 13th March, 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

ARTICLE LVIII.

The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port, as well as

all the territories comprised between the former Russo-Turkish frontier and the following line:

The new frontier starting from the Black Sea, and coinciding with the line laid down by the Treaty of San Stefano as far as a point to the north-west of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoukhouk, crosses this river and passes to the east of Aschmichen, going in a straight line to the south so as to rejoin the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenee, which remains to Russia, and continues as far as the Pennek Tschai.

It follows this river as far as Bardouz, then turns towards the south, leaving Bardouz and Jonikiou to Russia. From a point to the west of the village of Karaougan, the frontier takes the direction of Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the former frontier of Russia.

ARTICLE LIX.

His Majesty the Emperor of Russia declares that it is his intention to constitute Batoum a free port, essentially commercial.

ARTICLE LX.

The valley of Alaschkerd and the town of Bayazid, ceded to Russia by Article XIX of the Treaty of San Stefano, are restored to Turkey.

The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia.

ARTICLE LXI.

The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.

ARTICLE LXII.

The Sublime Porte having expressed the intention to maintain the principle of religious liberty, and give it the widest scope, the Contracting Parties take note of this spontaneous declaration.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honours, or the exercise of the various professions and industries.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the *status quo* in the Holy Places.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

ARTICLE LXIII.

The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations.

ARTICLE LXIV.

The present Treaty shall be ratified, and the ratifications exchanged at Berlin within three weeks, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed it, and affixed to it the seal of their arms.

Done at Berlin, the thirteenth day of the month of July, one thousand eight hundred and seventy-eight.

(L. s.)	(Signed)	BEACONSFIELD.
(L. s.)		SALISBURY.
(L. s.)		ODO RUSSELL.
(L. s.)		V. BISMARCK.
(L. s.)		BULOW.
(L. s.)		HOHENLOHE.
(L. s.)		ANDRASSY.
(L. s.)		KAROLYI.
(L. s.)		HAYMERLE.
(L. s.)		WADDINGTON.
(L. s.)		SAINT-VALLIER.
(L. s.)		H. DESPREZ.
(L. s.)		L. CORTI.
(L. s.)		LAUNAY.
(L. s.)		GORTCHAKOW.
(L. s.)		SCHOUVALOFF.
(L. s.)		P. D'OUBRIL.
(L. s.)		AL. CARATHEODORY.
(L. s.)		MEHEMED ALI.
(L. s.)		SADOULLAH.

THE DEFINITIVE TREATY OF PEACE BETWEEN RUSSIA AND THE PORTE.

Signed at Constantinople on 8th February, 1879.

Au nom de Dieu tout-puissant.

S. M. L'Empereur de toutes les Russies et S. M. l'Empereur des Ottomans, désirant consacrer le rétablissement de la paix entre les deux Empires, et régler définitivement, par un traité, les clauses du traité préliminaire de San Stéfano qui doivent faire l'objet d'une entente directe entre les deux États, ont nommé pour leurs plénipotentiaires: S. M. l'Empereur de toutes les Russies, d'une part, le Prince Alexis Lobanow-Rostovsky, &c.; et S. M. l'Empereur des Ottomans, de l'autre, Al. Carathéodory Pacha, &c., et Ali Pacha, &c.; Lesquels, après avoir échangé leurs pleins-pouvoirs, &c., sont tombés d'accord sur les articles suivants:

ANNEX 391.

BRITISH MANDATE FOR PALESTINE.

The Council of the League of Nations

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them, and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917 by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine, and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval, and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions, and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations

Confirming the said mandate, defines its terms as follows

Article 1.

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3.

The Mandat oryshall, so far as circumstances permit, encourage local autonomy.

Article 4.

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7.

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8.

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, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Article 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect, and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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 Administration may impose, shall not be denied or impaired.

Article 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality

Article 17

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18.

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19.

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property

Article 20.

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21.

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following

rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

(1)

“Antiquity” means any construction or any product of human activity earlier than the year 1700 P.D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23.

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28.

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.



THE QUESTION OF PALESTINE

Jerusalem – United Kingdom Commission report on the Western Wall (1930) – LoN report/Letter from Jordan

LETTER DATED 23 FEBRUARY 1968 FROM THE PERMANENT REPRESENTATIVE OF JORDAN ADDRESSED TO THE SECRETARY-GENERAL

Addendum

* Also issued under the symbol A/7057/Add.1

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REPORT

of the

Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall at Jerusalem

December, 1930



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CONTENTS.	
I. INTRODUCTION	3
II. DESCRIPTION OF THE WAILING WALL AND ITS ENVIRONS	7
III. HISTORY	9
IV. THE RESPECTIVE CLAIMS OF THE TWO PARTIES:	
The Jewish Claims	15
The Moslem Contentions	19
V. THE EVIDENCE	25
VI. THE OPINIONS AND CONCLUSIONS ARRIVED AT BY THE COMMISSION:	
(1) The Task entrusted to the Commission	33
(2) The application of the Principles of <i>Status Quo</i>	36
(3) The Ownership of the Wall and of its Surroundings	39
(4) The Sacredness of the Wall	41
(5) The access to the Place in front of the Wall	42
(6) The Form and Extent of Jewish Devotions	46
Conclusions	57
APPENDICES.	
I. RECORD OF PROCEEDINGS (<i>Not printed here</i>). (<i>A copy may be seen in the Colonial Office Library.</i>)	
II. MEETINGS AND WITNESSES	62
III. LIST OF EXHIBITS PRESENTED BY JEWISH COUNSEL	63
LIST OF EXHIBITS PRESENTED BY MOSLEM COUNSEL	65
IV. LETTER FROM THE SECRETARY OF THE COMMISSION TO THE ACTING CHIEF SECRETARY, GOVERNMENT OF PALESTINE	66
V. PLANS OF WAILING WALL AREA.	
VI. MOSLEM EXHIBIT NO. 6	67
VII. JEWISH EXHIBIT No. 32	67
VIII. MOSLEM EXHIBIT No. 7	70
XI. THE WESTERN OR WAILING WALL IN JERUSALEM:	
Memorandum by the Secretary of State for the Colonies, dated 19th November, 1928. (<i>See Cmd. 3229.</i>). (<i>Not reprinted here.</i>)	
X. INSTRUCTIONS IN REGARD TO THE USE OF THE WESTERN (WAILING) WALL OF THE HAREM-AL-SHARIF, JERUSALEM	70
XI. JEWISH EXHIBIT NO. 29	72

Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall at Jerusalem.

The RIGHT HONOURABLE ARTHUR HENDERSON, M.P., HIS BRITANNIC MAJESTY'S PRINCIPAL SECRETARY OF STATE
 FOB FOREIGN AFFAIRS, Etc., Etc., Etc.

The International Commission for the Wailing Wall has the honour to submit the following report to His Britannic Majesty's Government.

The Commission understands that a copy of the report will be forwarded to the Council of the League of Nations.

I. INTRODUCTION.

After the disturbances which occurred in Palestine in August, 1929, His Britannic Majesty's Secretary of State for the Colonies appointed a Commission on the 13th of September to enquire into the immediate causes that had led to that outbreak and to make recommendations as to the steps necessary to avoid a recurrence.

The said Commission of Enquiry communicated to the Secretary of State for the Colonies amongst other desiderata, in December, 1929, a recommendation that His Majesty's Government should take such steps as lay within their power to secure the early appointment, under Article 14 of the Mandate for Palestine, of an *ad hoc* Commission to determine the rights and claims in connection with the Wailing Wall in Jerusalem. It was the view of the Commission of Enquiry that an early determination of rights and claims connected with the Wailing Wall was a measure essential in the interests of peace and good government in Palestine. The Commission considered, therefore, that the constitution of a Commission for the said purpose and its departure for the country should be expedited by every possible means.

At the ensuing meeting of the Council of the League of Nations the British Delegation made certain proposals in accordance with the said recommendations of the Commission of Enquiry. The Council of the League, having heard the views of the Permanent Mandates Commission, adopted the following resolution on the 14th of January, 1930:-

"The Council,

"Being anxious to place the Mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 18 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;

"Wishing not to prejudice, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;

"Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement:

"Decides that,

"(1) A Commission shall be entrusted with this settlement;

"(2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;

"(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;

"(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

For further details relative to the circumstances under which the Commission was nominated we beg to refer to the report of the Shaw Commission (*Cmd. 3530*), which we will have to quote at several occasions in the following.

The British Government in a letter to the Secretary-General of the League of Nations dated 12th May, 1930, notified the names of the persons whom they had selected to be members of the Commission, viz., the undersigned.

ELIEL LÖFGREN, formerly Swedish Minister for Foreign Affairs, Member of the Upper Chamber of the Swedish Riksdag (to act as Chairman),

CHARLES BARDE, Vice-President of the Court of Justice at Geneva, President of the Austro-Roumanian Mixed Arbitration Tribunal, and

J. VAN KEMPEN, formerly Governor of the East Coast of Sumatra, Member of the States-General of the Netherlands.

The composition of the Commission as proposed by the British Government was approved by the Council of the League on the 15th of May, 1930. The Commissioners were officially informed of their nomination by letters from the British Foreign Office dated the 26th of May. MR. STIG SAHLIN, of the Swedish diplomatic service, has acted as Secretary to the Commission.

The members of the Commission assembled for the first time at Genoa on the 12th of June and sailed for Palestine on the following day, having been furnished before their departure with the various documents relative to matters connected with the Wailing Wall that had up to then been published by the League of Nations and by the British Government (e.g., reports, despatches, memoranda, minutes of proceedings, etc.).

The Commission arrived at Jerusalem on the 19th of June and stayed in Palestine for one month, leaving Jerusalem on the 19th of July. The first meeting of the Commission was held on Monday, the 23rd of June, the 20th and 21st being blank days as Friday and Saturday are kept as holy days by one or other of the Parties concerned. During their stay in Jerusalem the Commission held one or two meetings on practically every weekday, Fridays and Saturdays excepted. In all there were held 23 meetings, of which the first was occupied with introductory speeches and with a discussion as to the procedure to be followed, while the last four meetings were occupied with the closing speeches. At the other 18 meetings the Commission was engaged in the hearing of evidence. All the meetings were held in the Government Offices Building near the Damascus Gate. A complete record of the proceedings is attached hereto (Appendix I).*

* Not printed. A copy can be seen in the Colonial Office Library.

At the opening meeting the Chairman stated that the aim in view of the Commission, in carrying out the task entrusted to it, was to make an impartial and, if possible, complete inquiry into the questions connected with the Wailing Wall and, as a result of the said inquiry, to pronounce a verdict which would be based wholly and solely on the Commissioners' candid convictions upon the bearing of law and equity to the case in dispute. This being what the Commission had in view, the Chairman appealed to the Parties concerned to give them all the

necessary assistance in the carrying out of their work.

HP EXHIBIT 92

At the same meeting it was agreed that during the proceedings there was to be one set of authorized and recognized representatives to act as Counsel for each of the two disputing Parties. Pursuant to that agreement the Counsel for the Jewish Side - DR. M. ELIASH, MR. DAVID YELLIN, and RABBI M. BLAU - presented credentials from the Rabbinat of Palestine, the World Association of Rabbis, the Jewish Agency for Palestine, the Vaad Leumi and the Agudath Israel. The Counsel for the Moslem Side had been authorized to act as such by the Supreme Moslem Council. The following persons represented the Moslem Side:- AOUNI BEY ABDULHADI, AMIN BEY EL TAMINI, AMIN BEY ABDULHADI, SHEIK SULEIMAN, EFFENDI JOUKHADAR, AHMED ZAKI PASHA, FAKHRI BEY EL HUSSEINI, FAKHRI BEY EL BAROUDI, FAIZ BEY EL KOURY, SHEIK HASAN EFFENDI ABU SOUD, JAMAL EFFENDI EL HUSSEINI, IZZAT EFFENDI DARWAZA, MOHAMED ALI PASHA, SHEIKH RAGHEB EFFENDI DAJANI, ABDULLAHAI FAZALALLY, ABDULLALY JEWABHAI and SHEIKH HASSAN AL ANSARI. Including the members of the various delegations who appeared before the Commission, the above-named persons may be said to have represented Moslems from practically every country in the world with a Moslem population, including Morocco, Algeria, Tripolis, Egypt, and other African countries, Palestine, Syria, Trans-Jordan, Iraq, Persia, British India, the Dutch East Indies, and other countries in the Near and Far East.

It was arranged with the due consent of the Parties that the Jewish Side should be considered as the plaintiff and thus have, to open the case, while the Moslem Side were to be considered as the defendant.

As to the procedure to be adopted, it was decided with the consent of the Parties that as far as possible the ordinary judicial methods of the English courts should be observed. Thus, the Counsel for the Parties were to call and examine witnesses, to procure and lay before the Commission relevant expert and documentary evidence, to cross-examine the witnesses called by the other Party and to plead in the case whenever they should deem it expedient. The Commissioners on the other hand would, as a rule, confine themselves to listening to what the witnesses called by the Parties had to say and to any other evidence adduced, reserving to themselves, however, the right to examine additional witnesses *ex officio* or if requested to do so by the Palestine Government. The Commission as such was not empowered to swear witnesses, but witnesses could be sworn or caused to give a corresponding solemn affirmation before the appropriate Magistrate at Jerusalem in conformance with Palestine Law.

During the meetings 52 witnesses were examined, 21 of them being called by the Jewish Counsel, 30 by the Moslem Counsel, and 1, a British official, by the Commission. A list of the meetings and of the witnesses whose evidence was given before the Commission is annexed to this Report (Appendix II). During the meetings 61 documents or collections of documents were produced. Of those 35 were presented by the Jewish Side and 26 by the Moslem. A synopsis of them is given in Appendix III.

The Commissioners also adopted various measures, apart from the regular meetings, to obtain as complete a body of information as possible concerning questions relating to the matter at issue. Thus, upon their arrival at Jerusalem, they paid visits, accompanied by British officials, to the Harem-esh-Sherif and its Mosques, to the Wailing Wall and its environs, and also visited the principal Synagogues of the Ashkenazi and the Sephardi Communities of the Jewish population. By that means the Commissioners had the opportunity of studying on the spot the situation, surroundings, and special character of the various buildings, and also a number of other circumstances bearing on the dispute as well as the practices and the rites of the respective confessions. Moreover, the Commissioners went several times privately and unattended to the Wailing Wall and to the Harem-esh-Sherif. Furthermore, the Commissioners delegated one of their Members to the Moslem Sharia Court in Jerusalem in order that, in conjunction with the Counsel of the two Parties and the appropriate officials of the Court, he might there inspect the title-deeds relating to the Wailing Wall and its surroundings.

In view of the particular interest attaching to the *status quo* of the Christian Holy Places, the Commissioners paid prolonged visits especially to the Church of the Holy Sepulchre at Jerusalem and the Church of the Nativity at Bethlehem at which well-qualified British officials and the officiating functionaries or the different Christian churches explained to the Commissioners the particular conditions of the *status quo*.

During the whole course of the proceedings the representatives of the two Parties afforded every assistance to the Commission in its inquiry both very willingly and very efficiently.

Very valuable services were rendered to the Commission by the Palestine Government and their various officials. The Commissioners desire especially to express here their appreciation of the spirit of trustfulness in which this assistance was given them. Previous to their departure from Palestine, they expressed their thanks in a letter, printed at the close of this Report (Appendix IV).

Finally, it ought to be mentioned that the Commissioners - although the mandate entrusted to them did not explicitly refer to conciliation - thought it a duty incumbent upon them to try to bring about a friendly settlement between the Parties. In order if possible to achieve that object, numerous meetings were held with the representatives of the two Parties both separately and jointly *in camera*. At the closing meeting the Chairman again emphasized the point to the Parties that an agreed solution would be very much preferable to a verdict and promised that the Commission would hold the door open, until the 1st of September, for proposals and agreements from the Parties directed towards that end. After the Commission had left Palestine, the negotiations between the Parties were continued in the presence of representatives of the Palestine Government. In response to the requests addressed to the Commission, the delay accorded to the Parties was extended, on the first occasion until the 15th of September and, later, until the 8th of October. It is with great regret that the Commission has had to ascertain the failure, up to the present time, of the said negotiations.

Thereupon the Commission met at Stockholm, 27th October to 1st November. The concluding meeting was held in Paris, 28th November to 1st December.

1157

II. DESCRIPTION OF THE WAILING WALL AND ITS ENVIRONS. **HP EXHIBIT 92**

With respect to the position of the Western or Wailing Wall (in Arabic, Al Buraq; in Hebrew, Kothel Maaravi) and the lie of the surrounding area, see the official plan drawn by the Palestine Government, annexed hereto (Appendix: V).

The Wailing Wall forms an integral part of the western exterior shell of the Harem-esh-Sherif which itself is the site of the ancient Jewish temples, at the present day supplanted by Moslem Mosques. The Harem-esh-Sherif in actual fact is a vast rectangular platform, several hundred metres in length and width. One of the said Mosques, the Mosque of Aqsa, is contiguous to the southern exterior wall of the Harem and extends up to the Wailing Wall at its southern end. The other Mosque, the Dome of the Rock (in Arabic, Qubet Al Sakhra), or, as it is usually called, the Mosque of Omar, is situated in the middle of the Harem area.

The Western Wall of the Harem-esh-Sherif as a whole is a structure of more than 100 metres in length and about 20 metres in height. The very large blocks of stone at the base of the Wall, more especially the six courses of drafted stones, are dated by most archaeologists to the times of the Temple of Herod (i.e., the second, reconstructed Temple). Many of the stones bear inscriptions in Hebrew on their faces, some of them painted, others engraved. Above these stones there are three courses of undrafted masonry; these are probably Roman work (dating from the rebuilding of the city as a Roman colony by the Emperor Hadrian). The upper strata again are of much later date, belonging probably to the period about 1500 A.D. Recent researches go to show that the boundaries of the Wall coincide with those of the platform of the Temple of Solomon, of which courses of stones are supposed to still remain beneath the surface.

The part of the Wall about which dispute has arisen between the Jews and the Moslems comprises about 30 metres of the exterior wall mentioned. In front of that part of the wall there is a stretch of pavement to which the only access, on the northern side, is by a narrow lane proceeding from King David's street. To the south this pavement extends to another wall, which shuts the pavement off at right angles to the Wailing Wall from a few private houses and from the Mosque of Buraq site to the south. In the year 1929 a door was made at the southern end of the wall last mentioned, and it gives access to the private houses and the Mosque. At the northern end of the pavement a third wall, with a door in it, shuts off the area from the courtyard in front of the Grand Mufti's offices.

The pavement in front of the Wall has a width of about 4 metres. Its boundaries on three sides have already been indicated; on the fourth side, i.e., the one opposite to the Wailing Wall, the pavement is bounded by the exterior wall and houses of the so-called Moghrabi Quarter. On that side there are two doors which lead to the Moghrabi houses.

It is this Pavement running at the base of the part of the Wall just referred to that the Jews are in the habit of resorting to for purposes of devotion.

At a short distance from it, in the southern direction and within the Wall itself, there is a chamber or niche in which according to tradition Mohammed's steed, Buraq, was tethered when the Prophet during the course of his celestial journey (as to which see below) visited the Harem-esh-Sherif. It is for this reason that the Wall is known to Moslems as Al Buraq.

Before proceeding further we desire to state that at the date of our sojourn in Jerusalem, the Wall and its environs were not exactly in the same state as before the War, for as already stated by the Shaw Commission certain innovations had been introduced, viz.:-

- (1) The erection of a new structure above the northern end of the Wall.
- (2) The conversion of a house at the southern end of the Pavement into a "Zawiyah" (literally to be translated, Moslem "sacred corner").
- (3) The construction of the above-mentioned door giving access from the "Zawiyah" to the Pavement in front of the Wall, and constituting a through connection from the Harem area (through the Moghrabi Gate) to the Pavement in front of the Wall.

III. HISTORY.

For the purpose the Commission has in view it will not be necessary to recite in full the details of the history of Palestine. The matter the Commission has to deal with, however, has such an intimate connection with the history of the country that it may be considered desirable to mention the principal events.

In early times Palestine was inhabited by a number of peoples, mostly of the Semitic race. The earliest of these of which we possess certain knowledge is the Canaanites (Canaanites) who were dependents of the Egyptians.

According to the tradition preserved by the two peoples, the Jews and the Arabs, Abraham, their common ancestor, made his way, in the Canaanite era, from Ur in Chaldea to Canaan, and the latter became the cradle of the people of Israel.* This theory of a community of origin of the Jews and the Arabs, fortified as it has been through the ages by the attribution to it by tradition of numerous important happenings, has played no small part in the mutual relationship of the two peoples.

*Abraham was buried at Hebron, where the Arabs erected a Mosque in his honour. The Jews are not allowed to enter the Mosque but until 1929 were wont to make their devotions at the lower part of the exterior wall of the Mosque.

After the captivity in Egypt was over and their return to Palestine had been accomplished, the tribes of Israel were united into one Kingdom by King David at about the date 1000 B.C. This Kingdom attained its most exalted position during the reign of David's son, the great Solomon. It was Solomon who built the first Temple of Jerusalem, the grandeur and beauty of which have become widely renowned, thanks to the holy books and the historians. The Temple was situated on Mount Moriah on the platform, now known as the Harem-esh-Sherif area.

Subsequent to the death of Solomon, the history of the people of Israel, or rather that of the two Kingdoms of Israel and Judah - Jerusalem being the capital of the latter - resolves itself for the most part into a record of civil wars and struggles with alien tribes.

About 720 B.C., the Assyrians destroyed the Kingdom of Israel and carried the inhabitants away as captives. About 600 B.C., Nebuchadnesar, King of Babylon, attacked the Kingdom of Judah. He destroyed the city of Jerusalem and the Temple of Solomon in the year 587 B.C. Most of the inhabitants were conveyed into captivity and were unable to return to their country until about 50 years later, after Cyrus, King of Persia, had conquered Babylon.

According to the Prophet Jeremiah the Jews who remained in the Holy Land during that period of expatriation had already developed the habit of going to worship on the ruins of the Temple. After the Jews returned to Palestine, the Temple was rebuilt on its ancient site, about the years 520-515 B.C. During the ensuing century a set form of ritual was established by Ezra and Nehemiah.

In 332 B.C. the Jews came under the domination of the Macedonians. King Antiochus IV treated the Jews severely and, after the revolt they set on foot about 170 B.C. had been quelled, the second Jewish Temple was destroyed. Then there followed a period of independence, to a certain extent, which lasted until the country was conquered by the Romans, Pompey entering Jerusalem in the year 63 B.C. According to tradition - *Bavli, Makkoth 24* - the Jews also during this period, i.e., after the destruction of the second Temple, were accustomed to go to the ruins of their holy site.

In the year 40 B.C., with the support of the Romans, Herod, surnamed the Great, became King of Judea and during his reign the Judean Kingdom regained some of its ancient splendour. Herod reconstructed the Temple for the second time.

This last Temple was not destined to attain the same length of life even as its predecessors, for in the year 70 A.D., Titus, who afterwards became Roman Emperor, conquered Jerusalem and, like Nebuchadnesar six and a half centuries earlier, destroyed the whole city of Jerusalem and also the Temple, a part of the Western Wall being the only remnant left of the building.

In the book edited by the Dominican Fathers, Vincent and Abel, *Jérusalem nouvelle*, Paris 1922-26, we are told that, during the first period after the destruction of the Temple of Herod, the Jews continued to go and weep at the ruins of it. According to tradition, the Jews' wailing-place at that time seems to have been the stone on Mount Moriah where the Mosque of Omar now stands.

The Emperor Hadrian (117-138 A.D.) made Jerusalem a Roman Colony, called Aelia Capitolina. He prohibited the Jews from entering Jerusalem and from that period dates the dispersion of the Jews throughout the world. It may be said that there has been no Jewish nation in possession in Palestine since then, though, some Jews have, nevertheless, always been living in the country, their number being larger or smaller in proportion to the degree of toleration extended to them by the successive rulers of the country.

The Dominican Fathers just quoted also say that even after Hadrian's prohibition the Jews succeeded in getting into Jerusalem at least once a year. At that period the place of lamentation seems to have been on the Mount of Olives, from where the worshippers could see the ruins in the distance. From and after the year 333 A.D., when the Pilgrim of Bordeaux visited the Holy Land and learnt that "all Jews come once a year to this place, weeping and lamenting near a stone which remained of the Holy Temple," there is a more or less continuous tradition about the Jews' devotions at the ruins of the Temple or in its environs.

After the partition of the Roman Empire, Palestine came under the Emperors of Byzantium, who governed the country from about 400 A.D.

About the year 637 the victorious Arabs entered Palestine and conquered Jerusalem. The Caliph Omar (639-644) made Jerusalem the capital of the Arab realm of Palestine. The Arabs began to construct Moslem Holy Buildings on the deserted Mount Moriah, which still commanded the city. In the course of the seventh century there was built in the southwestern part of the area the Mosque of Aqsa, a place of special sanctity of the Moslems, being reckoned next to the Mosques of Mecca and of Medina as an object of veneration and, therefore, also a renowned place of pilgrimage. In the centre of Mount Moriah there was erected the Dome of the Rock. The Temple area or the Harem-esh-Sherif, as it was called by the Arabs, thus became a place of great sanctity for Moslems all over the world and it is to be specially noticed that this tradition, save for a short interruption during the Crusader period, now goes back about 13 centuries.

There are several Jewish authors of the 10th and 11th centuries, e.g., Ben Meir, Rabbi Samuel ben Paltiel, Solomon ben Judah, and others, who write about the Jews repairing to the Wailing Wall for devotional purposes, also under the Arab domination. A nameless Christian Pilgrim of the 11th century testifies to a continuance of the practice of the Jews coming to Jerusalem annually.

The Arab domination was interrupted by the arrival of the Crusaders who conquered Jerusalem in 1099. The Crusaders at first treated the Jews badly, but afterwards became more tolerant. Benjamin of Tudela says (1167) that during the later Crusader Period the Wailing Wall was a place of constant prayer. The Arabs reconquered the country at the end of the 12th century and Saladin, their great ruler, invited, in 1190, the Jews to return to Palestine.

For the ensuing two centuries Palestine practically disappears from history. It shall, however, be mentioned, already in this connection, that in the year 1193 an area in front of the Wailing Wall was constituted Waqf by King Afdal, son of Saladin, that is to say that the property was detached for "religious or charitable" purposes according to the Moslem Sharia Law. The bearing of this conception will be discussed in the following. About 1320 the houses which are now called the Moghrabi Quarter (see above) were constituted Waqf, by a certain Abu Madian. This Quarter was donated for the benefit of Moroccan pilgrims and derives its name from that.

In 1517 the country was conquered by the Turks and from that date, save for a short interruption of nine years from the year 1831 when the country was invaded by the Egyptians, the Turkish domination lasted on until the period of the Great War. With respect to the Wailing Wall and how it was regarded during the Turkish régime it may be stated that there are many statements - too numerous to be quoted here - in the writings of various travellers in the Holy Land, more especially in the 18th and 19th centuries, which go to show that the Wailing Wall and its environs continued to be places of devotion for the Jews. In 1625 "arranged prayers" at the Wall are mentioned for the first time by a scholar whose name has not been preserved.

During the period now referred to, several decisions of special interest in connection with the Wailing Wall were arrived at by various authorities who had to do with the matter. While the Commissioners were conducting their proceedings at Jerusalem the Counsel for the Moslems produced a decree issued by Ibrahim Pasha in May, 1840, which forbade the Jews to pave the passage in front of the Wall, it being only permissible for them to visit it "as of old." The Counsel for the Moslems further referred to a decision of the Administrative Council of the Liwa in the year 1911 prohibiting the Jews from certain appurtenances at the Wall. The Counsel for the Jews, on the other hand, referred the Commission in especial to a certain firman issued by Sultan Abdul Hamid in the year 1889, which says that there shall be no interference with the Jews' places of devotional visits and of pilgrimage, that are situated in the localities which are dependent on the Chief Rabbinate, nor with the practice of their ritual. In the same connection the Counsel for the Jews also referred the Commission to a firman of 1841, stated to be of the same bearing and likewise to two others of 1893 and 1909 that confirm the first mentioned one of 1889. Translations of the decrees of 1840 and 1911 as well as of the firman of 1889 are annexed to this Report (Appendices VI-VIII). The firman of 1841 was not actually produced.

In October, 1914, Turkey joined the Central Powers in the Great War and, in the course of the autumn of 1917, an Allied army with General Allenby as its Commander-in-Chief entered Palestine and captured Jerusalem at the beginning of December. At the time of his official entry into Jerusalem, on the 11th of December, 1917, General Allenby caused the following proclamation to be read:-

"... since your City is regarded with affection by the adherents of three of the great religions of mankind, and its soil has been consecrated by the prayers and pilgrimages of multitudes of devout people of these three religions for many centuries, therefore do I make known to you that every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary place of prayer, of whatsoever form of the three religions, will be maintained and protected according to the existing customs and beliefs of those to whose faiths they are sacred."

During the advance of the Allied forces into Palestine, Mr. Balfour, the British Secretary of Foreign Affairs, had made the following declaration on behalf of His Majesty's Government on the 2nd November, 1917:-

"... His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish People, and will use their best endeavours to facilitate the achievement of that object, it being understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country."

The British Military Administration of Palestine lasted until the 1st of July, 1920, when a Civil Administration was set up with His Majesty's High Commissioner for Palestine at its head.

By an order of the 20th December, 1921, the High Commissioner established a Supreme Moslem Sharia Council, to have authority over all the Moslem Waqfs and Sharia Courts in Palestine. The members of the said Council are elected by an electoral college.

The Mandate for Palestine, foreshadowed already in the Treaty of Sèvres of 1920, a treaty, however, which never came into force, was entrusted on the 24th of July, 1922, by the Council of the League of Nations to the British Government. The Mandate came officially into force on the 29th of September, 1923, after Turkey had signed the Lausanne Peace Treaty. The articles of the Mandate with special bearing on the matter in dispute are the following:-

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in

this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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 Administration may impose, shall not be denied or impaired.

Article 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

The Zionist Organisation, which was "the appropriate Jewish agency" recognised by Article 4 of the Mandate, was represented in Palestine until August, 1929, by the Palestine Zionist Executive, the members of which were elected by the Zionist Congress. The Jewish Agency for Palestine has now replaced the Zionist Executive. The Jewish Agency was constituted at a joint conference of Zionists and non-Zionists held in Zurich in August, 1929.

Article 21 of the Mandate provides for the enactment of a Law of Antiquities. This Law is known as the Antiquities Ordinance, 1929, and the Wailing Wall is an antiquity in the sense of the law and therefore under the protection of the Department of Antiquities.

The disputes arising out of the Wailing Wall problem caused the British Secretary of State for the Colonies to publish in November, 1928, a White Paper (Cmd. 3229), defining the policy of His Majesty's Government in the matter. A copy of the said paper is enclosed herewith (Appendix IX).^{*} After the disturbances last year the High Commissioner, at the end of September, 1929, issued provisional instructions in regard to the use of the Wailing Wall. A copy of those instructions is enclosed herewith (Appendix X).

^{*}Not reprinted here.

IV. THE RESPECTIVE CLAIMS OF THE TWO PARTIES

We pass now to a discussion of the respective claims of the two Parties and the circumstances which have led to the raising of those claims.

The contention of the Jewish Side was orally elaborated before the Commission by DR. M. ELIASH, MB. DAVID YELLIN and RABBI M. BLAU, who also submitted to the Commission a written Memorandum drawn up on behalf of various Jewish organizations by DR. CYRUS ADLER and certain Jewish parsonages in Jerusalem. The Arab contention was orally elaborated by AOUNI BEY ABDUL HADI, AHMED ZAKI PASHA and MOHAMED ALI PASHA, who also put in numerous documents.

The contentions of the two Parties as laid before the Commission in the course of the proceedings at Jerusalem may be summarized as follows.

The Jewish Claims.

- (a) *The Jew's Custom of resorting to the Wall for lamentation*

The custom in question is based on the central idea of the Jewish religion as recorded in the *First Book of Kings*, Chap. VIII, Verse 11, viz., that God's presence is intimately bound up with the actual Temple of Solomon. This passage says "the glory of the Lord filled the House of

the Lord." On that basis the Jews have always regarded the Temple as a Holy Place and others. Hence the destruction of the Temple has been for many centuries and still continues to be a subject of lamentation for them and this explains the origin of their custom of repairing to the relic that remains of what was the House of the word, in order to give vent there, in front of the Wall, to their wailing and lamentation.

The Jewish Side contend, that this custom goes back to the most ancient times, i.e., those that followed upon the destruction of the Temple.

A proof of this the Jews claim to find in the *Book of Jeremiah*, Chap. XLI, Verse 5, where mention is made of four score of men who came from various parts of the country with offerings and incense in their hand to bring them to the House of the Lord. As the Temple at that time was no longer in existence, it must have been on the site formerly occupied by the Temple that those offerings were laid. According to the testimony of Jewish writers of the first centuries of the Christian era, Jews made pilgrimages to the Wall even when Jerusalem has been almost wholly abandoned by their compatriots. The Jews hold that the Kothel Maaravi could never be destroyed, because of the "divine presence" (Shekinah) that had never departed from it. A Chief Rabbi of the period of the Babylonian Talmud and of the Jerusalem Talmud speaks of the divine presence which exalts the belief of the Faithful. In *Jérusalem nouvelle*, the work of the two Dominican Fathers, Vincent and Abel, that has been already mentioned, we are told that in early days the Roman Emperors permitted the Jews to come to Jerusalem and even to worship within the Temple Area, or at other times to ascend the Mount of Olives where they could see the Holy Site from a distance, recite their prayers and carry out their lamentations. In support of the contention that the Jews' devotions at the Wall have been persistently continuous, the Jewish Side refers to those writers whose names have been already adduced in the historical part above and to others, such as the Church Father Gregory of Nazianzus. Most of the narratives of travellers in Palestine in the 17th and 18th centuries speak of lamentations being conducted at the Wall. Baedeker's guide to Palestine (*Palestine et Syrie*, Leipzig et Paris, 1912, page 62), in its historical section, contains a description from the pen of ALBERT SOCCIN, the orientalist, of the customs of the Jews at the Wall and of the prayers pronounced there by the cantors and of the answers given by the assembly. The Jewish writers are, of course, the more numerous and their narratives the more detailed.

(b) *Frequency and Character of the Worship in Front of the Wall.*

1. During the first centuries after the destruction of the Temple, the Jews generally went to the Wall once a year, probably on the anniversary of the destruction (the 9th of Ab). Later on (with an interruption during the Crusader period) the Jews went there more often, not only as pilgrims but also at the times of the various religious feasts and on the Sabbaths. After the conquest of Jerusalem by the Arabs, the latter did not hinder the Jews from resorting to the Wall. Since the close of the 18th century the frequency of the holding of the devotions has very much increased in proportion to the growth of the Jewish population in Palestine and especially in Jerusalem.

2. To judge from the memorandum presented by the Jewish Side the Jews' devotions at the Wall were limited during the course of several centuries to wailing and lamenting. The Faithful approached the Wall and, bringing their foreheads into contact with it, wet it with their tears; they would often also slip into the crevices between the stones of the Wall strips or sheets of paper containing petitions and other pious wishes. Later on, the Jews began the practice of reading or reciting at the Wall certain psalms, fragments of the Law of Moses, or prayers. Ever since the 18th century at least printed books have been used containing the order of the service and the various prayers to be recited at the Wall. Later on again, the devotions have also taken the form of a read religious service requiring some of the appurtenances used at the service in a synagogue.

The Jews contend accordingly that the using of such appurtenances as benches, a screen for separating men and women, an Ark with Scrolls of the Law, ritual lamps, a wash-basin, etc., was common and was also allowed by the authorities on the spot long before the Great War. According to the Jewish contention this state of things should be held to constitute the *status quo* and the existing rights to which Art. 13 of the Mandate refers. For this purpose the Jews also refer to the firmans of 1891, 1889 and 1893, already quoted. Furthermore, the Jews maintain that on certain occasions during the Turkish régime they have contributed to the cost of paving the passage and allege that that should be held to prove that it was an understood thing that the Jews had certain rights and obligations in that respect.

Further the Jewish Side claim that, according to Article 15 of the Mandate, the Mandatory Power shall guarantee the Jews free exercise of worship at the Wall in the form prescribed by the ritual of their religion without any interference whatever from the Arabs or the adherents of any other religion. Still more, the Arabs should be prohibited from disturbing the Jewish services by leading donkeys through the passage or by installing a muezzin in the neighbourhood of the Wall or by conducting the Zikhr ritual in the courtyard at the southern end of the Pavement, to which the Jews object because of the concomitant disagreeable noise. The Counsel on the Jewish Side are of opinion that the present Commission has the same powers as the Holy Places Commission. The Jewish Side do not claim any proprietary right to the Wall. The Jewish Counsel are of opinion that the Wall does not constitute a property in the ordinary sense of that word, the Wall falling under the category of *res divinum* or *res extra commercium*. On the basis of that point of view the Jewish Side protest against any and every form of innovation in the structure of the Wall and its immediate surroundings carried out by the Moslems. The Jewish Side have submitted to the Commission a detailed "Note on recent Moslem innovations at the Wailing Wall," which is annexed to this document (Appendix XI). The plaintiffs refer to a pronouncement made by Sheikh Hafez, when he was examined as a witness before the Commission, with reference to the properties dedicated as Waqfs (pages 711-712), to the effect that some learned lawyers and some jurists would say that such property is the property of God while some say that it is the property of nobody. In this connection the Jewish Counsel ask the Commission to accept the above definition which would have the advantage of solving entirely the problem.

(c) *Is the Wall a holy place from the Moslem point of view?-*

*The question of Buraq.
The question of Waqf.*

HP EXHIBIT 92

1. The Jews deny that the Wall, the Pavement in front of it and the Moghrabi Quarter can be considered as Moslem Holy Places. According to the Jews, the Moslems themselves do not regard them so, because otherwise they would not have besmeared the Wall with filth as the Jews state that the Moslems have done on certain occasions, nor permitted the construction of a water closet close to the wall that is a direct continuation of the Wailing Wall to the south and also forms part of the exterior of the Harem.

2. Without disputing the fact that certain writers mention the Buraq, the Jews assert that the legend in question only dates from a period several centuries subsequent to Mohammed's lifetime and that the Buraq is not mentioned in the *Qoran*. In consequence there is no reason, they say, for attributing a sacred character to the Pavement in front of the Wall because of the Prophet having passed there on his celestial journey, as the Moslem holy books do not say anything about that. Furthermore, the route that Mohammed took before entering the Temple area was never, they allege, exactly defined, and it is only quite recently that the Moslems have begun to make out that the Prophet passed by there and that his winged steed was tethered to an iron ring in the wall which is now part of the Mosque of Buraq. Moreover, the Moslems did not, until recent years, call the Wailing Wall Al Buraq. The official guide to the Harem that was published in 1914 by the Moslem authorities does not mention any special sanctity as inherent in the Wall.

3. As to the Waqf character of the Wall, of the Pavement in front of it, and of the Moghrabi Quarter, the Jewish Side declare that the extension of the areas donated for Waqf purposes is not clearly indicated in the registers of the Sharia Court, and particularly that the boundaries are not clear. Furthermore, the fact that a certain area has been constituted Waqf cannot, in their view, affect the exercise of Jewish worship at the Wall, so much the less as the devotions have always been held both before and after the creation of the Waqfs and also because the free exercise of worship is guaranteed by the Mandate.

In pursuance of the said contentions the Jewish Side have requested the Commission to take the following action:-

(1) to give recognition to the immemorial claim that the Wailing Wall is a Holy Place for the Jews, not only for the Jews in Palestine, but also for the Jews of the whole world;

(2) to decree that the Jews shall have the right of access to the Wall for devotions and for prayers in accordant with their ritual without interference or interruption;

(3) to decree that it shall be permissible to continue the Jewish services under the conditions of decency and decorum characteristic of a sacred custom that has been carried on for many centuries without infringement upon the religious rights of others;

(4) to decree that the drawing up of any regulations, that may be necessary as to such devotions and prayers, shall be entrusted to the Rabbinate of Palestine, who shall thus re-assume full responsibility in that matter, in discharge of which responsibility they may consult the Rabbinate of the world;

(5) to suggest, if the Commissioners approve of the plan, to the Mandatory Power that it should make the necessary arrangements by which the properties now occupied by the Moghrabi Waqf might be vacated, the Waqf authorities accepting in lieu of them certain new buildings to be erected upon some eligible site in Jerusalem, so that the charitable purpose, for which this Waqf was given, may still be fulfilled.

The Moslem Contentions.

Before giving an account of the point of view of the Moslem Side, we may refer to the declarations on matters of principle that were made by AHMED ZAKI PASHA on behalf of the Moslems, and which were repeated later by MOHAMED ALI PASHA:

" With great respect to the Commission I feel it my duty before beginning my statement to make the following reservations:

First: The Palestine Arab nation have rejected continually and in every opportunity the British Mandate over Palestine, and therefore they cannot be bound by any arrangement or regulation derived from that. Mandate; nor **can they be bound by** anything pertaining to what is known as the national home policy. My statement in this direction should **not be taken as** indicating any departure from that attitude which was adopted by this nation in exercise of its right **to determine its own** future.

Second: Moslems state that all contentions relative to Moslem sacred places should be dealt with only by competent bodies as prescribed by the Sharia Law. Other bodies can have no jurisdiction whatever by the Sharia Law. Other bodies can have no jurisdiction whatever on these places.

Subject to the above-mentioned two reservations, I have the honour to submit the following . . ."

The following contentions of the Moslem Side have been formulated with the explicit reservations aforesaid.

1163

(a) *Historical.*

History shows that after having acquired Palestine by the right of conquest, the Jews were definitely driven out of the country by the Romans after the destruction of Jerusalem by Titus. The Christians then ruled the country until the Arab conquest under Omar. With the exception of 90 years during the epoch of the Crusades the effective possession of the country has been in the hands of the Arabs from generation to generation. The Jews who came to Palestine were not interfered with by the Arabs and were fairly well treated by the Moslem rulers of the country. During this long period there were no incidents at the Buraq. The Jews never claimed any rights to the Wall and were content to go now and then to lament at that place, contented in the assurance that the tolerant Arabs would not interfere with them. It is the Balfour Declaration, reiterated in the Terms of the Mandate, that has been the cause of the discussion which finally brought bloodshed over Palestine and incited the Jews to urge claims which they had never thought of before. The creation of a Jewish national home in Palestine, an Arab country, lost for ever by the Jews hundreds and hundreds of years ago, can only give rise to perpetual troubles and dissensions. The country which the Jews had taken over by right of conquest was again lost, and the Arabs in their turn conquered it, not from the Jews, who had been driven out of Palestine several centuries before, but from the Byzantines. It was not a Jewish kingdom that the Arabs occupied in the 7th century, but a country to which the Jews had no right whatever.

(b) *The Jews' rights to the Wall, the Pavement, the surrounding area, and the character of their devotions.*

It is here a question about property which has belonged to the Moslems for many centuries. The Buraq forms an integral part of the Haram-esh-Sherif, not a single stone of which dates back to the days of Solomon. The passage in front of the Wall is not a public passage, but has only been constructed for the use of the inhabitants of the Moghrabi Quarter and of other Moslems who want to go to the Mosque of Buraq and from it to the Haram. The surrounding area is inhabited by Moroccan Moslems who come as pilgrims to the Holy City or who desire to end their days there. This quarter is in consequence entirely Moslem and the Arabs will never consent to its expropriation on behalf of the Jews, whose ulterior aim it is to erect a synagogue on the spot. As the Jews have no rights in the matter, their presence at the Wall on certain days can only be explained as being due to the toleration shown towards them by the Moslems and which has been much greater than the toleration of the Christians. The Jews cannot build upon this toleration to put forward claims to positive rights as they are trying to do. The fact that they were permitted to resort to the Wall on sufferance merely is clearly shown by the document issued by Ibrahim Pasha in the year 1840, already referred to.

From numerous statements in the works of travellers, historians, geographers, etc., it is clearly evident that when the Jews were allowed to approach the Wall, which was not always the case, they restricted themselves to lamentations and made no attempt to hold actual religious services. Moreover, at certain periods, the Jews did not lament even at the Wall but outside the city instead.

The Jews had not, the Moslems say, produced any official document or resolutions to adduce in support of their contention that they have the right of holding religious services at the Wall. The firman of 1889 and others, to which they refer, have not the bearing they allege.

(c) *Status quo.*

The Moslem Side declare that what is laid down about the application of *status quo* in the Holy Places does not bear reference to the Buraq. As to the Holy Places, the rules given have in view a distribution among several communities of their respective rights to a certain Holy Place. This cannot be the case with regard to the Buraq, as the right to it, both as property and for enjoyment or use belongs to the Moslems. As regards the Buraq, the only question that can be raised is the amount of toleration that its proprietors are prepared to extend and which cannot be increased beyond the limits fixed by the proprietors.

This was moreover recognized by COLONEL SYMES, when he spoke on behalf of the Mandatory Power before the Permanent Mandates Commission at its 9th Session in 1926 (Minutes, page 174):

"M. YAMANAKA asked for details of the incident with regard to the lamentations at the western temple wall.

"COLONEL SYMES said that the Jews were accustomed to go to the western Temple wall to bewail the fallen grandeur of Israel. The site, however, which they occupied for the purpose belonged to a Moslem Waqf, and, while the Jews were allowed to go there, they were not legally allowed to do anything which would give the impression that the site in question was their own property. All religious communities did their utmost to prevent each other from acquiring any legal right in the matter of property which they considered to belong to themselves. This being so, the Moslems who owned the site in question had raised objections to the bringing of stools by the Jews to tile site, for (they said) after stools would come benches, the benches would then be fixed, and before long the Jews would have established a legal claim to the site. However much sympathy the Administration might feel for the Jews in questions, its mandatory duty was to respect the *status quo* and therefore when stools were brought by the Jews on to the site in question the police had to remove them, for the Jews were not legally within their rights. If the police had not taken away the stools a regrettable incident would have occurred similar to past incidents.

"The question could only be settled by an agreement between the Moslems and the Jews and the Government would do its utmost to promote such an agreement."

In consequence, the Jews cannot rely upon the principle of *status quo* in support of any claim whatever and the tears they have shed during the centuries do not give them any right of property to the Wall, nor of enjoyment of it as a place of resort.

- (d) The Pavement in front of the Wall and the surrounding area have a sacred character of their own.

HP EXHIBIT 92

The sacredness of the Wall, which forms a part of the Haram, cannot be disputed. In the seventeenth Sura of the *Qoran* reference is made to the Prophet's celestial journey, during which he visited Jerusalem, as follows:

"Glory be to Him Who made His servant go on a night from the sacred Mosque of which we have blessed the precincts . . ."

It ought to be observed that when Mohammed came to Jerusalem, the site of the ancient Temple, which was already an object of veneration for the Moslems, was called Masdjed Al Aqsa (i.e., remote oratory) in contrast to the Mosque of Mecca or Masdjed Al Haram (i.e., oratory, sanctuary). At that time Mecca was hostile to Mohammed. Owing to that, Jerusalem and especially the Temple area, for a certain period, became the first Kibla (direction) for the Moslems, i.e., during that period they turned their faces in the direction of Jerusalem when praying and it was not till later on that Mecca became definitely the Kibla.

These facts explain the special sanctity to Moslems all over the world of the Haram-esh-Sherif and its dependent buildings. The sanctity of the Wall and of the passage in front of it is due to the fact that on the Prophet's above mentioned journey his winged steed (Al Buraq) came there and was tethered to the Western Wall of the Haram. It is in accord with this that the surrounding area has been consecrated Waqf by its proprietors and that schools, "Zawiyahs" and houses for the Moroccan Pilgrims have been erected on it.

- (e) *The conception of Waqf and its legal bearing.*

A Waqf is an object that either itself or the whole of its revenue has been definitely dedicated to serve some religious or charitable purpose. A person who makes a donation of the income of an object for Waqf purposes also loses the property rights to it. The first class of Waqfs, buildings or land consecrated for religious or charitable purposes, is divided into three categories: (a) Mosques and places of worship, i.e., places reserved for the exercise of religion; (b) "Zawiyahs" and alike places consecrated to the reading of the *Qoran*, the study of the Sharia Law and to the ceremony of the Zikr; (c) places dedicated to serve as hospitals, hospices or to minister to some other charitable purposes of that kind. The second class comprises institutions or objects which, though they have not themselves been so dedicated, have had the income arising from them dedicated for all time to religious or charitable purposes. Thus, buildings, storehouses or land under cultivation may be constituted Waqfs; and when that has been done the revenue accruing from the said institution or object will be set aside to serve some such purpose as mentioned regarding the first class.

Moreover, by a decree of the Sharia Law, institutions and objects that have been constituted Waqfs cannot be disposed of by sale or alienated in any other way.

As forming a part of the Haram the Buraq belongs to a Waqf of the first category of the first class. The pavement in front of the Wall and the Moghrabi Quarter are Waqfs of the third category of the same class, because they have been dedicated by their proprietors to the use of Moslem pilgrims. The Sharia Law lays it down that Jews cannot claim any rights whatsoever with regard to those objects.

A Waqf property cannot be acquired by usucaption unless the usucaptor has enjoyed a peaceful and uninterrupted possession *ab antiquo*, i.e., for at least 33 years. The fact that the Moslems in the course of time have come to tolerate Jews going to weep at the Wall under the same conditions as they have permitted the other inhabitants of Jerusalem and foreigners to go there, does not confer upon them any right whatsoever, either proprietary or that of enjoyment of the privilege in the future.

As regards the claim of the Jews to be allowed to bring appurtenances to the Wall, such as benches, chairs, a screen, etc., that is not based on any established custom still less on a habit *ab antiquo*, for the Arabs, they say, and before them the Turks, have always protested against such innovations as appears from the above-mentioned documents of the years 1840 and 1911, and the voluminous correspondence in the matter between the Supreme Moslem Council and the Government of Palestine (Moslem Exhibits Nos. 9 and 10). The provisional regulations issued by the Government of Palestine cannot be regarded as constituting any right. Moreover, in the White Paper of November, 1928, the Mandatory Power recorded their recognition of the fact that the Wall and the surrounding area are exclusively Moslem property.

The Jews are not entitled to lay claim to a right of servitude. The legal nature of a servitude is not compatible with the pretensions of the Jews. A servitude cannot exist to the advantage of indeterminate persons. In any case, the Commission cannot allow the Jews more than the privilege of paying simple visits to the Wall.

The Moslems state that all that they have said about Waqf is based upon the Sharia Law and commentaries thereto.

- (f) *The real intentions of the Jews.*

The aim of the Jewish agitation is not merely to obtain seats for the aged and invalids to rest on. In reality, what we have to deal with here is a Zionist movement that has in view the securing of advantages for the Jews to which they have no right. In spite of all their statements to the contrary, the real aim of the Zionists is to obtain possession of the Haram-esh-Sherif.

The Shaw Commission itself admitted that the fears of the Arabs in this respect were reasonable (Straw Report, page 73).

1165

It is the Balfour Declaration that has incited the Jews to claim certain reality do not exist, merely because, although they cannot produce any proof that their claims are well-founded, they feel that they can count upon support from outside. They even endeavour to make good their pretensions by force, as was the case during the disturbances of 1929.

Even if they allege, before the Commission, that they do not claim the property right to the Wall, they do in reality aim at this. The fundamental aspiration of Zionism is to take possession of the Mosque of Omar and of the whole Temple area, and to drive the Arabs out of Palestine, where they would then instal themselves in their place. The Moslem Counsel desires here to adduce what the *Encyclopedia Britannica* says about Zionism, as follows:

" One of the most interesting results of the antisemitic agitation has been a strong revival of the national spirit among the Jews in a political form. To this movement the name Zionism has been given. . . . They contemplated the redemption of Israel, the gathering of the people in Palestine, the restoration of the Jewish state, the rebuilding of the Temple, and the re-establishment of the Davidic throne in Jerusalem with a prince of the House of David "volume 27 of 1D26, pages 986-987). (Moslem Exhibit No. 21.)

The *Jewish Encyclopedia* is still more characteristically explicit.

LORD MELCHETT (then SIR ALFRED MOND) has declared in public (1922) that the day of the reconstruction of the Temple was very near. JABOTINSKY, ZANGWILL, PROFESSOR KLAUSNER of the Hebrew University of Jerusalem, and other prominent Jews have expressed themselves to the same effect. Pictures to be found in sundry Jewish papers also show it to be the intention of the Zionists to rebuild the Temple at the spot that is now occupied by the Haram-esh-Sherif.

The situation thus created by the Jews in the Holy Land and especially at Jerusalem does accordingly constitute a permanent danger and a menace to peace. Of the Jewish demands, the one asking for the expropriation of the Moghrabi Quarter shows that the real intentions of the Jews are to lay hands by degrees on all the Holy Places of the Moslems and to become the masters of the country. As the Jewish claims are not based on any legal argument they ought not to be admitted. The best solution of the whole question would be to forbid the Jews from approaching the Wall.

V. THE EVIDENCE.

The evidence that the Parties have brought before the Commission deals in the first place with:

- (1) The character of the Jews' devotions in front of the Wall.
- (2) The appurtenances used there by the Jewish worshippers.

(1) Their devotions, the Jews assert, partake of the nature of prayers. A distinction is drawn by them between prayers offered individually and prayers offered collectively (i.e., by a congregation of adult males, numbering at least 10-what is termed a Minyan). According to the Jewish contention, the usual form of devotion at the Wall is that of collective prayers of the same type as those in the Synagogues.

The Counsel for the Jewish Side have produced various species of evidence to prove this contention. The German Jewish traveller L. A. FRANKL says in the middle of the 19th century (Jewish Exhibit No. 20):"When I came to the Wailing Wall I at once recognised the familiar words of the Minha (i.e., afternoon) service. MAHAZEH EREZ HA-KEDOSHAH says in 1891 (Jewish Exhibit No. 1, page 43):"During the summer the number of people gathered in that place on Friday is from 1,000 to 1,800. The prayer ushering in the Sabbath is finished with the appearance of the stars, and evening prayers are held after the appearance of the stars." RABBI MESHIL writes that about 1860 another Rabbi used to hire a quorum to pray every day morning, afternoon, and evening, at the Wall (Jewish Exhibit No. 1, page 39). About 1671, RABBI MOSES HAGIZ describes the particular prayers which he held before the Wailing Wall, and says he would add to the regular prayer certain other prayers (Jewish Exhibit No. 1, page 34). Of the witnesses heard before the Commission, CHIEF RABBI UZIEL of Jaffa declared (Minutes, pages 196-197) that there is no difference whatsoever in ritual, either of the form or of the order of prayer, between the prayers of any congregation praying in the synagogue and those of a congregation praying at the Wall, and that the Friday evening service before the Wall is contained in the ordinary prayer book. Another Jewish witness, RABBI SCHORR, also declared (Minutes, page 165) that the prayers at the Wall and those in every synagogue are identical. This statement was confirmed by the evidence of the witness GOLDBERG (page 336) and others. The beadle MEHUYAS, also examined as a witness, deposed (page 262) that at the congregational services before the Wall people were in the habit of using the prayers that are in the prayer book and the same that are employed in the synagogue. MR. RICHARD HUGHES, a British witness, called by the Jewish side, who stated that he had lived in Jerusalem for about 38 years and had been in the habit of resorting to the Wall at frequent intervals in the years preceding the Great War, deposed (page 154) that his impression of the prayer at the Wall was that of congregational service. MISS HUSSEY, also a British witness, deposed (page 309) that she had seen on one occasion several years previous to the Great War a large crowd at the Wall and a man who kept saying something to which a number of the others responded; it looked to her like the responses in a congregational service.

On the other hand, the Moslems brought forward numerous witnesses, more especially "fathers" or "brothers" of various Christian churches, who deposed that what they were used to seeing at the Wall did not seem to them to be congregational services. However, FATHER DRAISSAIRE deposed (page 604) that during the period 1899-1905, when he often resorted to the Wall, he saw on Friday afternoons the worshippers ordinarily conduct their prayers under the leadership of one person presiding over the congregation.

The evidence adduced by the two Parties as to the extent to which the various items of the Jewish ritual have been ordinarily employed was by no means complete or adequate. In what follows.

special note should be taken of what CHIEF RABBI UZIEL of Jaffa, one of the principal witnesses of the Jewish Side, says about the Jewish ritual in general and what it demands of its professors and adherents. The witness gives a summarized delineation of the ritual as applied in practice in a specially drawn out written Note (Jewish Exhibit No. 11), but it should be observed that the witness was not able from his own personal experience to make the assertion that the whole of this ritual had been in use at the Wall before the Great War.

According to CHIEF RABBI UZIEL, the set services on ordinary days are three in number: the morning, the afternoon, and the evening service. On Sabbath Days, on the dates of the New Moon, and on Festival Days there is an additional morning service (the Musaph) and on the Day of Atonement there is also an additional concluding service (Neilah). In addition there is a midnight service every day from the 17th of Tamuz to the 9th of Ab.

All the prayers offered should properly speaking be prayed in congregation, but in special circumstances and when no congregation has assembled they are allowed to be prayed individually. There are certain portions of the service which are never gone through except in congregation. This is the case with regard to the reading of the Law, which takes place at the morning service on Monday; Thursday, and on the Sabbath, at the festivals of the New Moon, the Passover, Pentecost, the Tabernacles, on the two days kept at the Jewish New Year, the Day of Atonement, at Chanukkah and Purim, on the Ninth of Ab, and on certain fast-days. On the Sabbath, the Day of Atonement, and certain fasts the Scrolls of the Law are read at the afternoon service too. On most of the same occasions the Scrolls of the Prophets are also read. One of the " five scrolls " is read on each of the five prescribed festival days.

During certain parts of the year propitiatory prayers are said. Special services for public or private intercession are arranged by the Rabbis on the occurrence of public calamities such as pestilence, lack of rain, etc. Individuals also offer private prayers at times of personal troubles. In such cases it is usual to recite chapters from the Bible.

The set order service at the Wall is the same as in a synagogue. At the Wall there are also special services held and special prayers are offered by congregations of 10 worshippers on behalf of those who are in special need of the Divine Mercy. It is also the custom of the regular worshippers of established synagogues to go to the Wall from time to time on Friday evenings or on Sabbath Days or at festivals and to conduct prayers there with a special leader of the prayers for each group.

The prayers employed for ushering in the eve of a Sabbath are the usual afternoon service, the inauguration of the Sabbath, and the evening service.

The worshippers at the Wall come there as a rule without any special call or injunction, but entirely of their own wish. On occasions of public need or calamity, however, the Rabbis give notice of the holding of public prayer at the Wall. That is the only instance of a notification of the holding of a religious service at the Wall having been made, that has been proved before the Commission (witness, Zuckerman, page 392, after the Great War).

2. We pass now to the appurtenances used or alleged to have been used at the Wall by the Jewish worshippers.

CHIEF RABBI UZIEL of Jaffa gave evidence concerning the appurtenances required. According to him there are used at the individual prayers the following appurtenances, viz., the fringed shawl, the prayerbook, the pentateuch, the book of psalms, the Mishnah, phylacteries, a palm branch and a citron at the time of Tabernacles, some boughs of myrtle for the seventh day of Tabernacles. At the congregational services there are used from the ritual point of view the following appurtenances, viz., ritual lamps, a wash-basin with a water-container, a box for the givers of charity, a goblet, and a smelling-box. At such occasions when reading of the Law is obligatory (see above) are needed also the Scrolls of the Law, an Ark in which to carry the Scroll, and a reading desk. On special occasions the Shofar is blown. The following appurtenances are used for the convenience of the worshippers: in the first place benches for the aged and the feeble, and mats on the Day of Atonement when the worshippers kneel. There would also be required a partition to separate women and men, as members of the two sexes are not allowed to pray together. Finally on the surface of the Wall of the Moghrabi Quarter there would require to be fixed up some rows of pegs or nails on which the worshippers might hang their coats and hats.

We pass now to the evidence brought before the Commission as to the actual introduction and use of those appurtenances at the Wall before the Great War.

Scrolls of the Law, the Ark and tables for using same: the stand with prayer books.

A number of witnesses have given evidence to the effect that a complete congregational service used to be held at the Wall before the War too. However, it appears from the information gathered about the Jewish ritual that the reading of the Torah (i.e., the Law) from the Scrolls of the Law is essential for making certain services complete, i.e., on Monday, Thursday, and Saturday and at special fasts and High Festivals. On the other hand the evidence as to the bringing to the Wall of the Scrolls and certain objects in connection therewith is not very conclusive. The Jewish witness ISSACHAROFF, who had been in the habit of visiting the Wall for 43 years, deposed (pages 104 ff.) that the congregation he belonged to used to arrange for a complete service, including, that is to say, the reading of the Torah, to be held on Monday, Thursday, and Saturday morning as well, and that, for this purpose, the Jews used to take with them a small Scroll of the Law, which was placed on a small square table.

The witness FEDERMANN (page 446) deposed that he too had seen the Scroll of the Law with the Ark and the Table several years before the War, and not only on High Festivals but also at the ordinary morning services on Saturday.

Further the Jewish witness Mosseri deposed (page 435) that on a visit to the Wall in Jerusalem in 1897 he assisted one Friday afternoon at a congregational service at the Wall and that there was no difference between that service and the ordinary one in the synagogue. He saw amongst other things a cupboard apparently containing the Scroll of the Law, which probably was to be read from on the following Saturday morning.

On the other hand RABBI SCHORR stated (page 187) that, as far as he knew, the practice of carrying the Scrolls of the Law from the synagogue to the Wailing Wall did not originate until about eight or 10 years ago.

MEYUHAS, the beadle, deposed (pages 261-263) that as far as he knew the practice of bringing the Scrolls of the Law had prevailed for at least the past 30 years as regards the Day of Atonement and New Year's Day, and also for special services such as those arranged on the occasion of drought or other calamities. He added, however (page 283), that on Sabbaths, on which days in pre-war times he could not remember to have seen the Scroll of the Law at the Wall, the worshippers used to carry through the service at the Wall and then go away to read the Scroll in the synagogue. Another Jewish witness, GOLDBERG (pages 333 ff.), who had been in the habit of resorting to the Wall for about 45 years, gave evidence much to the same effect. The fact that from olden times the Scrolls of the Law were brought to the Wall on occasions of public distress and calamity is testified to in a narrative written by RABBI GEDALIAH of Semitizi, who went to Jerusalem in the year 1699 (Jewish Exhibit No. 1, page 35); it is also mentioned in books dating from the 19th century from which quotations were made by the Jewish Side, e.g., Bartlett, *Walks about the City and Environs of Jerusalem* (1841), and Durbin, *Observations in the East* (1845).

As to the transport of the Scroll of the Law from the synagogue, CHIEF RABBI UZIEL, in his oral evidence, stated (pages 207 and 214) that due veneration for the Law required that it should not be taken away from the synagogue except under special circumstances, such as for instance when some prominent person was prevented from going to the synagogue owing to illness or because of his being in prison or when the Scroll was brought to a congregation of 10 assembled in a place worthy for the purpose. RABBI SCHORR gave voice (pages 162 ff.) to objections of a ritual nature against the transport of the Scroll of the Law from the synagogue to other places, admitting, however (page 180-181), that under special conditions when dignity and reverence to the Scroll were observed, it might be removed from the synagogue.

The question of the stand containing prayer books was much less fully dealt with during the proceedings than was the question of the Scrolls of the Law, but evidence was given that at any rate the prayer books had been brought to the Wall by the worshippers long before the War.
Ritual Lamps.

The Jewish witnesses ISSACHAROFF (page 119), MEYUHAS (page 303) and MOSSERI (page 436) deposed that even before the War they had seen a table with ritual lamps at the Wall. This statement was, moreover, confirmed by other witnesses.
Wash-basin with water-container.

The witnesses ISSACHAROFF (page 108), MEYUHAS (page 266) and others testified to the fact that before the Great War there used to be a wash-basin and a water-container near to the Wall.
The Shofar.

Some of the witnesses called by the Jewish Side deposed that on special occasions before the Great War the Shofar was heard at the Wall on the New Years Day and the Day of Atonement.
Benches and Chairs.

Numerous witnesses for the Jewish Side gave evidence that during the 25 years previous to 1911, the period over which the witnesses' recollections extended, benches for the aged and the feeble were brought to the Wall, at any rate on certain occasions apparently by arrangement with the inhabitants of the Moghrabi Quarter. The Jewish Counsel also put in several photographs and a film to prove that that was the case. The Arab Side, on the other hand, brought forward a number of witnesses who deposed that, though they had regularly resorted to the Wall during the period named, they had never seen any benches there. In 1911, however, the appropriate Turkish authority, viz., the Administrative Council of the Liwa, as already mentioned, passed a resolution stating, *inter alia*,

"... His Eminence the Mufti, the Awkaf Department and the Sharia Court stated . . . that it is inadmissible by Law in all respects that there should be placed chairs, screen and similar articles, or any innovation be made which may indicate ownership;

"that nobody owns the right to place such articles, or to make innovations as to occupy the site of the wall of the Noble Aqsa Mosque; and that steps should be taken for their prevention.

"After deliberation by the Council it has been decided that in the circumstances, whether in the said Waqf, or at the Wall of the Haram Al-Sharif it is not permissible that there should be articles considered as indications of ownership; that nobody should be given a chance to place such articles; and that it is found necessary to preserve the old practice..."

It has been admitted by witnesses called by the Jewish Side that for a certain period after the passing of that resolution no benches were brought to the Wall. The Jewish Counsel then called attention to copies of the newspapers *Hacherouth* and *l'Aurore* of Constantinople that came out in February, 1912 (Jewish Exhibits Nos. 15 and 16, Minutes, pages 313-315), in which there appears a passage to the effect, that in response to the appeal of CHIEF RABBI HAIM NAHOUM, the Turkish Minister of Justice and Culture ordered the Governor of Jerusalem to abolish this prohibition. The said Chief Rabbi also sent the Commission an affidavit concerning the steps taken by him on that occasion (Jewish Exhibit No. 31). In it he refers to a telegram that the Turkish Minister is alleged to have sent the Governor of Jerusalem in January, 1912. No such

telegram, however, has been produced. The accuracy of the above affidavit has been established by the Moslem Side. The Moslem Side also state that it is not true that between 1911 and the date of the British occupation there were any benches, and in support of that statement they put in sundry evidence.

HP EXHIBIT 92

Mats.

CHRISTIE says in his affidavit, already referred to, that in 1894 mats were in use at the Wall.

The Screen.

MENDLE HACO VAN PAKOVER gave evidence before the Commission (pages 398-401) to the effect that in 1900 he ordered a partition to be erected to separate men and women at the Wailing Wall and that on behalf of the three Jewish courts he was in charge of that screen, and for about 10 years used to place it before the Wall on Sabbaths and Festivals. Other witnesses for the Jewish Side testified that they saw the screen before the Wall on certain occasions. On the other hand, the Moslem Counsel called witnesses who deposed that they had resorted regularly to the Wall but that they never saw any partition.

The Moslem Counsel referred principally to the decisions of 1840 and 1911, to the documents regarding the legal status of the area in dispute, and to the Sharia Law.

As already mentioned, the Moslem Counsel produced numerous witnesses-regular visitors to the Wall during many years previous to the Great War-and they testified that they had not seen anything there, on the part of the Jews, like ritual service, nor religious appurtenances, but only individual lamentations. The Moslem Side further produced the above-mentioned decrees of 1840 and 1911.

The Moslem Counsel refer to the decree of 1840 especially as a proof that the principles which, according to the Moslems, had always governed the Jews' visits to the Wall in pre-war days, had been already laid down 74 years before the outbreak of the Great War. The said decision is to this effect:

"the Jews must not be enabled to carry out the paving (i.e. of the passage) and they must be cautioned against raising their voices and displaying their books and that all that may be permitted them is to pay visits to it as of old. . ."

The Jewish Side contest the authenticity of this document, saying that the title of Khedive which had been attributed in it to Mohamed Ali was not bestowed on that ruler until a much later date. On the other hand, the Moslem Side has produced the diary of Mohamed Ali, from which it appears that he called himself by the said title as early as 1838.

The decree of 1911, produced by the Moslem Counsel, has been quoted above. The Moslem Side are of the opinion that this decision contains a confirmation of the principles laid down in the previous decision of 1840.

As to the legal status of the Western Wall, of the Pavement in front of it, and of the Moghrabi Quarter, the Moslem Counsel refer to the registers of the Sharia Court of Jerusalem, especially to the Waqf documents of the years 1193 and 1320.

In order to show that it is prohibited by Sharia Law to permit the erection of a synagogue on the pavement, the Moslem Side quoted the following text from *Al Iqna* by SHEIK AL ISLAM AL-BAHUTI, referring to Waqf property:

"No house shall be leased for the purpose of transforming it into a synagogue or a church or a monastery or a place of fire for the worship of Magians or for the sale of wine, or for gambling or other purposes whether this condition has been inserted in the lease contract or implicit as it is unlawful and lease is therefore invalid."
The paving of the passage.

In this connection it ought to be mentioned that the Jewish Counsel produced evidence to the effect that the paving of the passage in front of the Wall, when it was last done, about 35-40 years ago, was carried out at the expense of the Jewish community. On the other hand, the Moslem Side produced rebutting evidence to the effect that the said work was carried out by the Municipality.

In response to a request made by the Commission MR. E. KEITH-ROACH, the Deputy District Commissioner of Jerusalem, a British official, gave a short statement as to what he knew concerning the conditions prevailing at the Wall and as to the various matters that had been in dispute between the Jews and the Moslems. In this connection, Mr. KEITH-ROACH begged to call the attention of the Commission to the following points which had not been touched upon by the ruling given by the High Commissioner: the Zikr, the Muezzin, the manner in which Jewish worshippers are entitled to pray as to the raising of the voice, etc., the placing of slips of paper containing Hebrew prayers in the crevices of the Wall, the authority for removing such prayers, the question of Jews carrying candles in their hands on certain occasions, the question as to whether the Jews may drink wine there, the hanging of coats, etc., on the Moghrabi walls, beggars, and Minyan; disagreeable smells from latrines, photographing, the writing on the Wall in Hebrew or in Arabic, the right of the Government to seal the appurtenances approved, the penalty for the removal of seals, the appointment of beadles.

VI. THE OPINIONS AND CONCLUSIONS ARRIVED AT
BY THE COMMISSION.

After due deliberation upon the facts stated above and upon the evidence available in the case, the Commission has arrived at the opinions and conclusions that are set forth below.

1169

(1) The Task entrusted to the Commission.

HP EXHIBIT 92

The aim and object of the work of the Commission have been to inquire into and to pronounce a verdict upon the disputes that have arisen between Arabs and Jews in connection with the practice of the Jews to resort to the Western or Wailing Wall (by the Arabs called Al Buraq) for the purpose of devotion. The relations of the two Parties to each other in this respect are at present regulated by certain administrative prescriptions issued in accordance with the terms of the Mandate for Palestine which has been vested by the League of Nations in the British Government as Mandatory Power. The provisions of the Mandate with reference to the subject-matter in question are contained in Articles 13, 14, 15, and 16. Article 14 stipulates for the appointment of a special commission of a more permanent nature for studying, defining and determining "the rights and claims in connection with the Holy Places, and the rights and claims relating to the different religious communities of Palestine." No such commission, however, has come into being, and, hence, the Mandatory Power alone bears responsibility for the Holy Places as well as for other religious buildings and sites in Palestine. This duty devolving upon the Mandatory Power is laid down in Article 13, and, according to the terms of the same Article, the Mandatory Power has to enter into such arrangements with the Administration as it may deem requisite for carrying the provisions of the said Article into effect. Article 13 imposes it as a special duty on the Mandatory Power to preserve "existing rights" and to secure "free access" not only to the Holy Places of Christianity but also to other "religious buildings and sites," and otherwise to guarantee free exercise of worship."

The execution of the said stipulations in the interest of different races and confessions is to be subject, according to the same Article, to two restrictions. One of those restrictions is that the regulations necessary for the preservation of public order and decorum must always be ensured, and the other is that the Mandatory Power shall have no authority to interfere with the management of any of the purely Moslem sacred shrines, the immunity of which is definitely guaranteed by the Mandate.

In a letter to the President of the League of Nations dated the 17th February, 1930, the Supreme Moslem Council protested against the appointing of an international commission for the final settlement of the rights and claims of Moslems and Jews with respect to the Western Wall on account of the fact, among other reasons, that any allusion to rights and claims of Jews in that site constituted in itself a serious infringement of the rights of Moslems, to wit their title to and their right of possession of the Wall. Notwithstanding the fact that the Mandate had been repudiated by the Arabs of Palestine, the Supreme Moslem Council referred in the above-mentioned letter to Article 13 of the Mandate document, on the strength of which the immunity of purely Moslem sacred shrines was to be guaranteed, and all interference with the fabric or management of such shrines was to be prohibited.

The "reservations" quoted above (see page 19) as constituting the basis of the arguments brought forward by the Counsel for the Moslems are to all intents and purposes of the same purport as the above-mentioned letter.

Paying due heed to these reservations the Commission herewith declares that it has no intention of interfering in the respective Parties' political relations to the Mandatory Power or to the League of Nations. As a means of carrying out the provisions of Article 13, however, the British Government as the Mandatory Power, with the due consent of the Council of the League of Nations, has appointed the present Commission to investigate into and give verdict upon the matters at issue. Consequently, in order to fulfil its task, the Commission has to inquire into and decide on all the facts which, in its opinion, can be considered to serve as a basis for a just verdict. In so doing the Commission is naturally anxious to act in full conformity with the terms of the Mandate as regards the immunity it guarantees to Moslem sacred shrines as well, and has no wish to interfere with the fabric or with the management of the said shrines.

On the other hand the Commission desires to point out that its mandate must not be identified with the functions of the Holy Places Commission, as defined in Article 14 of the Palestine Mandate.

In this connection a few words need to be said in order to make the distinction clear between Article 13 and Article 14 in the Mandate, both of which deal with the means available for protecting the religious rights attached to certain places in Palestine.

In several respects the rights in the Christian Holy Places have been for centuries a matter in dispute amongst various Churches that have claimed the ownership or the possession of them, and they remain so to this day. Those perpetual disputes have frequently caused repercussions on the mutual relations between the Great Powers of Europe. From the latter part of the 16th century onwards questions as to the possession of the Holy Places in Palestine have moreover been in the forefront of international politics. Controversy on points relative to these matters was actually one of the causes of the Crimean War. At the conclusion of peace (in 1855), the matters in dispute being still left undecided were submitted to the Signatory Powers, who undertook to guarantee in every respect the *status quo ante bellum*. The question of the protection of the Holy Places was again discussed during the peace negotiations at the conclusion of the Russo-Turkish War (1878). At that time it was laid down in the Peace Treaty itself that no alterations were to be made in the *status quo* without the consent of all the Signatory Powers. In 1878 as well as in 1850 indications as to the administration of the *status quo* were based upon the same rules as those that had been proclaimed in the decree (firman) issued by the Sultan of Turkey in 1852, which were in conformity in the main with a preceding firman of 1757

Such buildings and sites as were objects of worship or veneration to the Jews were not included in the above-mentioned arrangement. A number of official decrees (firmans) are known extant, however, which deal with such Jewish sacred places and sites,* and in 1878 religious liberty was guaranteed also to the Jews.

1170

* The tomb of Rachel near Bethlehem in which Jacob's wife is believed to have been buried has been a subject of dispute between Arabs and Jews. The Jews possess the keys and claim their right on the ground of an alleged Firman of 1815. As no agreement between the two Parties has been reached, necessary repairs to the exterior of the monument have been carried out by the Palestine Administration.

Mention has been made above of decrees of that kind which are more or less relevant to the problem of deciding the status of the Jews; they will be examined and dealt with in the following pages.

That was the position of affairs at the outbreak of the Great War, remaining so until the British occupation of Palestine in the year 1917. Under the rule of a Christian Power the Holy Places of Christianity were naturally made special objects of protection. But what position would the new rulers take up to the two other religions of the country? This question was soon answered, first by the declaration of LORD BALFOUR on behalf of the British Government on 2nd November, and shortly afterwards by a pronouncement made by GENERAL ALLENBY on the occasion of his entrance into Jerusalem on 9th December, 1917. The former document viewed with favour the establishment in Palestine of a Jewish National Home, though at the same time an assurance was given that nothing should be done that might prejudice the civil and religious rights of existing non-Jewish communities in Palestine. And the same programme for the treatment to be meted out to the three great religious communities was revealed in GENERAL ALLENBY's pro-nouncement (see page 13).

The principles thus declared have later been confirmed by the Civil Administration in Palestine and finally by the Mandate terms, issued in conformity with the Covenant of the League of Nations. The leading principle in all these successive declarations is, that a free exercise of worship shall be guaranteed to the adherents of the three confessions.

Notwithstanding the fact that the expression "the Holy Places" in Article 14 of the Mandate might be understood in its restricted historical sense, the immunity of religious buildings and sites in general is also guaranteed in favour of others besides Christians. Thus in Article 14 it is stated that the special Holy Places Commission was to have as an additional function the task of studying and determining the rights and claims appertaining to the various religious "communities" in Palestine. Even if there is the underlying intention here to make a certain restriction in the authority of the Holy Places Commission as far as non-Christian religions are concerned, it is quite clear that the general authority as regards the duty of protection which Article 13 vests in the Mandatory Power, definitely includes all the religious buildings or sites and also the "existing rights" in them, and the guarantee of free access to them for all adherents of the various confessions. By the terms of Article 13 this protection is to include the various religions all over the world and not be restricted to the religious "communities" in Palestine. Hence it is natural that representatives of the various factions within both Jewry and Moslem from the most distant parts of the world should have appeared before the Commission in order to explain their views and define their claims in this matter.

The question as to whether the Western Wall and the area in front of it are to be regarded as a "religious site" and consequently fall under the protection of the Mandatory Power as laid down in Article 13, has become a matter of international importance, and so it is only natural that it should be treated by the methods of international justice, all the more so as, in Palestine Law, pursuant to an Order in Council of the 25th of July, 1924, disputes of this order are expressly excluded from the jurisdiction of the local courts. (Palestine Holy Places Order, 1924.)

(2) The application of the principles of Status Quo.

The way in which the Palestine Administration has gone to work in fulfilment of the Mandate for protecting what it has deemed to be "existing rights" in the Holy Places and in other religious buildings and sites, has been by seeking to maintain the *status quo*, of which the principles and machinery will be briefly explained below.

As regards the Holy Places, in the restricted sense of this expression, the Administration both before and after the setting up of the Mandate have applied the same rules of *status quo* as were in force before the War, i.e., the rules based on the firman of 1852, which in its turn is for the most part a mere confirmation of the *status quo* of 1757. As apportioned between the three principal Christian Rites, viz., the Orthodox Greek Rite, the Latin (or Roman Catholic) Rite, and the Armenian Orthodox Rite, the Holy Places and their component parts may be classified into the following categories:

- (1) Certain parts which are recognized as property common to the three rites in equal shares.
- (2) Other parts as to which one rite claims exclusive *jurisdiction*, while other rites claim joint *proprietorship*.
- (3) Parts as to which the ownership is in dispute between two of the rites.
- (4) Finally, parts the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to cense or to carry out ritual services up to a limited extent in other ways.

The Commissioners had special opportunities afforded them of ascertaining the manner in which the privileges of the different Rites in the Church of the Holy Sepulchre in Jerusalem and in the Church of the Nativity at Bethlehem were actually regulated in detail. The use of each part of the altars and of the chapels as well as the ordering of the processions, etc., have been

minutely fixed and settled with a view to the avoidance of dispute between the various Rites. Certain strict principles are adhered to in the administration of the *status quo*. Thus, authority accorded to repair a roof or a floor carries with it the right to the exclusive possession of the roof or floor on the part of the restorers. Again, a right granted to hang up a lamp or a picture or to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question. On the other hand a community may enjoy, for instance, the right to cense in a chapel without claiming even a divided proprietorship.

It is easy to understand that the application of "rights" of this nature must lead to great difficulties and often to litigation, especially as each alteration *de facto* in the prevailing practice might serve as a proof that the legal position has been altered. Therefore, the Administration has had a difficult task both in ascertaining and in maintaining the *status quo*. In controverted cases the objects in dispute have been sometimes allowed to fall into decay rather than risk the possibility that any alteration in the balance of power between the contestant Rites should be permitted to ensue. Hence, if the carrying out of repairs becomes urgent, it devolves upon the Administration to have them attended to, supposing it proves not to be possible in the individual case for the parties concerned to come to an amicable agreement.

The same principles for conserving the *status quo* have been applied by the Palestine Administration with regard to the Western Wall. Here too the Administration has had in view the maintenance of the *status quo ante bellum*, as far as it has been possible to ascertain what that consists in.

In the White Paper of November, 1928, the British Government stated to Parliament with great clearness what principles they consider to be the leading ones to be followed in treating the points in dispute between Arabs and Jews. From the said document the following paragraphs especially must be quoted in this connection:

The Western or Wailing Wall formed part of the western exterior of the ancient Jewish Temple; as such it is holy to the Jewish community and their custom of praying there extends back to the Middle Ages and possibly further. The Wall is also part of the Haram-al-Sharif; as such it is holy to Moslems. Moreover, it is legally the absolute property of the Moslem community and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf. The Jewish community have established an undoubted right of access to the pavement for the purposes of their devotions but, whenever protests were made by the Moslem authorities, the Turkish authorities repeatedly ruled that they would not permit such departures from the existing practice as the bringing of chairs and benches to the pavement. It is understood that a ruling prohibiting the bringing of screens to the pavement was given in 1912.

"The Palestine Government and His Majesty's Government, having in mind the terms of Article 13 of the Mandate for Palestine, have taken the view that the matter is one in which they are bound to maintain the *status quo*, which they have regarded as being, in general terms, that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime. Whenever the Moslem authorities have preferred complaints that innovations have been made in the established practice, and the Palestine Government on enquiry have satisfied themselves that the complaints were well-founded, they have felt it their duty to insist that the departures from practice which gave rise to the complaints should be discontinued."

Accordingly the British Government has held that the Western or Wailing Wall is sacred to both Parties, and than even though one of them has the exclusive legal ownership of the Wall, yet the other during the Turkish regime and in previous years before the Great War enjoyed the right of free access to the place as to a religious site.

The British Government and the Palestine Administration have apparently, when acting on the said principles, been anxious to maintain the *status quo ante bellum* in the relations between the two Rites which both have a religious interest in the same spot. From this point of view the supervision exercised by the Palestine Administration in their task of guarding the *status quo* has been carried out in two directions: on the one hand they have sought to check the Jews from bringing to the Wall appurtenances that are contrary to accepted usage, and on the other they have tried to exclude innovations on the part of the Moslems that may result in a hindrance to or cause disturbances in the carrying on of the customary devotions of the Jews at the Wall.

The Palestine Administration had to take action for the said purpose on special occasions in 1925, in 1928, and in 1929, which occasions are detailed in the Shaw Commission Report.

As stated in the above-mentioned White Paper of 1928 action of that nature has had to be taken *immediately* in order not to give rise to any infraction of the *status quo*. In respect to the Jews the prohibition has been enforced against the bringing to the Wall of any benches, chairs, or stools, carpets or mattings, or any screens or curtains for the purpose of separating men and women. On the other hand, in the Rules promulgated in 1929, the Jews are given permission temporarily to bring to the Wall certain appurtenances of worship, duly specified in detail.

In respect to the Moslems the order has been given that the previously mentioned door at the southern end of the Wall shall be kept locked at certain hours, and that the driving of animals along the Pavement at certain fixed times shall be prohibited. In so ordering the Palestine Administration has acted on the principle that Moslems ought not to be allowed to make such innovations or alterations in or at the Wall itself as might cause greater interference with the Jewish devotions than have been prevalent in the past. Certain building operations that were begun within the Haram area in 1929 were voluntarily discontinued by the Moslems pending the result of an official investigation as to their effect on the existing conditions for the Jews at their prayers. However, later on the resumption of this work was sanctioned, though at the same time it was decided that a length of wall skirting on the north the lane that leads to the Moghrabi Gate and the Haram area should be restored to its original height, in order to prevent

the Pavement being overlooked from that lane, which had been a consequence of the fact that the recently opened door to the said wall.

As will be seen from the description of the place (see above) the "Zawiyah" which was constructed at the southern part of the Pavement has not been removed, nor have the recently opened door on the same side and the staircase leading from it to the Haram area.

(3) The Ownership of the Wall and of its Surroundings.

The Commission has to pronounce a verdict on the Jewish claims, and the Jews do not claim any proprietorship to the Wall or to the Pavement in front of it (concluding speech of Jewish Counsel, Minutes, page 908). None the less the Commission has considered it to be its duty to inquire into the question of legal ownership as a necessary basis for determining the legal position in the matter. Thus the Commission cannot see its way to agree to the idea enunciated by the Arabs to the effect that no opinion of the Commission on this point is called for, seeing that their ownership has not been contested and is moreover incontestable. This objection of the Arabs originates in fact in the general reservations dealt with above.

Subsequent to the investigation it has made, the Commission herewith declares that the ownership of the Wall, as well as the possession of it and of those parts of its surroundings that are here in question, accrues to the Moslems. The Wall itself as being an integral part of the Haram-esh-Sherif area is Moslem property. From the inquiries conducted by the Commission, partly in the Sharia Court and partly through the hearing of witnesses' evidence, it has emerged that the Pavement in front of the Wall, where the Jews perform their devotions, is also Moslem property.

The Commission has likewise ascertained that the area that is coincident with the said Pavement was constituted a Moslem Waqf by Afdal, the son of Saladin, in about the year 1193 A.D. In all probability this place, which then formed a part of a large open area, was made Waqf at the same time as, and as part of the adjacent area. At a later date, about 1320, when the private buildings that are now occupied by the Moghrabis were originally put up to serve as lodgings for Moroccan pilgrims, those buildings were also made Waqf by a certain Abu Madian. The original title-deeds have been lost, but that character of Waif attached to the buildings was confirmed by a verdict of the Qadi, pronounced in the year 1630 after the hearing of witnesses in the usual form prescribed by the pertinent Sharia Law.

In the Sharia Court in the presence of representatives of the Parties the approximate boundaries of those Waqf properties were ascertained by a member of the Commission who marked them in on a map, handed to the Commission by the Palestine Administration. That map has served as a guide at the proceedings of the Commission and has not been called in question by either of the Parties.

With reference to the legal nature of a Waqf, and the effect it carries with it, the Commission relies chiefly on the elucidation afforded by the Moslem Side. Waqf properties may be of various kinds, but the characteristic common to them all is, that they are definitely and irrevocably reserved for some religious or charitable purpose which is particularized in the respective title-deed. Although a Waqf property is described as the property of God and of no man, it is not a *sine qua non* that it shall be consecrated to religious purposes. Furthermore, it may be the case that it is not the property itself but only its revenues that have been made Waqf. Only a Waqf consecrated to a religious purpose can rightly be defined as sacred or holy in the proper sense of those words. A Mosque as such is a Waqf of the highest order. On the other hand places can be made Waqf in order to serve as hospices or lodgings for the poor or for other charitable purposes. A "Zawiyah," which is defined as being a "sacred corner" or a place set apart for religious study and contemplation, appears to be a Waqf of a class intermediate between the two just mentioned.

As regards the different parts of the property we have now to deal with, the Wall itself, as being an integral part of the Haram-esh-Sherif, is manifestly Waqf. Judging from the information given by the Arab Side and which seems to be supported by the wording of the Sharia Law regarding Waqf property, the Pavement in front of the Wall is of the same category as the Moghrabi, i.e., the Moroccan lodging-quarters elected originally for the purpose of serving the needs of the Moroccan pilgrims. The evidence that was forthcoming in the matter goes to prove moreover that from the Moslem point of view the Pavement is chiefly looked upon as a passage existing for the benefit of the inhabitants of the said private dwellings.

(4) The Sacredness of the Wall and of the Pavement.

From what has been said above it follows that Waqf property as such is not all regarded as sacred from the Moslem religious standpoint. The mere fact that the Wall forms an exterior part of this large area cannot in itself carry with it that the Wall should be considered as "a Moslem sacred shrine," like the Mosques and other specially sacred places within the Haram-esh-Sherif.

Nor have the Moslem Side made any statement to that effect. What they have maintained is that the Wall is sacred to them for a special reason which will be dealt with later. Still less can any claim of sanctity be founded on the Waqf character of the Pavement in front of the Wall, in view of the fact that the said Pavement serves as a thoroughfare to the Moroccan Quarters, and nowadays also, since the gate or door at the southern end was constructed, to the Haram area from the Moroccan quarters.

It remains then to examine whether the Wall and the Pavement in front of it are sacred to the Moslems for any special reason. The Moslem Party contend that there does exist a reason for the sacredness of the place, which is, that the interior part of the Wall encloses a small Mosque set up on the precise spot where Mohammed, the great Prophet, is believed to have tethered his steed Al Buraq at the time of his visit to Jerusalem on his celestial journey. The Commission understands that it is the belief of the majority of Moslems that the Prophet's steed was actually tethered at that precise spot. It is, however, to be observed that the said place is not situated within the part of the Wall which skirts along the Pavement of the Wailing Place of the Jews, but in its extension to the south, and that the access to the small Buraq-Mosque is from the Haram area proper and not from the outside.

Under these circumstances the Commission does not consider that the Pavement in front of the Wall can be regarded as a sacred place from a Moslem point of view. At the time of the Prophet it formed part of an open site (see below), and nothing in the evidence heard before the Commission goes to show that any special part of that area was of old marked out as sacred to the Moslems. It may be that the "Zawiyah," which since 1929 has been located close to the Pavement, was used for its present pious purpose previous to a long period of decay, but as regards the pavement itself it has been used by the Moslems from ancient times for entirely mundane purposes and is so also at the present time. So far as is known, it has never been a place for Moslem prayers. Notwithstanding its use as a place of prayer by the Jews, it has always been a thoroughfare for Moghrabis either on foot or when driving camels or donkeys.

With reference to the Wall itself matters are different. The Commission is prepared to accept the statement of the Moslem Side, i.e., that the Wall as a whole, by reason of Mohammed's visit with his steed called Al Buraq, is sacred to the Moslems. But in the opinion of the Commission this fact does not exclude the maintenance of the sanctity of the Wall to the Jews as well. If the venerated memory of the Prophet's visit-notwithstanding the fact that his steed Al Buraq was tethered at a certain distance from the Wailing-Place of the Jews-has made the Western Wall sacred in its whole extent to the Moslems, why should not respect be attached likewise to the veneration that has for many centuries past been shown by the Jews towards the same Wall which, according to their belief, represents the last remains of the old Temple and which they believe to be filled with the Divine presence? In consequence of their common origin Christian Churches have in many cases the same sites or buildings as the objects of their worship, giving rise occasionally to disputes as to the appropriate exercise of that worship. In some instances this is also the case as between the two racially differentiated descendants of Abraham, the Arabs and the Jews. Naturally in such cases it is difficult to effect an agreement, the object of veneration being the same and the carrying out of the worship being centred at the same spot. (Examples: the Tomb of Rachel and the Wall of the Tombs of the Patriarchs at Hebron.) Similar conflicts should not necessarily arise in the case of the Western Wall. The object of veneration is the same for both Parties, but the claim of sanctity is based by the respective Parties on widely different motives, and each Party can perform its devotions in separate places, the Temple area being open to the one while the other only makes claim to access to the place in front of the Wall.

What the Commission has just pointed out has been said in order to make clear the possibility of making an arrangement which might be acceptable to both Parties. The question as to what right the Jews can claim in a place that does not legally belong to them is a separate matter to which reference will be made below.

(5) The Access to the Place in Front of the Wall.

It is proved by the evidence above referred to that the Western Wall of the Temple area, for many centuries past, has been an object of religious veneration to the Jews. When there was nothing else left of the Temple itself the regular pilgrimages of Jews to the ruins of the old Temple gave place to visits of the devotees to the only remains, i.e., the Wall, from which the Divine Presence was believed by them never to have departed. Evidence to that effect can be traced back to the 4th century, so that long before the Wailing place became a Moslem Waqf the lamentations and prayers of the Jews were heard from precisely the same spot in front of the Wall as at the present day. As before mentioned the Pavement was evidently in ancient times part of an open place. In corroboration there may be cited, for instance, the statement of Benjamin of Tudela about 1167 A.D.): "In front of this place (the present Haram-esh-Sherif is the Western Wall, which is one of the walls of the Holy of Holiest. This is called the Gate of Mercy, and hither come all the Jews to pray before the Wall in the open court." (*The Itinerary of Benjamin of Tudela*. N. M. Adler, pages 222-223, London, 1927.)

Later the place between the Wall and the Moroccan private dwellings was enclosed, so that at the time, when those buildings were erected, the only entrance from the public road was at the northern end of the Wall. Nothing was done, however, on the part of the Moslems, who were then in power, to prevent the Jews from obtaining free access to the place, for they were allowed to pay their visits and their devotions in front of the Wall just as before. The said practice was only interrupted by temporary cases of *force majeure* and by political events which expelled the Jews from Jerusalem from time to time, but the custom was always resumed as soon as it was feasible and to such extent as was possible.

The Commission is, therefore, decidedly of the opinion that the place in question must be regarded as being a "religious site" which is used as *such* exclusively by the adherents of the Mosaic creed. Consequently free access to the place for devotional purposes is explicitly guaranteed to the Jews by Article 13 in the Mandate terms which, *inter alia*, states:

" All responsibility in connection with . . . *religious buildings or sites* in Palestine, including that of . . . *securing free access* to the . . . *religious buildings and sites* . . . is assumed by the Mandatory . . ." (*Italics by the Commission.*)

Irrespective of this guarantee given in the Mandate, the Commission holds that, in support of the claim of the Jews to free access to the place, there does exist a practice constituting a right *ab antiquo*.

On the Arab Side it has been vigorously contended that the Jews have only had such access accorded them out of tolerance. That contention on the part of the Arabs would at any rate seem to justify the conclusion that the mere access of the Jews to the Wall has not been held by the Arabs as an infringement of the Moslem Law (Sharia Law) for if it had, the visits would long ago have been prohibited. It should be observed that it is an acknowledged principle of both the Sharia Law and the Ottoman Law as at present in force, that everything which is not in itself illegal and which has been practiced from immemorial times, shall be respected as a right (Article 6 of Section II, *Code de Droit Ottoman*, par George Young, Oxford, 1906, page 178). The Commission is of opinion, as a result of its study of the evidence at hand, that, according to Statute law, no sort of servitude can actually be claimed as a basis for any right of passage in the place. The Commission considers, however, that in this instance there exists a right *sui generis*, the basis of which is an ancient custom that has arisen under the protection of one of those "tolerances" that are wont to serve as origins for what comes to be legally valid customs. Even

if no special statute can be adduced in support of the fact, yet it can hardly be said that Palestine established right and prevalent usage, more especially with regard to religious matters, have come very generally to recognise the principle that one party may have a limited right in the property of another. In the whole system of *status quo*, "tolerance" plays an important role for deciding what, at any given time, may be considered to have grown into an "existing right." Why should there be this scrupulous application of a fixed *status quo*, and why should there be this fear of the prejudice that is assumed to follow as an inevitable consequence of any act or omission that alters the actual existing state of things, if "tolerance" was not regarded as a possible basis for an altered legal position? As regards the right to pay visits, and to perform certain religious acts there, without any sort of claim to ownership, precedents are known to exist in respect to the Christian Holy Places (see above), and the origin of those rights is certainly based on old practice and not on any agreement traceable in documentary form.

In this connection the Commission draws special attention to the fact that during the previous regimes in the past such prohibitions as were sometimes proclaimed never touched upon the right of visiting as such, but were directed solely against such steps on the part of the Jews as were held by the Moslems to prejudice their proprietary right or as were considered as an extension of sanctions arising from previous practice in the neighbourhood of the Wall.

The recognition of the long-standing usage of the Jews to visit the Wall for devotional purposes could not be more clearly expressed than by the evidence produced before the Commission on the Arab Side. The bearing on the case of the firman of the 24th Ramadan in 1256 (i.e., 1840 A.D.), to which the seal of Mohamed Sherif is attached (Appendix VI), has been called in question by the Jews, but the Commission has no sufficient reason for doubting its authenticity. As far as it goes this document proves that at the time the Jews were cautioned against what were considered as innovations in their devotions at the Wall. However, this firman is of the greatest interest as throwing light on the then prevailing conception of the Jews' devotional visits. The reason why the authorities dealt with the case at all was that the Jews had applied for the right to pave the ground in front of the Wall. This application was rejected because there was "no precedent for the Jews carrying out any such repairs in that area in the past," and also because "it would be inadmissible under the Sharia Law for them to do so." Apparently it was feared that by carrying out that paving work the Jews would secure a legal claim to real possession of a Waqf property. But of no less interest is it that in the same decision the permission was confirmed "to pay visits to it (the Wall) as of old." Since it has been emphasized from the Arab Side that those visits were tolerated just as the visits of foreigners or others without any devotional purposes, it should be noted that during a very long period in the past Moslems prohibited Christians from coming near the Wall or its surroundings, but that this was allowed to the Jews as a special favour.

Still more indicative of the motives of the Moslems' objections is the decision of the Administrative Council of Jerusalem in 1911, which has often been cited by the Moslem Side in this case. The guardian of the Abu Madian Waqf (the Moghrabi Quarter) had complained that the Jews, contrary to usage, had placed chairs on the pavement, and he requested that "in order to avoid a future claim of ownership" the present state of affairs should be stopped.

Upon the petition being transmitted to the Mufti and to the Sharia Court, they supported it, on the grounds that it was inadmissible by law to place chairs, screens, and similar articles there or to make any innovations "which might indicate ownership" or occupation of "the site of the Wall of the Noble Aqsa Mosque." The Administrative Council thereupon decided that it was not permissible to place there any articles that could be "considered as indications of ownership."

To this decree was added a clause, by which the Council decided "if found necessary" to "preserve the old practice."

In the opinion of the Commission the evident motive for the petition-and also for the decision of the Administrative Council-was to prevent any future claim to ownership or possession. At the same time, however, the long-standing practice in itself was expressly recognized.

After considering the said evidence, produced by the Arab Side, the Commission comes to the conclusion that the free access of the Jews to the place for devotional purposes has been recognized by the Moslems themselves as a right *ab antiquo*. The questions that have given rise to dispute in earlier times have been the character and the extension of the Jewish practice of carrying on devotions at the Wall.

On the Jewish Side much stress was laid on the firman of 1889 (Appendix VII), the above-mentioned firman of 1841, stated to be of the same bearing, and to firmans of the same contents of 1893 and 1909, by which decrees-communicated to the Chief Rabbinate in the Ottoman Empire or in Jerusalem-the Jews were guaranteed a certain degree of protection in the exercise of their religion. The Turkish text of those documents, of which that of 1889 was produced and read in translation before the Commission, has been somewhat differently translated by expert witnesses heard on the respective sides. DR. LIBANON, when examined by the Jewish Party, translated the text to the effect that the Jews were promised that there should be "no interference with their synagogues and with their places of devotional visits and pilgrimages and with the practice of their ritual."

On the Moslem side RIZA TEWFIK PASHA was heard-a witness whose eminent qualifications were generally acknowledged-and he declared that upon the whole he could accept the wording of DR. LIBANON'S interpretation, but that a verbatim translation should run: "In the places which depend on the Grand Rabbinate such as synagogues and the *ritual visiting places*." A discussion arose between the Counsel of the Parties whether the words "which depend on the Grand Rabbinate" implied a geographical or administrative distinction. In the former case it would follow that, if the place in question was a Jewish "ritual visiting place," it was included under the protection which the firman was intended to grant. In the latter case it might be requisite that a place, in order to be protected as a religious site, should be dependent on the Rabbinate in an administrative or ecclesiastical sense. However, the Commission thinks that whichever interpretation may be the more correct, the said firmans must be regarded policy favourable towards the Jews and as an expression of a to their liberty of religion. In the view of the Commission there is no reason to

believe that those who prayed at the Western Wall were excepted from that tolerance. The official manifestations of said policy seem to be all the more important as at least the firman of 1889, to judge from certificate signed on that document, has been entered in the official register of the Sharia Court and has thus been brought to the cognizance of that venerable Court.

(6) The form and extent of Jewish devotions.

On the strength of the above-stated considerations the Commission finds that the place in question is a religious site, sacred to the Jews, and that they have a right to access to it for certain devotional purposes. However, the Jews also claim a right to decide, without any interference from others, in what form and to what extent their devotions at the Wall are to be held. Their argument is, in the first place, that, by the explicit terms of the Mandate, they are guaranteed "free exercise of worship," from which should follow the right to arrange their prayers according to their own rites and to bring to the Wall all the appurtenances they deem fit. They hold that, even if in ancient times their worship had the character of individual prayers and lamentations, the development in later times of their prayers into a congregational and organized service has as a rule been allowed to continue without interruption. Any interference on the part of the Moslems with the ritual of the Jews was also in principle forbidden by the firmans cited above.

On the Jewish Side it is also contended that the real *status quo ante bellum* had for a considerable time been in conformity with the present claims and that in such respects as the actual administrative prescriptions did not agree with the said claims, those regulations diverged from the existing rights of the Jews.

After having duly considered those points of view the Commission declares its opinion to be as follows:

As regards the terms of the Mandate it is true that in Articles 13, 15 and 16 the principle of religious liberty is proclaimed and that Article 13 especially provides for "free exercise of worship" for all concerned. But from this general rule the conclusion cannot reasonably be drawn that the partisans of any special confession should have the right to exercise their worship in all places without any consideration to the rights of others. If that were so then the whole structure of the *status quo* in the Holy Places and other religious sites would break down. In the present case the difficulties are aggravated by the fact that the religious site is itself a Moslem Waqf enclosed in and surrounded by other Moslem Waqfs, of which one contains a shrine of the greatest sacredness to all Moslems.

If the Western Wall and the Pavement in front of it ought to be protected in the religious interest of the Jews, due consideration ought also to be paid by the Jews to their hosts, the Moslems, whose sacred shrines have been guaranteed immunity by the terms of the Mandate.

Hence the Commission concludes that the established custom should be a proper basis for deciding the existing rights of the Jews at the Wall. From this it does not follow that the Commission must go back to the primitive forms which characterized the prayers and the conditions at the Wall at the earliest stages. On the other hand the Commission thinks that usage, in order to serve as a basis for a real right, must be of fairly long standing.

It is not possible to state with any certainty under what forms the devotions of the first pilgrims to the Wall were performed. It appears, however, from the evidence at and that even centuries ago collective or "arranged" prayers were held at the Wall. The transformation from one form to another has been favoured by the Jewish ritual, which from ancient times required the presence of as many as ten persons (Minyan) for holding a complete service, and allowed a Minyan to exercise the same sort of worship in any place, just as in a synagogue. As a matter of course one or more groups of such Minyans were formed at the Wall too. These groups performed a more or less complete service and at all events they often prayed collectively and not only individually. As men and women could not on account of the local conditions be separated from each other as in the synagogue, the women kept apart in a separate corner. The Jews brought with them, too, certain of the attributes that are usually employed at their service, and they appeared dressed in garments appropriate to their ritual.

The Scroll of the Law (Torah) with the Ark needed for the carrying of it and with the table required for its support when being read from, was at first only brought to the Wall on extraordinary occasions, when the Rabbinate had ordered fasts and prayers to be held (for instance, in times of drought and in case of other calamities), but successively the Scroll of the Law was brought there more often, especially at great religious festivals and, in later times, also on the ordinary Sabbath.

It seems that this development of practice was not objected to as long as the Jews did not take any steps of a nature that might possibly give rise to a claim of ownership, such as efforts to obtain the right of paving the place, or bringing benches, or separating men and women by a screen, thus introducing a substitute for the women's gallery in the synagogue, or by attaching a tent to the Wall for protection against the sun and other measures tending to indicate a claim to possession of the place.

The objection against the screen was particularly mentioned in the 1911 decision of the Administrative Council, in which placing of "chairs, screens and similar articles" was defined as an "innovation which might indicate ownership."

From the Jewish Side certain proofs have been produced to the effect that the last-mentioned decision was altered by the then existing Government. This question has, however, not been sufficiently cleared up. Nor has the statement of the Jews that at different times they have paid the cost of maintaining the Pavement in repair been substantiated in such a way as to prove that they have thereby acquired any possessory right to the place. It may be assumed that at certain times no objection was made to the Jews bringing benches, chairs, screens, and similar appurtenances to the Wall, and that they have occasionally seen to the cleaning or repairing of

the Pavement. But by these facts it has not been proved that such an uncontested peaceful standing has existed in these respects, or that any legal claims can be based thereon.

As regard the appurtenances of worship, as dealt with in the temporary instructions 1929, (b) and (c), it is of interest to note that, to judge from the evidence, the Moslems did not make any explicit complaints against the bringing of such appurtenances to the place until a late stage in the controversy between Arabs and Jews.

The above-mentioned White Paper of November, 1928, proclaiming the Mandatory Power's policy of *status quo*, was preceded by an extensive correspondence between the Administration in Palestine and the Grand Mufti, President of the Supreme Moslem Council. On 19th February, 1922, the acting Governor of Jerusalem received a letter from the Supreme Moslem Council, asking for the removal, according to the Palestine Government's previous instructions, of seats and benches from the Wall. As the Jews had again begun to place the seats there, the Council wrote again to the Governor on 16th April, 1922, asking him to restrain the Jews from bringing benches or seats to the place. Then the Council, at the request of the inhabitants of the private dwellings near the Pavement, in a letter dated 8th January, 1923, complained of a repeated trespass on the part of the Jews in the same respect. A reply was given by the acting Governor on the 3rd February, 1923, informing the Council that orders had been given for due observance of the earlier instructions.

After a certain time had elapsed the guardian of the Waqf of the Moghrabis protested again against the Jews for precisely the same reason and on that account in a letter dated 28th September, 1925, the Council lodged a complaint with the Governor, referring to the promise contained in his letter of 3rd February, 1923. As the Council did not receive any written answer for some time, they wrote again to the Governor on the 7th June, 1926, asking for a reply and entreating him to prevent the Jews "from repeating this act of theirs so as to abide by the *status quo*." Along with the said letter, however, there was enclosed a copy of a petition from the guardian of the Moghrabi Waqf, in which complaints were made "that Jews place benches, mats, tables, chairs, and lamps when they have not been previously allowed to do so." The guardian of the Waqf goes on to say that "this has caused a nuisance to passers by, as the road leads to the houses of the Waqf. They have therefore trespassed on part of the Waqf land, because the width of the passage does not exceed 2-1/2 metres. We are in continual quarrels with them as they insist on placing these things."

Upon an answer being received from the Governor's Office dated the 28th of June, 1926, to the effect that "the matter was under investigation," the Council through their President wrote again on 20th July, 1926 repeating its request of 7th June, but without mentioning any particular appurtenances. As the result of the promised investigation was not forthcoming, the President of the Council sent a letter to the Deputy District Commissioner on the 4th of August, 1926, informing him that the Jews were again endeavouring to put out seats at the Wall. This information, he stated, had reached the Council from the guardian of the Moghrabi Waqf and his repeated request for action on behalf of the Council was dictated by those complaints. This time, however, the Council concluded their letter by saying: "The aim of the letter dated 20th July, 1926, was that the necessary steps be taken to prevent the Jews from putting anything in the Buraq, especially on Saturdays and Jewish feast days." On 25th August, 1926, the District Officer wrote to the President of the Council in reply to the above letter as follows: "That the measures referred to in the last paragraph of your quoted letter have been taken, and that no change in the *status quo* will take place."

After that nothing of any special interest happened up to the beginning of November, 1926, at which date the inhabitants of the Moroccan Quarter complained to the Supreme Moslem Council about the Jews bringing "small portable chairs" to the Wall, under the presence that they had been promised leave to use such chairs by the District Police Officer. Quarrels had arisen between the Moroccans and the Jews on account of that, and the guardian of the Waqf asked that the Jews might be prevented from placing anything there that was not sanctioned by old practice. The said petition caused the Council to write to the Deputy District Commissioner on 7th December, 1926, informing him about the quarrels that had just arisen about the small chairs which were "contrary to the ancient usage and practice," and he concluded his letter in the following way: "We do not believe that the Government desires to alter the *ab antiquo state which has been enforced on to the present*." (Italics inserted by the Commission.)

At the end of 1927 the Deputy District Commissioner advised the President of the Supreme Moslem Council that, in his opinion, it was desirable in the interests of public security that during certain hours of the day when Jews were wont to congregate at the Wall for praying purposes, tourists should not be permitted to go there. He, therefore, proposed to give orders to the policemen stationed near the Wailing Wall to refuse admission to tourists during those particular hours of the day.

This letter was written on the 2nd of December, 1927, and was answered very fully by the President of the Council, on the 15th of January, 1928. The Council objected to prohibiting tourists from approaching the Pavement, because any such prohibition amounted to "granting the Jews new rights in the same place, and, moreover, would arouse the feelings of the Moslems." In this letter the view was consequently advanced which came to light later in the proceedings before the Commission, viz., that "several incidents and many problems caused by the Jews around the question of the Buraq plainly indicate that they have laid down a plan of gradually obtaining this place.

Thereafter, the Deputy District Commissioner by letter of 30th March, 1928, informed the President of the Council that he would post a notice in the area of the Western Wall for the information of the tourists stating the special hours of prayer and "requesting the public to respect the privacy of those engaged in prayers at such times." In his answer to that letter on the 3rd of April the President of the Council stated that he could not agree to that notice being put up and repeated his assurance that every attempt by the Jews to extend their claims in the Buraq would be received with the utmost anxiety by the Moslems and would be flatly refused.

Not until the 24th of September, 1928, i.e., on the same day as the disturbances described in the Shaw Commission Report (page 29) took place, did the President of the Moslem Council himself make a direct and detailed protest against the Jews' habit of bringing appurtenances of

worship to the Wall. He then specified "a wooden room covered with cloth, screens, mats, and a table in the middle and also the Ten Commandments placed on a chair which should not be there." The attention of the Council had been drawn to the matter by a report from the Inspector of Religious Institutions, and, as this had aroused the displeasure of the Moslems, the District Commissioner was asked to take the necessary steps for removing those things, "which were prohibited and could not be accepted." The complaints were repeated and further details given in letters from the President of the Council written on the 2nd, 4th, and 6th of October, 1928. In those letters stress was laid not only on the infringement of the *status quo* caused by the Jews bringing small chairs but also by their using "a cupboard and lamps" and other appurtenances of worship, which meant their introducing new things in order ultimately to expropriate the holy place from the Moslems.

Meanwhile, as stated in the British Government's White Paper the guardian of the Abu Madian Waqf (the Moroccan Quarter) on the evening of 23rd September had made a complaint to the Deputy District Commissioner about a dividing screen and about other innovations in the established practice, such as the introduction of additional petrol lamps, a number of mats, and a Tabernacle or Ark *much larger* than was customary.

The Deputy District Commissioner ordered the removal of the screen, but reserved his decision in the matter of the lamps, the mats, and the Ark. The use of the latter appurtenances, had apparently been actually allowed until the High Commissioner issued his temporary instructions at the end of September, 1929, which embraced certain injunctions that were to be obeyed with regard to the Jewish prayers.

In view of the above-detailed circumstances the Commission has come to the conclusion that, although there have been different opinions as to what was allowable under the *status quo*, both parties in the disputes that led up to the White Paper of November, 1928, based their arguments on the acceptance of the principle of *status quo* as relevant for their existing rights. The conditions at the Wall have always been dependent to a considerable extent on the more or less friendly relations between the Jews and the inhabitants of the Moroccan Quarter. When the latter took exception to the bringing by the Jews of certain appurtenances as being innovations of practice, the Supreme Moslem Council endorsed their views and forwarded their complaints to the Palestine Administration requesting intervention on their part in the matter. For a long time however, the complaints had chiefly been directed against such objects as benches, chairs and screens and not until at the last stage was explicit protest made against lamps, mats, and the Tabernacle or Ark; it ought also to be observed that the complaints of the guardian of the Waqf were in respect to additional lamps and to the fact that the Tabernacle or Ark was larger than usual.

The Commission finds that the White Paper of November, 1928, stating that the British policy as regards the Western Wall consists of an intention to maintain the *status quo* as existing under the Turkish regime in respect also to the appurtenances of worship which the Jews are to be permitted to bring to the Wall, was based on the same principle as has been more or less completely accepted by the Parties themselves.

Moreover, as is stated in the Shaw Commission Report (page 33), the proclamation made in the said White Paper was received with great satisfaction by the Moslem Communities and on the 27th of December, 1928, the Grand Mufti of Jerusalem as President of the Moslem Supreme Council addressed the Deputy District Commissioner of the Jerusalem Division in the following terms (page 34)

"The Supreme Moslem Council has seen the White Paper issued by the Secretary of State for the Colonies in November, 1928, and which was published in the Official Gazette, concerning the question of the Burak (the Western Wall of the Mosque of Al-Aqsa) and finds in it that care and insight and justice without partiality which has clearly and plainly dispelled any doubts under which the widespread and false propaganda has attempted to hide and conceal the *status quo* and its clear position. The Council therefore offers (? thanks for the) impartial attitude which the British Government has taken in this respect. It also thanks you and the Government of Palestine as you were the direct cause in explaining the facts which have elicited this just decision.

"The Supreme Moslem Council hopes that the Government will actually and as early as possible apply the terms of the White Paper that the *status quo* in force during the Turkish rule should be observed."

As regards the way in which the White Paper of 1928 was thereupon administered the Commission considers that great importance ought to be attached to the temporary rules for the application of the *status quo ante bellum*, which were issued subsequently by the Palestine Administration. Those administrative rules of 1929 were apparently drawn up after close examination of the facts from every point of view. Hence, the regulations should only be subjected to modifications to such degree as may be a necessary consequence of the inquiry made by the Commission.

In drawing out those regulations the Palestine Administration appears to have taken into consideration the leading thought in the Moslems' defence, viz., that innovations tending to support a claim of possessory right on the part of the Jews should be prohibited. In recent years, however, as well as during the proceedings before the Commission, the Moslems have put forward another point of view, viz., that they objected to any sort of appurtenances of worship, as indicating the intention of the Jews "to make a synagogue of the place." In this connection the Moslem Party has even urged that any concession on their part in that respect would be contrary to the Sharia Law from which they have cited the passage, mentioned on page 32 above.

Paying due regard to this point of view, the Commission is of opinion that these apprehensions on the part of the Moslems make it the more important that no sanction should be accorded the bringing of any other objects to the place than those that were not objected to in the period prior to the War but were tolerated as being established by time-honoured custom.

Referring to what has been stated above in respect to this matter, and more especially with due consideration paid to the firmans of 1840 and 1911, which were produced in evidence by the Moslem Side, the Commission passes verdict that it shall be prohibited to place on the Pavement in front of the Wall,

any benches, chairs, or tents for the convenience of the worshippers or otherwise;

or, any screens or curtains either for separating men from women or for any other purpose;

or, any carpets or mattings, with the exception of such as are explicitly made note of below.

As regards such objects as may be defined as appurtenances of worship in the strict sense of the word, it should be borne in mind here, too, that the reading of the Law (Torah) from the Scroll or Scrolls of the Law on certain occasions forms an important part of the Jewish divine service. Veneration for the sanctity of the Law prescribes that those scrolls of parchment on which the Law is written, when removed from the Synagogue, should be conveyed in an Ark enclosing them, and, when being read, should be placed to rest on a table. The present temporary regulations, with a view to enabling the Jews to carry out a complete service in the vicinity of the Wall on Saturdays (Sabbaths) and on Jewish "holy days," grant permission to them to place near the Wall both the Ark in which the Scrolls of the Law are kept, and two tables, one as a stand for the Ark and the other for resting the Scrolls on when the Law is being read. As mentioned before, these objects have been regularly brought to the Wall from very ancient times upon particular occasions when prayers and fasts were to be held as for instance at a juncture of national misfortune or calamity or owing to some other event of an extraordinary character. Furthermore it was proved by witnesses heard before the Commission that the said appurtenances were customarily brought to the Wall long before the War, on New Year's Day and on the Day of Atonement. No proofs of a similar validity were brought forward at the hearings conducted by the Commission as to the bringing to the Wall of the appurtenances connected with the reading of the Law on other High Festivals than those just mentioned. However, since in the temporary regulations permission has been accorded to the Jews to utilize the objects in question on particular "Jewish Holy Days (High Festivals) in general the Commission-basing its opinion also upon certain evidence produced at the inquiry held by it-has every reason to believe that the administrative regulations in this respect are based on time-honoured practice, all the more so, as it seems to be in conformity with the significance of the place as a site of great sanctity to the Jews, that they should have celebrated their High Festivals by pilgrimages to, and gatherings in front of, the Wall, on which occasions complete services were held including the reading of the Torah.

Under the circumstances as they exist the Commission finds that it is right and in accordance with what may be deemed fitting that the Jews should be allowed to bring to the Wall a Cabinet or Ark containing the Scrolls of the Law with the stands or tables needed for using the same on such occasions as the following: .

(a) at the time of holding special fasts or prayers that have been proclaimed by the Chief Rabbis of Jerusalem, by reason of the happening of some extraordinary event, always provided that the Chief Rabbis give due notice to the Palestine Administration of the intended holding of such fasts or prayers;

(b) on New Year's Day and on the Day of Atonement;

(c) on other special holy days recognized by the Administration as such days on which the said objects have been usually brought to the Wall.

It shall also be stipulated that the Ark containing the Scroll or Scrolls of the Law shall only be brought to the Wall, if and when that is otherwise permissible, provided that the said objects are of a size to permit of their being carried by hand, and that they shall not be affixed to the Wall, and that they shall be removed from the place near the Wall at the close of each of the said holy days.

The reading of the Law from the Scrolls is requisite also for a complete service at certain times, e.g., in a Synagogue on Mondays, Thursdays, and Saturdays. The bringing of the Scrolls of the Law and its appurtenances, however, is only permissible according to the present temporary regulations on the ordinary Sabbath-days (extending from Friday evening until sunset on Saturday). The practice on which the regulations in this respect have been based is in all probability, as has already been stated, of a somewhat recent date, and it has not been shown to the satisfaction of the Commission that any continuous usage with respect to it existed before the War. It is true that some witnesses, whose trustworthiness was in no way open to suspicion, gave positive evidence to the effect that the objects in question were in use near the Wall during a certain period previous to the War. Other witnesses however who were so far as could be judged just as trustworthy as the former group deposed that, although they were frequent resorters to the Wall, they had not any conscious remembrance of having seen the Ark and the Scrolls near the Wall, on any ordinary week-days or even on Saturdays, until the period subsequent to the War. In this respect the same reasoning holds good, as has been adduced by the Commission before, relative to benches, chairs, etc., viz., that it is conceivable that such objects may at times have been used by the Jews without any objection being raised on the part of the Moslems, but that no unprotected-against practice of long standing can be said to have been thereby established. That the Moslems have not made any formal or definite objection against the Ark and the Tables until lately may very well be explained by the objects in question not having been in use before the War with any degree of regularity. It has not been possible for the Commission to ascertain whether the "Tabernacle or Ark" which the Moghrabis in 1928 regarded as being "much larger than was customary" (page 51) was compared by them with the Ark that had been used in the period immediately preceding or with one that had been used at a still earlier date. Nevertheless it should be noted that the witness ISSACHAROFF, who gave most emphatic evidence about the bringing of an Ark with a "small" Scroll of the Law and a "small table" in pre-war days, also stated that the same practice prevailed on Mondays and Thursdays. That custom, however, has not been recognized in the temporary regulations as being in conformity with the *status quo*. At all events

the evidence heard before the Commission on this point has been contradictory. It has not authorize a confirmation of a Jewish right to place the Ark with the Scroll at the Wall on ordinary Sabbaths.

In limiting the present right to the bringing of the Ark containing the Scrolls in the manner aforesaid, the desire and aim of the Commission has not been to interfere in any way with the ritual of the Jewish devotions, but only to ensure that in connection with the Jewish worship no objects that might possibly be taken to indicate some sort of possessory right for the Jews should be brought near the Wall, unless the doing so was justified by reason of long-continued practice. To the Commission this has appeared to be of very especial importance at this particular juncture. Any innovation that occurred might be made use of in support of the plea that the Jews were left free to transform the place into a synagogue-and that eventuality must be obviated in the interests of formal justice and for the insuring of a maintenance of peace and order. It is presumably impossible, however, to contest the fact that a regular bringing to the Wall of objects, such as the Ark containing the Scrolls of the Law, might give rise to a miscomprehension of that nature. Nor would that either seem to be called for, when due consideration is paid to the primary and traditional character and purpose of the place.

As regards the other special objects of worship, from the point of view above set forth, they are of lesser importance.

The bringing to the Wall day by day of a stand containing ritual lamps and of a zinc case in which such lamps are to be lighted, and also of a portable wash-basin and a water-container on a stand, is proved to be in accordance with accepted usage and should consequently be permitted for the future too, provided only that none of those objects shall be affixed to the Wall itself or to any Wall of the adjoining Waqf buildings. Nor shall it be prohibited for the Jews from sunset on Friday evening to sunset on Saturday and from sunset on the Eve of any Jewish holy day until sunset on the following day to place near the Wall as they have done hitherto a stand-containing prayer books to be used in the ritual of worship.

The stand last mentioned shall also be removed at the close of the Sabbath day or of the other holy days referred to.

Furthermore, in conformity with practice, each Jewish worshipper shall be entitled to bring a prayer-mat with him or her on the two holy days of the New Year festival and on the Day of Atonement.

It forms a part of the Jewish service in the Synagogue to blow the Shofar (ram's horn) on New Year's Day and on the Day of Atonement and the Jews have claimed the right on the said occasions to carry out this ceremony of theirs in front of the Wall too.

That is a claim that has not been recognised in the present administrative regulations or otherwise in actual practice, and the Commission has not found any sufficient reason for assenting to it.

Save as above provided, it shall not be permissible to bring any appurtenances of worship to the Wall.

As regards the *Haram* area and the *adjacent Waqf property* in their relation to, the Jewish devotions at the Western Wall, the Commission passes verdict that the present *status quo* of the Wall and of its immediate surroundings shall, as far as possible, be preserved, with a view to not causing any more serious disturbance in the Jews' manner and practice of worship than has occurred in the past, or than may be inevitable by reason of changes in the prevailing conditions at the Wall. Consequently the Moslems shall be entitled in the Waqf properties adjacent to the Wall to construct or build any desired erection and to demolish or repair any existing building, provided only that such work shall not encroach on the Pavement area or impair the right of the Jews to access to the Wall, or involve any disturbance to the Jews that is avoidable during their devotional visits to the place near the Wall.

If the recently constructed door at the southern end of the Pavement is not to be closed for good, measures shall be taken of the same kind as at present in force to ensure its being kept locked from 5 p.m. on the Eve of the Sabbath and on Jewish holy days that are recognised as such by the Palestine Administration, and throughout such days until sunset.

The Commission also confirms the prohibition in the temporary rules against the driving of animals along the Pavement at certain hours.

For avoiding annoyance to the Jewish worshippers the Zikr ceremony shall not, during the usual hours of worship, be carried out so close to the Pavement as to cause annoyance.

The conclusions arrived at by the Commission on the basis of the reasoning and evidence adduced above, may be summed up as follows:

A. To the Moslems belong the sole ownership of, and the sole proprietary right to, the Western Wall, seeing that it forms an integral part of the Haram-esh-Sherif area, which is a Waqf property.

To the Moslems there also belongs the ownership of the Pavement in front of the Wall and of the adjacent so-called Moghrabi (Moroccan) Quarter opposite the Wall, inasmuch as the last-mentioned property was made Waqf under Moslem Sharia Law, it being dedicated to charitable purposes.

Such appurtenances of worship and/or such other objects as the Jews may be entitled to place near the Wall either in conformity with the provisions of this present Verdict or by agreement come to between the Parties shall under no circumstances be considered as, or have the effect of, establishing for them any sort of proprietary right to the Wall or to the adjacent Pavement.

On the other hand the Moslems shall be under the obligation not to construct or build any edifice or to demolish or repair any building within the Waqf property (Haram area and Moghrabi Quarter) adjacent to the Wall, in such a manner that the said work would encroach on the Pavement or impair the access of the Jews to the Wall or involve any disturbance to, or interference with, the Jews during the times of their devotional visits to the Wall, if it can in any way be avoided.

B. The Jews shall have free access to the Western Wall for the purpose of devotions at all times subject to the explicit stipulations hereinafter to be mentioned, viz.,

(1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to "appurtenances of worship" (see Section 2, a, b, c), are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the Table on which the Scroll is laid when being read from, but only on the following occasions, viz.,

(a) at any special fast and assembly for public prayer that the Chief Rabbi of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;

(b) on New Year's Day and on the Day of Atonement, and also on any other special "holy days" that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

Save as provided in the articles of this Verdict it shall not be permissible to have any appurtenances of worship in the vicinity of the Wall.

(2) No objection or obstacle shall be raised to the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.

(3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right, however, for Moslems to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.

(4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there even though for a limited space of time.

(5) The Jews shall not be permitted to blow the ram's horn (Shofar) near the Wall nor cause any other disturbance to the Moslems that is avoidable; the Moslems on the other hand shall not be permitted to carry out the Zikr ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.

(6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to, and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.

(7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.

(8) It shall be held to be a matter of common interest to Moslems and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it and also that the Pavement in front of the Wall should be kept clean and be properly respected by Moslems and Jews alike; it is herewith declared to be the Moslems' right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.

(9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine.

(10) If any repairs to the Pavement that are necessary are not attended to by the Moslems in due time, the Palestine Administration shall take the necessary steps to have the work done.

(11) The Chief Rabbis of Jerusalem shall be required to nominate ~~one or more~~ officials to be their authorized representative or representatives for receiving the instructions and other communications that will be issued from time to time by the Palestine Administration regarding the Western Wall, the Pavement in front of it, and the formalities to be observed with regard to the Jewish devotions near the Wall.

The contentious problem that the Commission has had to deal with does not owe its existence to two different conceptions regarding a standard of law that both the contending Parties recognize and accept. On the contrary it has arisen out of an existing incompatibility in actual principles of right and religious faith, and is all the more far-reaching in character from each of the Parties being of the firm conviction that the issue of the contention will affect interests that are, for them, of ideal moment and which they cannot forgo. In carrying out its task the Commission has furthermore had to take into consideration the circumstance that the contentious question has not been referred to it for settlement by the Parties themselves that are most nearly concerned in it.

That being so, the Commission recognizes, as has been already pointed out in the introduction to this pronouncement, that the ready willingness displayed by both Parties to assist the Commission in its inquiries on the spot has been of inestimable advantage to the Commissioners. That kindly attitude has indeed prompted the hope in the minds of the Commissioners that on the basis of this investigation the Parties might be able to arrive at an amicable agreement for settling their mutual differences, an outcome which in this instance would be far preferable to any settlement which is more or less forced upon them. It has not, however, up to the present, proved possible for any such agreement to be arrived at and consequently the Commission has had no other course open to it than to pronounce its Verdict. The contents of the Verdict have been drawn up exclusively on the basis of the opinion that the Commission has formed regarding the merits of the case, judged in the main from the same point of view as is reflected both in the present Mandate and in the administration of the earlier regime with regard to the relations to one another of differing creeds in Palestine.

In addition to what has been said earlier with regard thereto, it is fitting here to recall the fact that, in the Treaty between the European Great Powers and Turkey for the settlement of the affairs of the East, signed on 13th July, 1878, the Sublime Porte made a spontaneous declaration, in which there was expressed the intention to maintain the principle of religious liberty and to give it the widest scope (Article LXII).

In regard to the particular case that the Commission has been appointed to inquire into, this lofty principle cannot be put into practice, unless the adherents of the differing creeds are prepared, in observance of the rules set forth above, to show each other due consideration as regards the one Party in the exercise of their incontestable rights of ownership and possession, and as regards the other in the performance of their religious services on a ground which does not belong to them by right of possession.

The Commission ventures to entertain the hope that, having regard to the actual position of affairs and of what is dependent thereupon, both Moslems and Jews will accept and respect the Commission's Verdict with that earnest desire to attain mutual understanding that is so important a pre-requisite both for the furtherance of the common interest of the Parties in Palestine and for ensuring a peaceable development in the World at large.

In its pronouncements and decisions the Commission is unanimous.

December, 1930.
ELIEL LÖFGREN.

CHARLES BARDE.
C. J. VAN KEMPEN.

STIG SAHLIN

APPENDIX II.
MEETINGS AND WITNESSES.

(C) = Witness called by the Commission.
(J) = Witness called by the Jewish side.
(M) = Witness called by the Moslem side.

<i>Meeting No.</i>	<i>Date.</i>	<i>Witness No.</i>
1.	23rd June, 1930	Opening Meeting.
2.	25th June 1930	Opening Speech of Jewish Counsel.
3.	26th June, 1930, a.m.	1. Joseph Giva Goldsmith (J).
4.	28th June, 1930, p.m.	1. Joseph Giva Goldsmith (J).
5.	30th June, 1930, a.m.	2. Zion Issacharoff (J).
6.	30th June, 1930, p.m.	3. Haim Solomon (J).
		4. Richard Hughes (J).
7.	1st July, 1930, a.m.	5. Rabbi Abraham Schorr (J).
		6. Chief Rabbi Ben Zion Uziel (J).
8.	1st July, 1930, p.m.	6. Chief Rabbi Ben Zion Uziel (J).
9.	2nd July, 1930	7. Eliahu Mordecai Eisenstein (J).
		8. Boris Schatz (J).
		9. Raphael Ben Rahamin Meyuhas (J).
10.	3rd July, 1930	9. Raphael Ben Rahamin Meyuhas (J).
		10. Charlotte Hussay (J).
		11. Mohamed Nasib Effendi Beiter (M).
		12. Mordecai Goldberg (J).

11.	7th July, 1930	13. Muzahim Amin Bey Bajaji (M). 14. Salah Al Din Bey Osman Beyham (M). 12. Mordecai Goldberg (J) (resumed). 15. Haim Zuckerman (J). 16. Mendle Hacoheh Pakover (J). 17. David Yellin (J). 18. Zudok Bassan (J). 19. Albert Abraham Mosseri (J). 20. Asher Sofer Federman (J). 21. Abraham Jacob Brawer (J). 22. Shawki Bey Saad (J). 23. Meir David Shotland (J). 24. Sheikh Mohamed Al Ghuneim El Taftazani (M). 25. Mirza Bey Rafi Mahdi Rafia Mushki (M). 26. John Daoud Yasmini (M). 27. Salim Salamah Iskafi (M). 28. Hassan Ghuneim (M). 29. Jirgis Daud Al Daou (M). 30. Ibrahim Afany Homzy (M). 31. Mohamed Kamel Aintabi (M). 32. Léopold Draissaire (M). 33. Louis Heidet (M). 34. Nicola de Simini (M). 35. Mordecai Lebanon (J). 36. Antoine Joseph Lolas (M). 37. Abdul Kahayar Mozzakir (M). 38. Ihlarion Nacuzi (M). 39. Emile Dubois (M). 40. Mikhaïl Hieronimos (M). 41. Prosper Viaud (M). 42. Ermes Kohoul (M). 43. Fulgentius Minotte (M). 44. Sheikh Ismail Effendi Hafaz (M). 45. Jamal Effendi Hussein (M). 44. Sheikh Ismail Effendi Hafaz (M). (resumed). 46. Hallala Ben Mohamed Ben Amrinom (M). 47. Yusef Khalil Lahla (M). 48. E. Keith-Roach (C). 47. Yusef Khalil Lahla (M). (resumed). 49. Sheikh Twefik et Tiby (M). 50. Ezzat Darwazeh (M). 51. Hussein Tarawny (M). 52. Riza Tewfik Pasha (M). Closing speeches for the Jewish Side: Dr. M. Eliash. Rabbi Blau. Mr. David Yellin. Closing speech of Ahmed Zaki Pasha. Closing speech of Mohamed Ali Pasha. Closing speech of Aouni Bey Abdul Hadi. Dr. Eliash. Closing speech of Chairman.
12.	8th July, 1930	
13.	9th July, 1930	
14.	10th July, 1930	
15.	14th July, 1930	
16.	15th July, 1930, a.m.	
17.	15th July, 1930, p.m.	
18.	16th July, 1930, a.m.	
19.	16th July, 1930, p.m.	
20.	17th July, 1930, a.m.	
21.	17th July, 1930, p.m.	
22.	18th July, 1930	
23.	19th July, 1930	

HP EXHIBIT 92

APPENDIX III.

LIST OF EXHIBITS PRESENTED BY JEWISH COUNSEL.

1. Memorandum on the Western Wall submitted to the Special Commission of the League of Nations, Jerusalem, June, 1930.
2. A collection of photographs of the Wailing Wall.
3. Three maps of the Warren Excavations.
4. A collection of Jewish Community Entry, etc., Books.
5. A declaration by Misa A. Landau, Headmistress of the leveling de Rothschild School, dated 19th May, 1930, about what she has seen at the Wall since 1899.
6. A letter from Major Badcock of Occupied Enemy Territory Administration, dated 22nd May, 1920, addressed to Rabbi Kook, concerning observance of Die rights of the worshippers at the Wall and transmitting copy of letter addressed to Military Governor of Jerusalem and a copy of report from the Inspector of Antiquities.
7. Letter from Mr. Cust of the Jerusalem Governorate to Rabbi Abraham Schorr, dated 9th Tamuz, 5681, about the Jews putting up benches for the aged.
8. References to books to which the Jewish Memorandum refers, pages 62, 63.
9. Photographs of extracts from Jewish Community Entry Books.
10. Letter from Mr. Nurock, Assistant Private Secretary to the High Commissioner, to Rabbi

1183

- Schorr, dated 11th August, 1920, concerning the provision of separate accommodation for men and women.
11. Notes of Chief Rabbi Uziel of Jaffa on Jewish Ritual.
 12. Letter from the Chief Rabbi Moshe Franko to the Rabbis of the Ashkenazi Community in Jerusalem, dated 12th Iyar, 5672, calling them to negotiate on the subject of the Wailing Wall.
 13. Letter from Mr. Rosenberg to Professor Schatz, dated 30th November, 1911, about the date of the film from the Wall.
 14. Letter from Major Wainwright to Mr. Glasstein, dated 12th October, 1926, regarding District Commissioner's order of 6th April, 1926.
 15. Translation from *Hacheruth* 11th February, 1912, concerning the abolishment of the prohibition regarding the Wall.
 16. 15. Reproduction from *L'Aurore* of the 2nd February, 1912, about the same subject as exhibit No. 15.
 17. Copy of extract from the book *Nach Jerusalem* by Ludw. Aug. Frankl. Zweiter Teil, Leipzig, 1858.
 18. Evidence given by the Rev. William M. Christie before the British Magistrate at Haifa, 3rd July, 1930, about what he has seen at the Wall since 1889.
 19. Certificate of Dr. Churcher, 3rd July, 1930, saying that the Rev. Christie could not come to Jerusalem because of illness.
 20. The book mentioned in No. 17.
 21. Declaration by the Rev. Slotki, 19th June, 1930, about what he saw at the Wall.
 22. Advertisements referring to evidence given by Mr. Zuckerman at the 11th Meeting. Hebrew, with translation into English.
 23. Extract, translated into English, from the German yearbook *Jerusalem*, printed in Jerusalem, 1913.
 24. Declaration by Isaac Snowman, Marseilles, 30th June, 1930, about what he saw at the Wall in 1899.
 25. Original Karaite Prayer Book.
 26. Photographic copy of Firman issued by Sultan Abdul Hamid in 1889 concerning rights of Chief Rabbis of Palestine.
 27. Translation of certain points of the said Firman.
 28. Photographic copy of the Firman issued by Sultan Abdul Hamid in 1893.
 29. Notes on recent Moslem innovations at the Wailing Wall.
 30. Copies of documents concerning an incident of 1912.
 31. Declaration by Chief Rabbi Haim Nahoum, dated Cairo, 15th July, 1930, concerning his activities as Chief Rabbi of the Turkish Empire.
 32. Translation of the Firman of 1889.
 33. Translation of extract from the records of the Sharia Court about the Afdal Waqf.
 34. Map of the Wailing Wall area.
 35. *Almanacco di Terra Santa*, 1930, Gerusalemme, 1930.

LIST OF EXHIBITS PRESENTED BY MOSLEM COUNSEL.

1. Translation of extract from the records of the Sharia Court about the Afdal Waqf.

2. Translation of extract from the records of the Sharia Court about the Abu Madian Waqf.
3. Translation of a register number of the Sharia Court about a certain person's right to live in the Moghrabi quarter.
4. Translation of a document about the Abu Madian Waqf.
5. Extract from the minutes of the Shaw Commission; evidence given by Yusef Kives.
6. Translation of a letter from Mohamed Sharif to the Governor of Jerusalem about a decree issued to Ibrahim Pasha concerning the Wailing Wall, dated 1840.
7. Translation of the decision by the Administrative Council of the Liwa of the year 1911 prohibiting the Jews to place chairs, etc., at the Wall.
8. Photographic reproduction of the Turkish original of No. 7.
9. Copies of correspondence between the Supreme Moslem Council and the Government of Palestine before the publication of the White Paper of November, 1928.
10. Copies of correspondence between the Supreme Moslem Council and the Government of Palestine after the White Paper.
11. Copies of correspondence between the Supreme Moslem Council and the League of Nations.
12. Copies of letters from the Supreme Moslem Council to the Government of Palestine after the regulations of 1st October, 1929.
13. Copy of extract from the book *Egypte et Palestine* by Emile Delmas. Paris, 1896.
14. Copy of extract from the book *Le premier pèlerinage de vacances à Jérusalem* by l'Abbé Miller, Metz, 1889.
15. Copy of extract from the book *Journal d'un pèlerin de Terre-Sainte* by l'Abbé Verrier, Bayeux, 1871.
16. Copy of extract from the book *Voyage en Orient* by Patrice Chauvierre, Tornai, 1883.
17. Copy of extract from the book *A Palestine Notebook, 1918-1923*, by C. R. Ashbee, London, 1923.
18. Copy of extract from the book *Jerusalem*, translated from the German by Sophia Taylor, London, 1893.
19. A collection of photographs of the Wall.
20. Photographic reproductions of certain propaganda pictures.
21. Copy of extract from the *Encyclopedia Britannica*, about Zionism.
22. Copy of extract from the *Jewish Encyclopedia*, about Zionism.
23. *The Palestine Weekly*, Vol. XVII, No. 483, 9th August, 1929, containing several articles about the Wailing Wall.
24. Copy of extract from despatch of Sir L. Bols to Occupied Enemy Territory Administration, dated 7th June, 1930.
25. Photographic reproductions of certain propaganda pictures.
26. Copy of extract from Dallos' *Répertoire pratique*, about servitudes (22nd meeting).

APPENDIX IV.

Jerusalem,
17th July, 1930.

1185

Sir,

I am directed by the Chairman of the Wailing Wall Commission to request you to inform His Excellency the Officer Administering the Government, that it is anticipated that the sittings of the Commission in this country will be completed on Friday, the 18th of July. The Commissioners are therefore arranging to leave Jerusalem on Saturday, the 19th of July, en route for Port Said, where they will embark on the s.s. *Orvieto*.

Before leaving Palestine the Commissioners would like to bring to notice the excellent services rendered by the staff which has been attached to them during their enquiry.

The interpretation of the evidence of witnesses under close examination or cross-examination, a task which prevented considerable difficulty especially in view of the conditions under which the Commission has been working, has been discharged with great efficiency and admirable expediency by the two official interpreters of the Government, Mr. I. A. Abbad and Mr. W. Shaftari.

The Commission would also like to mention the good services rendered by the stenographers who were placed at their disposal by the Palestine Government, Mr. A. Antippa and Mr. V. Eassilian. On these gentlemen has fallen the burden of talking down and transcribing the voluminous evidence brought before the Commission, a task that they have discharged with great energy, working for long hours.

The organisation of the office and the registration and despatch of the Commission's correspondence has been undertaken by Mr. Marroum, who was placed at the disposal of the Commission by the Deputy District Commissioner's office. He has discharged his duties with intelligence, energy and efficiency.

Corporal Christie of the British Police has been attached to the Commission throughout their stay in this country. He has acted as lasher in the Enquiry Room and has accompanied the Commission on their tours. He has discharged his duties to the entire satisfaction of the Commission.

The Commissioners would be obliged if notes of their remarks could be in the records of services of the above-mentioned officials.

The thanks of the Commission are also due to officials of the Palestine Government, too numerous to recount here, for the arrangements which were made for the convenience of the Commissioners. I am especially directed to mention the excellent and, by the Commission, highly appreciated services rendered by Mr. Max Nurock of the Secretariat, -who has acted as *Officier de Liaison* between the Commission and the Government.

Finally, I am directed to request you to be good enough to present to His Excellency the expression of thanks on behalf of the Commission for the help which the various departments of the Palestine Government have given to the Commission on different occasions and which have proved of great value to them.

I am, etc.,

STIG SAHLIN,
Secretary of the Commission,

E. Mills, Esq., O.B.E.,
Acting Chief Secretary,
Government of Palestine, Jerusalem

APPENDIX VI.

MOSLEM EXHIBIT NO. 6.
(Translation)

Folio 368.
No. 39.

To the Pride of honourable men, the highly respected Ahmad Agha
Duzdar, Governor of the City of Jerusalem.

We are in receipt of an order from the Supreme Military Command, enclosing a copy of an August Khedivial Irada issued to His Excellency,* to the effect that whereas it has come to light from a copy of minutes of the *Majles Shurat* of Jerusalem that the area which the Jews have applied to pave is contiguous with the wall of the Haram Al-Sharif and the tethering place of al-Burg and is contained in the *Waqf* of Abu Midian (of holy memory); and whereas there is no precedent for the Jews carrying out any such repairs in that area in the past; and whereas it has been established that it would be inadmissible under the Shar'i Law (for them to do so); therefore the Jews must not be enabled to carry out the paving, and they must be cautioned against raising their voices and displaying their books (or utterances) and (informed) that all that may be permitted them is to pay visits to it as of old.

A Supreme Military Order has been issued to us to take action in accordance with the above Irada, and in accordance therewith we communicate its August substance to you, so that on receipt of it you shall take steps to enforce it. So take note.

(SEAL) MUHAMMAD SHARIF.

24th Ramadan 1256.
(i.e. 1840 A.D.)

APPENDIX VII.

JEWISH EXHIBIT No. 32.

ENGLISH TRANSLATION OF THE FIRMAN 1311.

The Noble, Glorious, and Sublime Imperial Firman, and the Brilliant Tughra of the Emperor, Conqueror of the World.

Whereas the acting Chief Rabbinate of Constantinople (literally: my Gate of Felicity) has applied by a memorandum saying that upon the occurrence of the death of Meir Panigel Effendi who was the Chief Rabbi (Hahambashi) of Jerusalem it was necessary to appoint some suitable person in his place and that inasmuch as this holder of my Imperial Brevet, Yaco Shaoul Elyashar Effendi, one of the subjects of my Sublime Empire and one of the local spiritual heads, has been elected as being capable of administering religious affairs, my Glorious Brevet containing his appointment may be given, and the matter has also been notified and communicated by Our Ministry of Affairs of Justice and Cults, I have given this my Imperial Brevet with the insertion of the ancient conditions and I have ordered that the aforesaid Yaco Shaoul Elyashar Effendi shall administer the above-mentioned Chief Rabbinate of Jerusalem, that in the places within the jurisdiction of (lit.: appertaining to, or: dependent on) his Chief Rabbinate the Rabbis and the heads of the congregations and all other notables and common people (lit.: big and small) of the Jewish community shall know the above-mentioned as Chief Rabbi over them and in their affairs regarding his Chief Rabbinate shall apply to him and they shall not contravene his word which is right and they shall do their utmost with regard to obedience and submission him in accordance with their rites. And whereas the above-mentioned Chief Rabbi does not oppose to the ritual of Thora reading (or: Thora study) being practiced in his house or (lit.: and) in other houses, (or: And Whereas nobody opposes to the ritual, etc., in the house of the above-mentioned Chief Rabbi or in other houses) there shall be no molestation and injustice (or: oppression) on the part of officers contrary to the Sacred Shari Law and without any right interfering with their worshipping (lit.: the practice of their ritual) with the only purpose of annoying and of getting money by pretexts as "You are worshipping (lit.: practicing rituals) in your private property dwellings and you read (study) the Thora and have hanged screens and candles". And there shall be on the part of officers and officials making inspections of registrations and orders (or: registering orders and inspections) no oppression to, and no imposition of fines upon, the synagogues and schools destined *ab antiquo* to the said Community; these shall remain (lit.: be) in their possession and under their control. And no outsider shall interfere and meddle with their repairs and structural improvements made with the permission of the Shari authority. And there shall be no meddling by whomsoever with the chattels (or: things) of their synagogues and their schools for the debt of another, and they (i.e., these things) shall not be suffered to be taken and seized as a pledge, and if by some means or other they have been taken they shall be caused to be returned by the Shari authority and handed over to whom they belong (lit.: to their places). And when the above-mentioned Chief Rabbi or his substitutes whom he may (lit.: will) appoint on his behalf make peace in accordance with their rites between two disputing Jews with the consent of both parties in matters of contracting a marriage or dissolving a marriage as well as in other matters in accordance with their rites, and when they administer in their synagogues an oath in accordance with their rites, as may be necessary, (or: as occasion requires) for the purpose of investigating a matter, also with regard to their papers for the removal and banishment, as required by the rites, of certain accused, there shall be no interference or oppression contrary to old custom, on the part of the judges ("Kadis") and judges-substitutes ("Naibs") of the Shari Law or any other person, and they shall not be made subject to any imposition and fine whatsoever. And without the knowledge and permission of the aforesaid Chief Rabbi or (lit.: and) his substitutes, the Rabbis who are under his jurisdiction (or: protection) shall not perform the ceremony of marriages which are not allowed according to their rites, and if a member (lit.: somebody) of the Jewish Community intends to marry a woman or divorce a woman or to take a woman more (lit.: a woman upon a woman) and to go to other places and have it performed there, they shall not carry out and perform the ceremony of marriage as long as there is no permission of the aforesaid Chief Rabbi, and men of influence (lit.: power, fortune) shall not constrain their Rabbis in contravention of their rites by saying "make the marriage ceremony of this woman to this Jew". And as their rites require their Rabbis not to bury (lit.: lift up) the Jews who died while acting in contravention of their rites, the "Kadis", "Naibs", officers or other influential (or: powerful) persons shall not make constraint and injustice by saying to the Rabbis "You shall lift up". And with regard to the eatables and beverages of the said Religious Community in connection with "Kasher" and "Taref" there shall be no imposition by any person who is unauthorized (or: who meddles in affairs which do not regard him) such as "You shall say this is 'Taref' and that is 'Kasher'." And if it happens that the afore-said Chief Rabbi comes for a certain affair to Constantinople (lit.: to my Sublime Port) there shall in no way be any interference with his substitute whom he may appoint on his place. And the agent and men whom the aforesaid Chief Rabbi will send for the collection of fiscal (or: Government) taxes shall be given a guide, and when they will change their garment and dress in order to pass in the best manner through the places where they travel, and when they will carry weapons (lit.: instruments of war) in order to repel mischief and to save themselves (lit.: their souls) from bandits, there shall be no interference and opposition on the part of officials and officers, and they shall not be molested contrary to the Sacred Shari Law by the demand of anything whatsoever under the denomination of a present or (lit.: and) revenue. And if there arises any claim whatsoever of the aforesaid Chief Rabbi and the other Rabbis and their substitutes and men in connection with the Sacred Shari Law, it shall be referred to Constantinople. And when a Rabbi has to be detained with the permission of the Shari authority, he shall be so detained through the means of the aforesaid Chief Rabbi. And they shall not convert (lit.: make) by force a Jew into a Moslem without his consent. And the Jewish Community

shall not be suffered to refuse (lit.: to be obstinate) or (lit.: and) to hesitate (lit.: to give) the fiscal (or: Government) taxes the payment of which is yearly incumbent upon them and the charity moneys and the taxes and expenditures of the cash which is called "Gabella" and the revenue of the Chief Rabbinate. And when the aforesaid Chief Rabbi or his substitutes which he may appoint on his behalf will take and seize for the Government the chattels and moneys or the horses and any other thing which the Rabbis dying without heirs may be possessed of, there shall be no interference on the part of the Treasury or (lit.: and) the "Kassam (Shari Moslem official charged with the distribution of the estate of a deceased person to its heirs) or (lit.: and) the "mutavallis" (Administrators, Trustees) and other people saying: "It has been inscribed in the general and special 'Defter Hakani' (Imperial Register) as revenue for us". And it shall not be suffered that possession be taken of (lit.: a hand be put on) the moneys or other property and thing of those who have heirs, And whatever deceased Rabbis may have bequeathed in pursuance of their own rites for their synagogues, their poor, or (lit.: and) their Chief Rabbis shall be valid (lit.: accepted) and shall be heard by the Shari authority from (lit.: with) Jewish witnesses of their own Religious Community in conformity with their rites and rules. And when some people of the aforesaid (community are punished (or: reprimanded) in accordance with their rites upon the occurrence of a fault in contravention of their rites, nobody else shall meddle. And there shall be no interference on the part of the couriers or soldiery with the horses or mules which he or his men ride. And the aforesaid Chief Rabbi and the heads of their Congregations shall not be suffered to be molested by soldiery or others by imposing lodging on the houses in which they dwell. And there shall be in no way any interference with their synagogues and with their places of devotional visits and pilgrimage situated in the places (or: localities) within the jurisdiction of (lit.: appertaining to, or: dependent on) his Chief Rabbinate and with their ceremonies of the practice of their ritual by pretexts saying "You must lift up (bury) your dead this way, you must pray (or: read) that way" and in no other manner whatever. He shall take possession of and hold the said post of Chief Rabbi (lit.: the said Chief Rabbinate) according to the requirements of the conditions of this My Sublime Brevet, and nobody shall in any way whatsoever and for any reason whatsoever interfere and make injustice in contradiction with its conditions and obligations.

HP EXHIBIT 92

Written on the fifth day of the month of Muharram Alharam of the year 1311 (lit.: eleven and three hundred and thousand) A.H.

In the Residence of Constantinople the safeguarded, the protected.

On the reverse:

The High Brevet of the Chief Rabbinate of Jerusalem.

Registered textually in the Archives Office of Jerusalem 5th August, 1309 (Financial year).

Inscribed in the Register of the Shari Court of Jerusalem 16th August, 1309 (Financial year).

(SEAL) MUSSA SHAFIK.

* i.e., the Commander-in-Chief, Ibrahim Pasha.

Representative Council.

The legendary steed which is believed to have borne the Prophet on his miraculous ascension, and which was, according to Moslem legend, tethered by the Angel Gabriel at a spot adjoining the Wailing Wall.

APPENDIX VIII.

MOSLEM EXHIBIT No. 7.

COPY OF THE DECISION PASSED BY THE MAJLES IDARAH* OF THE LIWA,
UNDER NO. 1680 OF THE 12TH OF NOVEMBER, 1327.+

The Mutawalli** of the Awakaf of Abu Median Al-Ghoth Shuaib, may God sanctify his memory, has filed a petition stating that the members of the Jewish Community whose practice was to visit, while standing up on their feet, the place called "Buraq" which place is situated outside the Western side of the Haram Al-Sharif\$ of Jerusalem, having contrary to usage, started lately to bring chairs to sit on during their Visit, and the said "Buraq" being a property belonging to the above-mentioned Awkaf and constituting a private blind alley (cul-de-sac), and requested that in order to avoid a future claim of ownership, the present state of affairs be stopped as from now.

Upon transmission of the petition, His Eminence the Mufti, the Awkaf Department and the Shar'ia Court*** stated in their annotations thereon that the said Waqf being situated within the Musaqqafat¶ adjoining the wall of the illuminated Aqsa Mosque on its West side and constituting a blind alley (cul-de-sac), is one of the lanes belonging to the said Waqf, that it is inadmissible by Law in all respects that there should be placed chairs, screen, and similar articles, or any innovation be made which may indicate ownership; that nobody owns the right to place such articles, or to make innovations as to occupy the site of the wall of the Noble Aqsa Mosque; and

1188

that steps should be taken for their prevention.

HP EXHIBIT 92

After deliberation by the Council it has been decided that in the circumstances, whether in the raid Waqf, or at the Wall of the Haram Al-Sharif it is not permissible that there should be articles considered as indications of ownership; that nobody should be given a chance to place such articles; and that it is found necessary to preserve the old practice. The above mentioned petition together with its enclosures is remitted to H.E. The Governor, for necessary action.

(True copy of the original registered in the Awkaf Book).

(SEAL) Directorate of the Awakaf of Jerusalem.

AAREF HIKMAT.

* Administrative Council.
** Trustee or guardian.
*** Moslem Religious Court.
+ 1911, A.D.
\$ Holy Sanctuary Building.
¶ Buildings.

APPENDIX X.

**INSTRUCTIONS IN REGARD TO THE USE OF THE WESTERN
(WAILING) WALL OF THE HARAM-AL-SHARIF, JERUSALEM.**

1. *Access to the Wall.* The Jews shall have access to the Western (Wailing) Wall (hereinafter called "The Wall "), for purposes of prayer and devotion at all times.

2. *Appurtenances of Worship.* (a) The Jews may bring daily to the pavement before the Wall a stand containing ritual lamps, and may place on the stand a zinc case with glass doors in which such lamps are lighted. They may bring also a portable wash-basin and a water container on a stand. None of the objects above mentioned shall be affixed to the Wall or to any wall of the adjoining wakf buildings.

(b) From sunset on Friday evening to Sunset on Saturday, and from sunset on the eve of any Jewish holy-day recognized by Government, to sunset of that holy day the Jews may place at the Northern end of the Wall a stand containing prayer books, and at the Southern end of the Wall a table on which to stand a cabinet or ark containing Scrolls of the Law and another table on which the Scrolls are laid for reading. The tables and cabinet or ark and the stand shall be removed at the end of the Sabbath or Holy-day as the case may be.

(c) On the two holy days of the New Year Festival and on the Day of Atonement each Jewish worshipper may bring a prayer mat which may be placed on the pavement before the Wall but so as not to obstruct the right of passage along the pavement.

(d) The dimensions of each of the objects specified in this instruction shall not exceed those set out in the Schedule thereto.

(e) Save as provided in this instruction no appurtenances of worship shall be brought to the Wall, and no carpet or matting shall be placed on the pavement before the Wall.

3. *Prohibition of Benches, Screens, etc.* No benches, chairs or stools shall be brought to or placed on the pavement before the Wailing Wall. No screen or curtain shall be placed on the Wall or on the pavement, for the purpose of separating men and women or for any other purpose.

4. *Prohibition of driving animals at certain hours along pavement.* Between the hours of 8 a.m. and 1 p.m. on Sabbath days and Jewish holy-days recognized by the Government, and between the hours of 5 and 8 p.m. on the eve of such days, and throughout the eve and Day of Atonement, save between the hours of dawn and 7 a.m., no animal shall be driven along the pavement before the Wall.

5. *Door at Southern end of Wall to be locked at certain hours.* The wooden door giving access from the pavement to the Zawieh at the Southern end of the Wall shall remain locked on the eve of the Sabbath and Jewish holy-days recognized by the Government from 5 p.m. and throughout such days until after sunset.

Schedule.

1189

DIMENSIONS OF OBJECTS IN CENTIMETRES.

HP EXHIBIT 92

	Height.	Width.	Depth.
Stand for ritual lamps	83	120	70
Zinc case (Two chimneys thereto 12 cm. high)	53	98	32
Portable Wash-stand	86	40	33
Semi-circular water container*	29	20+	20
Stand containing books	86	50	26
Table for Ark	82	53	45
Ark	102	50	30
Table for scrolls	94	97	74
Prayer mat-Length 125 cm., breadth 50 cm.			

* The total height of the stand and container shall not exceed 160 cm.
 + At back.

APPENDIX XI.

JEWISH EXHIBIT No. 29.

NOTE ON RECENT MOSLEM INNOVATIONS AT THE WAILING WALL.

Submitted to the Special Wailing Wall Commission by Counsel for the Jewish Side.

1. The innovations to which further reference will be made in succeeding paragraphs are the following:

- (a) A new structure erected above the northern end of the Wall.
- (b) The conversion of a house at the southern end of the pavement into a Zawiya.
- (c) The calling of the Muezzin.
- (d) The Zikr.
- (e) The establishment of a through connection from the Mughrabi Gate of the Haram to the pavement via the Zawiya.

2. We do not propose to call evidence as to these being innovations, unless we are invited by your Honourable Commission to do so. The facts are patent, they have been established by the Shaw Report,* and are supported by sworn evidence heard by the Shaw Commission.

Thus, on page 33 of the Report, after describing the new structure above the Wall (item (a) in paragraph 1) the Commission speaks of "further innovations," thereby characterizing the new structure as an innovation. These "further innovations," referred to as such in the Shaw Report, are in the order there mentioned—the conversion of a house in the vicinity of the Wall first into a hospice and then into a Zawiya (item (b) above); the calling of the Muezzin (item (c) above); and as to the Zikr-euphemistically referred to as the "playing of music"—this is described on page 39 of the Shaw Report as "an innovation even more recent than was the calling of the Muezzin to prayer."

That the establishment of a thoroughfare from the Mughrabi Gate of the Haram to the pavement (as a result of the construction of the new door) was an innovation, is also established by the 'geographical description of the locality on page 28 of the Shaw Commission Report, which states "at the time to which the early part of the narrative in this chapter relates, there was no direct access from the Mughrabi Gate to the pavement in front of the Wall," (item (e) above).

In the following paragraphs the various items referred to in paragraph 1 will be considered separately.

3. *The New Structure above the Northern End of the Wall.* This structure was first observed on 15th October, 1928, when it was immediately brought to the attention of the Deputy District Commissioner by the Jewish Authorities, who expressed the hope that the work would not be allowed to proceed. On 18th October this request was officially submitted in writing to the Officer Administering the Government.

On the basis of an opinion from the Law Officers of the Crown it was subsequently decided that the Moslems were within their rights in completing this structure. This opinion is quoted in a letter from the Chief Secretary of 13th June, 1929, addressed to the Zionist Executive which reads as follows:

"His Excellency has now received from the Secretary of State a despatch communicating the opinion of the Law Officers upon certain questions that were raised.

With regard to the heightening by the authorities of a portion of the Haram Wall to the north of the Wailing Wall, the Law Officer of the Crown have given their opinion that it is not an infringement of Jewish rights, as safeguarded by Article 13 of the Mandate, for the Moslem authorities to construct a building which altered the appearances of the Western Wall, but did not intrude upon the traditional rights of the Jews to pray at the Wall, unless the building was of such a character as to be offensive to Jewish religious sentiments."

1190

This is a purely legalistic conception, that a historical religious monument of such sacred associations can be altered in appearance, to long as the alteration "is not offensive to Jewish religious sentiment." It holds out possibilities for further structural alterations in the Wall itself, and we submit that it should be set aside by your Honourable Commission.

4. *The Zawiyah.* With regard to the Zawiyah, the Chief Secretary's letter of 11th June to the Mufti of Jerusalem, quoted on page 37 of the Shaw Commission Report, stated the following on the basis of the opinion of the Law Officers of the Crown.

"In the Law Officers' opinion the Jews are entitled to conduct their worship without any greater disturbance than has occurred in the past, or may be inevitable by reasons of changes in the habits of the population of Jerusalem or otherwise. If the erection of the proposed Zawiyah results in the observance of Moslem rites in the presence of Jewish worshippers, or in an incursion by Moslems into the places where the Jews pray during the customary times of Jewish worship so as to cause some genuine annoyance or disturbance, this would be regarded as an interference with existing rights."

It should be noted that while the Palestine Government thus dealt with the matters of structural changes and of direct interference with Jewish worship, no attempt was made to grapple with the problem caused by the deliberate measures initiated by the Moslem Authorities (and fully described in the Shaw Report) to establish what was clearly intended to become a Moslem place of worship on the western side of the Wall adjoining the Jewish place of prayer. This indeed constituted the essential character of the innovations, and it was from this point of view that the innovations were viewed with grave concern by the Jewish Authorities as creating a potential source of inter-religious conflict. Whilst the Buraq tradition is undoubtedly an old one, the sanctification by Moslems of the Western face of the Wall in the region of the Zawiyah is entirely new, and until quite recently the house which has become the Zawiyah had been treated as an ordinary dwelling house, with a stable for a donkey and lavatory quite close to the Wall itself.

5. *The Muezzin.* The calling of the Muezzin was first observed late in November, 1928, before the establishment of the Zawiyah. In the same month presentations were made to the Government, urging that this involved a fundamental departure from the *status quo*.

The Government never disputed the Jewish contention that the calling of the Muezzin at this side was a complete innovation, but the practice was allowed to continue to the great annoyance and disturbance of Jewish worshippers praying during the Muezzin calls which, as stated by the Shaw Commission, took place five times a day. On page 74, and again on page 75 of the Shaw Report, there is a definite finding that the calling by the Muezzin was "primarily designed to annoy the Jews."

6. *The Zikr.* The performance of the Zikr in the vicinity of the Wall was an innovation begun in May, 1929, as stated on page 39 of the Report of the Shaw Commission, and the Jewish authorities at once complained about it to the Government. The extent of the annoyance varied apparently in relation to the extent to which the Moslem Authorities felt that they could defy the wishes which the Government had expressed that this most objectionable practice should be discontinued. It nevertheless continued and still continues. It is a practice without precedent in the recorded history of the Wall. The practice constitutes so gross an interference with Jewish worship at the Wall that it does not appear necessary to argue as to its legality. Mention may however be made of the opinion of the Law Officers of the Crown already quoted, to the effect that the Jews are entitled to conduct their worship without any greater disturbance than has occurred in the past.

The Shaw Commission find (vide pages 74 and 75) of the Zikr as of the Muezzin, that it was an innovation "primarily designed to annoy the Jews."

7. *The New Door and the Resultant Thoroughfare from the Haram to the Western Wall area.* The structural works herein referred to are sufficiently described in the Shaw Commission Report, which also deals with the provisional suspension of this work as a result of the High Commissioner's intervention, and the subsequent completion of the work with the permission of the Authorities, who based their decision on the opinion of the Law Officers of the Crown already referred to in connection with the new structure erected above the Wall and within the Haram area, but in no way affecting the Jewish place of prayer, except as regards the appearance of the Wall above it. It is clear that if the opinion of the Law Officers of the Crown is relevant to the structural alterations from the new door to the Jewish place of worship, the decisive clauses are those which declare that "the Jews are entitled to conduct their worship at the Wall without any greater disturbance than has occurred in the past," and that an incursion by Moslems during the customary times of Jewish worship so as to cause genuine annoyance or disturbance would amount to an interference with existing rights.

Whilst the Shaw Commission justified the action of the Local Government by its observation (Page 40) that "the decision to grant permission for the resumption of the building operations was based on the highest legal advice available to His Majesty's Government," it is submitted that this constantly hovering possibility of incursion is in itself an innovation which causes genuine annoyance, and the preclusion of through traffic by locking the bottom door during certain hours is not in itself a solution of the difficulty. The creating of a new thoroughfare between the Haram and the Jewish place of prayer, not only involved a formal change in the *status quo*, but a change of a most serious character in that it created a state of affairs likely to give rise to a breach of the peace. This danger is by no means eliminated by the mere locking of the entrance into the Zawiyah from the Jewish place of prayer during the hours of regular Saturday and holiday services in view of the fact that Jews visit the Wailing Wall at all times of the day, and some times of the night for private devotions.

We submit to your Honourable Commission that all these innovations, even if they were dictated by a genuine desire to underline and emphasise the Moslem rights of ownership in the area of the vicinity of the Wall, and even if they were prompted by a genuine fear that without them the Jews may establish a right of ownership to the Wall, now that it was clearly stated that the

Jews claim no right of ownership, these innovations should not be allowed to continue, nor should they have any claim for continuation if their sole purpose was to annoy the Jews. That similar acts of innovation should not be considered necessary by the Moslem Authorities is our earnest hope, and we would pray that this Honourable Commission should rule against the possibility of their occurrence in future.

This note would be incomplete without mention of a negative innovation, viz., that of restriction of lighting at the pavement in front of the Wall.

In October, 1928, among other demands aimed at limiting the facilities of Jewish worship at the Wall, the Moslem Authorities demanded the removal of all lights which were usually suspended to the walls adjacent to the pavement (but of course not to the Western Wall). At the time this particular demand was not admitted by the Government, but at a later date it was ruled that the suspension of lamps on the walls should not in future be allowed, but that two municipal standard lux lamps would be nosed to provide the nosed illumination for Jewish worshippers during evening prayers. The selection of the positions for these two lamps is known to have been a matter of prolonged discussion between the Government and the Moslem Authorities, who refused to allow the lamps to be placed in the positions proposed as obviously suitable for the purpose. As a result, one of the lamps was moved to such a distance from the Wall that elderly worshippers with poor eyesight suffer great inconvenience owing to lack of sufficient light by which to read their books of prayer, and are obliged to huddle up into the southern corner of the pavement in order to obtain what light they can from the lamp erected in the lane above the Zawiyah.

Sufficient Municipal lighting facilities is, therefore, one of the requests of the Jewish side.

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REPORT

by His Majesty's Government in the United
Kingdom of Great Britain and Northern
Ireland to the Council of the League of
Nations on the Administration of

PALESTINE AND TRANS-JORDAN

FOR THE YEAR

1931

Report by His Majesty's Government in the United
Kingdom of Great Britain and Northern Ireland
to the Council of the League of Nations on the
Administration of Palestine and Trans-Jordan
for the year 1931.

PALESTINE.

INTRODUCTORY.

Personnel.

1. The term of office of Sir John Robert Chancellor, G.C.M.G., G.C.V.O., D.S.O., High Commissioner for Palestine and Trans-Jordan, came to an end on the 31st October, 1931. He was succeeded by Lieutenant-General Sir Arthur Grenfell Wauchope, K.C.B., C.M.G., C.I.E., D.S.O., formerly General Officer Commanding, Northern Ireland.
2. Mr. Norman de Mattos Bentwich, O.B.E., M.C., vacated the office of Attorney-General in October, 1931; and Mr. H. H. Trusted, Attorney-General, Cyprus, has been selected in his place. Mr. Drayton, Solicitor-General, has been appointed Legal Draftsman to the Palestine Government; and Mr. L. I. N. Lloyd-Blood, Assistant Attorney-General, Nyasaland, will be appointed Solicitor-General to succeed him.
3. The Jerusalem Division has been elevated to the status

of a District, and now includes the Sub-District of Hebron. Major J. E. F. Campbell, O.B.E., has been appointed District Commissioner of the new District. Mr. C. F. Colvile, C.M.G., District Commissioner, Northern District, retired on grounds of ill health.

4. Colonel E. R. Sawyer, O.B.E., Director of Agriculture and Forests since 1920, also retired on grounds of ill health during 1931.

5. On the transfer of Mr. A. S. Mavrogordato, Commandant of Police and Prisons, to Trinidad as Inspector-General of Constabulary, Mr. R. G. B. Spicer, M.C., Commissioner of Police in Kenya, was appointed to succeed him in Palestine.

Public Security.

6. There were no serious disturbances, but the excitement caused by articles in the Arabic Press, on the subject of the establishment of sealed armouries in isolated Jewish settlements, led to a demonstration on the 23rd August by the townspeople of Nablus. Stones were thrown at the police, and the officer in charge and several of his men were hurt. The police made several baton charges to disperse the crowds, and one small party of policemen was obliged to fire. There was no loss of life. Eleven of the demonstrators were injured in the baton charges, and three were struck by bullets. Only five rounds of ammunition were fired by the police.

7. The facts in respect of the so-called arming of Jews were announced in a Government communiqué on the 5th August in the following terms:--

"The following statement is published for general information in regard to the sealed armouries which have been deposited by the Government in certain Jewish colonies.

"The practice of providing for the security of isolated colonies from attack by marauders by the installation of sealed armouries, to be opened only in case of emergency, has been in existence for nearly 10 years.

"There is a strict rule that the seal is not to be broken unless the colony is attacked, and there has not been a single case of contravention of this rule.

"The armouries used to contain rifles. Within

the last two years it has been decided that they are to contain shot-guns of a type specially adapted for defensive purposes. Effect has been given to this decision, and no armoury now contains any weapon other than these shot-guns.

"The Government, acting upon expert advice and upon its own considered judgment, has decided that the installation of these armouries is a proper measure, and it has no intention of altering its policy in this matter.

"The agitation which has been conducted recently against this policy on the ground that it constitutes a danger to the Arabs and entitles them to provide themselves illicitly with arms for the purpose of self-defence, has no foundation in fact. This agitation is moreover a serious menace to the tranquillity of the country.

"The Government requires that it shall forthwith cease, and it is hereby notified that after the publication of this statement any newspaper which publishes and any public speaker who utters statements which are calculated to foster the belief that the existence of these armouries is a menace to the law-abiding population of Palestine, will be regarded by the Government as deliberately and wantonly endangering the public safety, and will be dealt with accordingly."

8. In accordance with the scheme decided upon after the disturbances of 1929 (see paragraph 3 on pages 6 and 7 of the Report for 1930*) 74 sealed armouries were installed in Jewish settlements, equipped with Greener shot-guns. All settlements are linked by road and telephone to the main centres of reinforcement and some are equipped also with Verey-light apparatus for signalling. There are posts manned by British police in the larger colonies, and in the strategic centre of each group of smaller settlements.

*Colonial No. 59.

9. Towards the end of the year there was an outbreak of highway robbery in Palestine under the leadership of a gang of escaped convicts from Amman, Trans-Jordan, and several occupants of motor cars were held up on the main

roads at dusk and robbed. By the end of the year, the gang was scattered and most of its members were captured.

Policy.

10. Following upon the discussions between the Jewish leaders and His Majesty's Government referred to in paragraph 25 on page 12 of the Annual Report for 1930, a letter was addressed by the Prime Minister to Dr. Weizmann, dated 13th February, 1931, the text of which has already been communicated to the Permanent Mandates Commission. The object of this letter was to remove certain misconceptions and misunderstandings which had arisen as to the policy of His Majesty's Government with regard to Palestine, as set forth in the White Paper of October, 1930 (Cmd. 3692).

Development.

11. The Director of Development, Mr. L. French, C.I.E., C.B.E., formerly Chief Secretary, Punjab Government, took up his duties in August. The following is the text of a despatch dated the 26th June, 1931, from the Secretary of State for the Colonies, in regard to the Development Scheme:--

"SIR,

"As you are aware, I have recently had under consideration the initial steps to be taken to give effect to the policy of His Majesty's Government in regard to agricultural development and land settlement in Palestine.

"2. The need of a more methodical agricultural development was made apparent by Sir John Hope Simpson's Report on Immigration, Land Settlement, and Development in Palestine (Cmd. 3686). The Statement of Policy (Cmd. 3692) issued simultaneously with that Report, gave (in paragraphs 21 to 25) a brief outline of the policy to be adopted by His Majesty's Government in this matter, and the policy was further explained in paragraphs 9 to 13 of the Prime Minister's letter to Dr. Weizmann, dated 13th February, 1931. It is the intention that the funds required for this purpose should be found by means of a loan which Parliament will be asked to authorize His Majesty's Government to guarantee.

"3. I have already been in correspondence with you in regard to the initial steps to be taken for carrying out the policy of His Majesty's Government in regard to

agricultural development and land settlement. As a result of this correspondence, the outline of a scheme was drawn up, in consultation with yourself, which was communicated to the representatives both of the Jewish Agency and the Arab Executive for such comments as they might desire to offer.

"4. I have since had the opportunity of discussing the question orally with you during your recent visit to England. After full consideration of your views, and of the comments received from the quarters mentioned above, I have approved the revised proposals set out in the following paragraphs.

"5. (i) His Majesty's Government will take steps for the appointment at an early date of a Director of Development and a nucleus of staff. The Director will be subordinate to the High Commissioner but will be independent of existing Government Departments in Palestine, though in carrying out the work of development he will be in liaison with them.

"(ii) The Jewish Agency and the Arab Executive will be invited to nominate one member each to assist the Director in an advisory capacity.

"(iii) The Director of Development will proceed to carry out the following preliminary work.

"(a) He will prepare a register of such Arabs as can be shown to have been displaced from the land which they occupied in consequence of the lands falling into Jewish hands, and who have not obtained other holdings on which they can establish themselves or other equally satisfactory occupation. The Director in preparing the register will have the assistance of a legal assessor, whose duty it will be to scrutinize claims and advise the Director as to the sufficiency of evidence in each case before the claims are admitted.

"(b) After the preliminary work of registration, the Director will draw up a scheme of resettlement of registered displaced Arab families with as close an estimate as possible of the cost. When the scheme has been approved by the High Commissioner the resettlement will be carried out as quickly as possible.

"(c) Further, the Director will investigate the

methods to be adopted to give effect, within the limits of the funds available, to the intention of His Majesty's Government as to the policy of Land Settlement as outlined in paragraphs 10 and 11 of the Prime Minister's letter to Dr. Weizmann in the following terms:-

"In framing a policy of Land Settlement, it is essential that His Majesty's Government should take into consideration every circumstance that is relevant to the main purposes of the Mandate.

"The area of cultivable land, the possibilities of irrigation, the absorptive capacity of the country in relation to immigration are all elements pertinent to the issue to be elucidated, and the neglect of any one of them would be prejudicial to the formulation of a just and stable policy.

"It is the intention of His Majesty's Government to institute an enquiry as soon as possible to ascertain, *inter alia*, what State and other lands are, or properly can be made, available for close settlement by Jews under reference to the obligation imposed upon the Mandatory by Article 6 of the Mandate. This enquiry will be comprehensive in its scope, and will include the whole land resources of Palestine. In the conduct of the enquiry provision will be made for all interests, whether Jewish or Arab, making such representations as it may be desired to put forward.

"The question of the congestion amongst the fellahin in the hill districts of Palestine is receiving the careful consideration of His Majesty's Government. It is contemplated that measures will be devised for the improvement and intensive development of the land, and for bringing into cultivation areas which hitherto may have

remained uncultivated, and thereby securing to the fellahin a better standard of living, without, save in exceptional cases, having recourse to transfer.

"(d) Such investigation will also include the following items:--

"(1) The feasibility and advisability of providing credits for Arab cultivators and Jewish settlers, and if so, the best method of achieving this purpose.

"(2) Proposals for draining, irrigating, and otherwise reclaiming land not at present cultivated or cultivated only to a limited extent.

"(e) It is the intention of His Majesty's Government to authorize the High Commissioner to incur expenditure not exceeding £P.50,000 in the foregoing investigation including all necessary surveys and experiments, such expenditure being met in the first instance from Palestine funds.

"(f) The Director will make in reference to each of the above enumerated matters in (c) and (d) estimates as close as the circumstances will allow of the cost of the works proposed, and give an intimation of their order of preference.

"(iv) The Director will submit his Report or such Interim Report as can be completed, not later than 31st December, 1931. The High Commissioner will take the Report into consideration and will, before submitting recommendations to His Majesty's Government, invite the observations of the Jewish Agency and the Arab Executive upon the practical proposals of the scheme, and will afford them an opportunity of making representations regarding such proposals as have not already received the concurrence of the Jewish and Arab Advisers.

"(v) The Report or Interim Report as above mentioned will be transmitted by the High Commissioner along with any representations of the Jewish Agency or the Arab Executive thereon to His Majesty's Government who will decide whether effect should be given to the Report and its recommendations, or to which of them and in what manner.

"(vi) The Bill for the guarantee of the development loan will not be settled until the Report or Interim Report as above mentioned of the Director of Development is received and considered along with the representations, if any, to be made as provided for.

"6. I am taking the necessary steps for the selection at an early date of an officer for the post of Director of Development and will address you further upon the subject as soon as I am in a position to do so.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Signed) PASSFIELD.

High Commissioner,
Lieutenant-Colonel
Sir J. R. Chancellor, G.C.M.G., G.C.V.O., D.S.O., etc.,
etc., etc."

Agriculture and Land.

12. For the first time in four years, Palestine was free from any serious plague of locusts. The farmers in the south, however, suffered from shortage of rains and there was a recrudescence of field mice in the north which caused considerable damage to standing crops.

13. It is interesting to record the spread of modern methods of agriculture among the Arab rural community; the increasing frequency of applications by fellahin to the Government Department for selected seeds and seedlings, for pedigree stock, and for advice generally in up-to-date husbandry is evidence that Arab conservatism in agriculture is being broken down by the realization of the benefits attending scientific farming.

14. In 1931, several further important measures were introduced for the benefit of agriculturists. First, the Protection of Cultivators Ordinance which ensures that no tenant of, or possessor of beneficiary rights over, land shall be dispossessed unless the High Commissioner is satisfied that he is adequately provided for on other land or in other occupation. Secondly, the Law of Mortgage Amendment Ordinance preserves the status of tenants in the case of the sale of land in foreclosure of mortgage: hitherto tenants' rights were deemed to be

extinguished by forced sale of the landlord's estate. Thirdly, the oppressive Ottoman Law as to imprisonment for debt, which weighed heavily upon the fellahin, was replaced by an Ordinance which requires proof of means to pay, before imprisonment is ordered, and reduces the maximum term of imprisonment from 91 to 21 days.

15. In Beersheba, where the fellahin were impoverished by the drought of 1930, a sum of £P14,000 was made available for short-term loans to enable them to buy seed for the summer sowing. Further substantial remissions of commuted tithe in respect both of 1930 arrears and 1931 dues were granted, owing to the continued fall in the price of agricultural products, and as compensation for losses from the ravages of field mice. The total revenue thus relinquished by the Government in 1930 and 1931 was nearly £P300,000.

16. In the north, district authorities were empowered to postpone collections of arrears of tithe and werko and of instalments of agricultural loans, in any case of genuine inability to pay. This relief was of special application to the Jewish settlements.

17. An official Committee was appointed in December to consider the replacement of the present commuted tithe and werko by a single land tax.

18. Arrangements are also being made through a Commission of Government officers to classify comprehensively outstanding arrears of tithe, werko, and agricultural loans, with a view to consideration of the possibility and desirability of writing off arrears which are evidently irrecoverable or reducing indebtedness in cases of real hardship.

19. Progress in the fiscal survey has been maintained and lands in 95 villages, covering an area of 1,165,780 metric dunums, were divided into fiscal blocks and the land in each block was valued.

20. The Commutation of Tithes Ordinance, 1927, is in force throughout the country except for two Bedu areas in the extreme south of Beersheba, and two villages in the north of Palestine which were ceded by Syria and Trans-Jordan respectively in 1930. The annual redistribution of the commuted tithe was carried out during the year.

Commerce and Industry.

21. The stability of the economic structure which has been built up in Palestine in the short space of ten years is shown by the steadiness with which the country resists the universal depression. The falling off in invisible exports, remittances and investments by foreign charitable organizations, Jewish and non-Jewish, and by Zionist enterprises, is naturally reflected in a diminution of purchasing power which again shows itself in a decline in receipts from Customs. On the other hand, real progress is to be recorded in the principal industries, citrus, cement, and oils; activity in building is being displayed on an unwonted scale in Jerusalem and Tel-Aviv; the business of the Post Office on the whole increases uninterruptedly and showed a profit in 1931 of nearly £P62,000; the harbour at Haifa is now so far advanced that large steamers find shelter within the main breakwater; construction of the pipe line from Mosul to Haifa is imminent, the first shipload of materials being expected in the spring of 1932; and the survey of the Haifa-Baghdad Railway is complete.

The new Government House, on an eminence to the south-east of Jerusalem, was occupied in March.

22. The Imperial Airways, which already maintain an aerodrome at Gaza, instituted during the year a junction at Lake Tiberias-Samakh on the air route to India. Passengers are brought by sea-plane from Athens to the lake, and continue their journey from the Samakh landing ground.

23. The Palestine currency, based on sterling, has been subject on foreign exchanges to the fluctuations of the pound; but there has been no untoward sign of inflation of prices locally.

24. The motor transport industry has been a source of concern during the year. Owners and drivers complained that the industry was called upon to bear an undue burden of taxation, in the form of import duty on petrol, motor cars, spare parts, tyres, and tubes, and in the form of licence fees. To call attention to their grievances, a peaceful one-day strike was declared by the Union of Owners and Drivers on the 6th-7th August. Their principal grievance related to the licence fee on motor cars, representing a periodical commitment of a substantial amount, which could only be met with the greatest difficulty from the daily earnings of drivers, as these barely sufficed to cover day-to-day expenses for petrol, oils, accessories, and repairs. Indiscriminate competition by unorganized drivers tended to depress

fares to an uneconomic level.

25. The Government therefore introduced an appreciably lower scale of licence fees, as an immediate measure of relief, with effect from the 1st July, and appointed a Board to enquire into the situation of the motor transport industry and to devise means towards its efficient organization with a view to giving proper and economical service to the public whilst assuring a reasonable livelihood to those occupied in the industry.

26. For financial reasons the Government found itself unable to accept the recommendations of the Board that licence fees should be waived with effect from the 1st July. The Union of Owners and Drivers, in consequence of this refusal, declared a second strike, which began at midnight on the 2nd-3rd November and lasted until noon on the 11th November. No incidents occurred, and the behaviour of the strikers was good.

27. As a result of proposals formulated by the Government of Palestine on the basis of the Board of Enquiry's other recommendations, the following changes in taxation were brought into force in the interests of the motor transport industry.

	Scale of Licence Fees on 1.1.31		Scale of Licence Fees on 1.7.31	Scale of Licence Fees on 1.1.32
	Private.	Public.	Private and Public.	Private and Public.
Private or public vehicles: Having a seating capacity not exceeding seven persons including the driver. Over seven persons.....	£P8- £P12- According to horse power £P20 plus £P1 per seat over 12	£P12- £P18 According to horse power £P20 plus £P1 per seat over 12 £P20 £P30 £P50	£P4 £P4 plus £P1 per seat over 7 £P9 £P18 £P36 £P2 £P2	£P2 £P4 plus 500 mils per seat over 7 £P6 £P12 £P24 £P1 £P2
Commercial vehicles: Where the carrying capacity does not exceed 1,000 kilograms. Where the carrying capacity does	£P20 £P30 £P50 £P2	£P20 £P30 £P50 £P2 £P4	£P18 £P36 £P2 £P2	£P12 £P24 £P1 £P2

not exceed 1,500 kilograms.	£P4			
Where the carrying capacity exceeds 1,500 kilograms.				
Motor-cycles				
.....				
Motor-cycle combinations				
.....				

28. The import duty on motor cars was increased from 15 to 25 per cent. *ad valorem* with a view to limiting the introduction of new vehicles and so tempering competition. At the same time the import duty on tyres and tubes was reduced from 60 mils to 50 mils a kilogram.

To make good the loss in revenue from these reductions the excise duty on tobacco was increased from 250 mils to 350 mils a kilogram.

29. At the end of the year steps were being taken to set up the permanent Central and District Advisory Boards, composed of official and non-official members, which will advise Government on questions affecting the motor transport industry.

30. Reports on the working of the Jordan Hydro-Electric, Jerusalem Electricity and Dead Sea Concessions will be found in Section XXVI (Public Works, Geology, and Mining-paragraphs 27-29 and 38-39) of this Report. Negotiations with the Power Securities Corporation which has taken over the Mavrommatis (Turkish) Concession for the supply of water to Jerusalem are still proceeding; and in the meantime it was found necessary to expend £P8,600 on supplementing the existing sources by an installation at Ain Fawwar, a syphonic spring north-east of Jerusalem.

31. The Tiberias Hot Springs Company failed to raise the required capital of their undertaking by October, 1931, and the agreement for the grant of a Concession (see Annual Report for 1930,* page 230) accordingly lapsed. It is proposed to grant the company a contract for the management of the Baths for five years, on the condition that it spends £P1,500 on their repair and pays the Municipality an annual revenue of £P2,250; the company will be allowed at any time during that period to take up, if it so wishes, the larger scheme on the terms expressed in the original agreement.

* Colonial No. 59.

32. The revenue in 1931 amounted to £P2,333,895 and the expenditure to £P2,374,866, leaving a surplus balance of £P585,139 at the 31st December. The receipts from Customs totalled £P921,945.

Financial Commission.

33. In the early part of the year a Financial Commission visited Palestine for the purpose of examining and reporting on the revenue, expenditure, and general organization of the Palestine Administration.

34. The Commission consisted of Sir Samuel O'Donnell, K.C.S.I., K.C.I.E., formerly Secretary to the Government of India, Home Department, and Mr. H. Brittain, a Principal on the staff of His Majesty's Treasury. The Report of the Commission was printed in July as a confidential document. On the basis of its recommendations, many officers, British and Palestinian, have been retrenched, a number of Departmental services have been circumscribed or abolished, and the programme of maintenance and extraordinary works over a period of years has been curtailed.

Jewish Affairs.

35. The Zionist Congress was held at Basle in June. Mr. Nahum Sokolow was elected President of the Jewish Agency, and a new executive of the Jewish Agency was appointed, consisting of five Zionists and four non-Zionists but, on the principle of parity, the five Zionists exercise only four votes. The Zionist element is a coalition of two members of the Labour Party, two of the Central or General Party, and one Mizrahi (Orthodox). The Jerusalem Executive, drawn from the general Executive, consists of three Zionists and three non-Zionists.

36. The Jewish community in Palestine, in the face of world-wide depression and the interruption in the flow of new Jewish capital and contributions, was for the most part preoccupied with its own economic affairs, which were conserved with a success that speaks highly for the degree of independence of external support already attained by the community.

37. The Central Agudath Israel has applied for the separate recognition of its congregation under the Religious Communities Organisation Ordinance, 1926, with power to tax its members and compulsory powers over them in matters of personal status. The Government has not

been able to grant this application, and is satisfied that there is nothing in the Jewish Community Regulations (see Section III of the Report for 1927*) which infringes the rights or liberties of the members of the Central Agudath Israel or prevents them from carrying out their communal services in their own way subject to the requirements of good order.

*Colonial No. 31.

Moslem Congress.

38. Any apprehensions which might have been entertained that the holding of a Moslem Congress in Jerusalem would lead to disorders proved to be unfounded.

The Congress took place from the 6th to the 16th December under the chairmanship of Haj Amin eff. el Husseini, President, Supreme Moslem Council, and it was attended by 145 delegates, including visitors from Trans-Jordan, Egypt, Syria, Iraq, North Africa, and India.

39. The original purpose of the Congress was to promote the establishment of a Moslem University in Jerusalem to attract Moslem students from abroad and so assure the place of Jerusalem as a principal centre of Moslem religious and intellectual development.

In fact, the discussions ranged over the following subjects:--the Moslem Holy Places and the Buraq (or Wailing Wall) in particular; the restoration of the Hejaz Railway to the Moslems; and the preparation of an Organic Law for the Moslem Congress, as a permanent body.

It was resolved that a Congress should be held every two years in a different Moslem centre, but that it might be convened at any time in case of need.

Religious Matters.

40. In 1931 it became necessary to appoint an Armenian Patriarch, following the death of His Beatitude Elisée Turian in 1930.

The electoral rules which were in force under the Turkish regime were found to be inapplicable in certain instances.

A General Assembly of the Armenian Congregation was therefore convened and the rules were duly amended so far as to permit of the election taking place, further revision being left to the new Patriarch if he thought

fit. The amended rules were approved by the Palestine Government. The election was held in June, resulting in the choice of the Most Reverend Thorgom Kouchagian, Lord Archbishop of the Armenian Community in Egypt. The election was confirmed by His Majesty, and the Royal Commission of Appointment was formally presented to His Beatitude by the High Commissioner on the 1st September, 1931. On the same day His Beatitude was enthroned in the Church of the Holy Sepulchre.

41. His Beatitude Damianos, Orthodox Patriarch of Jerusalem, died on the 14th August, after a tenure of office that had lasted, with a brief interruption, for 34 years. Keladion, Metropolitan of Ptolemais, was elected locum tenens. The Executive Committee of the First Arab Orthodox Congress, representing the Lay Community, at once demanded of the Government that the recommendations in the Bertram-Young Report (Oxford University Press, 1926) for the amendment of the Constitution of the Patriarchate should be put into force before the election of a new Patriarch. No amendments to the law governing the election of a Patriarch were, however, proposed by the Patriarchate, and the Government did not deem it advisable to intervene during the interregnum. The locum tenens issued the notice required by law, inviting the lay members of the Church to elect parish priests to represent them at the election. The laity refused to participate in the election unless their demands were satisfied, and the election proceedings were postponed, while the parties endeavoured to find a solution of their difficulties. The Patriarchal Synod, on the ground that it was unable to commit the future Patriarch, refused to give any assurances that the reforms sought by the laity would be introduced after the election; and the extreme elements of the Orthodox Arabs demanded the election of an Arab Patriarch, going so far as to propose the formation of a separate Orthodox Arab Church. A compromise was therefore impossible. The Confraternity of the Holy Sepulchre accordingly proceeded, without the co-operation of the representatives of the laity, to the first stage of the election, consisting of the nomination of persons deemed suitable to occupy the Patriarchal Throne. The law provides for the attendance of lay representatives at this stage but not for their participation in the proceedings. A list of candidates was submitted to the Government, in accordance with the law, in the form of a *procès verbal*, recording that the Synod had questioned the eligibility of three names on the list, on the grounds that they were not, as required, subject to the Patriarchal Throne of Jerusalem, and had concluded by a majority of sixteen to seven that these

candidates were ineligible.

42. The High Commissioner decided not to exercise the power vested in Government of excising any name from the list, and approved of the election being held. Before it could take place, however, the Executive of the Arab Orthodox Congress applied for an order from the High Court requiring the locum tenens to show cause why he should not be ordered to stay the election on the ground that it was not being carried out in accordance with the law. The matter was still pending at the end of the year.

43. The Report of the Wailing Wall Commission was presented in December, 1930, and published as a Colonial Office publication. Copies of that publication have been forwarded by His Majesty's Government to the Council of the League of Nations. The findings were brought into force in June by means of the Palestine (Western or Wailing Wall) Order in Council, 1931, of which the text is set out in Appendix I to this Report. The findings were received without enthusiasm by Moslems and Jews alike, but except for formally-recorded protests on the part of the Supreme Moslem Council and discussion at the Moslem Congress, there was no significant public comment, unfavourable or otherwise. No serious difficulty has been experienced in administering the regulations prescribed in the Order in Council.

*
Wailing
western
Wall

In accordance with the findings of the Commission, the Chief Rabbis of Jerusalem have appointed a representative to deal with matters appertaining to the Wall.

A police post is established at the Wall under the charge of a British officer with British and Palestinian constables.

Press Bureau.

44. In March, 1931, Mr. R. A. Furness, C.B.E., was temporarily appointed to reconstitute the Press Bureau of the Government. As a result of his recommendations, a self-contained Press Bureau has been established, as an organ of the Secretariat, under the direction of a Junior Assistant Secretary.

The principal objects of this reorganization are to secure a close contact between the Government and the Press, to co-ordinate the administration of the Press Law by District Commissioners, to ensure a stricter and more punctual scrutiny of newspapers, and to furnish editors with information and guidance. So far as has been

"16"

observed in the short period during which the Press Bureau has been operating, the tone and standard of accuracy of the newspapers show some improvement, and editors use and appreciate the facilities which have been placed at their disposal for obtaining authentic information.

A new Ordinance is under consideration, designed to replace the Ottoman Press Law.

Miscellaneous.

45. A Labour Legislation Committee has been set up with an official chairman, and with official and non-official members, to enquire into existing labour legislation in Palestine and to make recommendations for its amendment, if necessary. In accordance with the suggestion of the Permanent Mandates Commission, the Committee will consider in particular the question of the application to Palestine of International Labour Conventions.

46. Reference to the Wadi Hawareth lands case appears on page 88, last paragraph, of the Minutes of the Twentieth Session of the Permanent Mandates Commission. It has not yet been possible to resettle the displaced Arabs of the northern section of that tribe on land elsewhere, but every effort is being made to effect a satisfactory solution of this problem. Meanwhile, the Jewish Agency has co-operated with Government in a temporary solution of the difficulty by arranging a 22 months' lease for the Arabs of an area of 3,200 dunums belonging to the Jewish National Fund in the Wadi Hawareth. The Government is the lessee of this area, and will sublet it to the Arabs.

47. The second Census of Palestine was held on the 18th November, and the total population was provisionally declared on the following day to be 1,035,154. The distribution by religions was, 759,952 Moslems, 175,006 Jews, 90,607 Christians, and 9,589 others. Further information regarding the census is given in Section XXII of this Report.

48. The Urban Property Tax was applied to the towns of Safad, Nazareth, Beersheba, Jenin, Ramallah, Bethlehem, Bait Jala, and Hebron. It has been applied also to Haifa and Acre, where it will come into force on the 1st April, 1932.

I.--JEWISH NATIONAL HOME.

1. The measures which have been taken since 1920 to place

Palestine under such political, administrative, and economic conditions as will secure the establishment of a Jewish National Home were fully described, and the policy which the Mandatory and the Palestine Government follow in this respect was defined in Section I of the Report for 1930.*

**Colonial No. 59.*

2. Details of the measures taken in 1931 will be found in the Sections of the present Report dealing with the activities of the several Departments of the Palestine Government. The following facts may be mentioned here.
3. Four thousand and seventy-five Jewish immigrants were admitted to Palestine, of whom 850 were working men and women authorized under Labour Schedules. A special relaxation of the conditions governing the registration of persons of independent means was granted to facilitate the registration as permanent settlers of the many Jews who were in the country without permission. More than 3,000 Jews, who were responsible for 5,000 dependants besides themselves, took advantage of this concession.
4. The census taken in 1931 shows that the Jewish population of Palestine has increased from 65,570 to 175,006 or by nearly 170 per cent., an unexampled advance in the course of eleven years in a country of new settlement which in itself indicates striking progress in the establishment of the Jewish National Home.
5. The Customs exemptions of particular interest and advantage to Jewish industry included the following:-- fibres of sisal, jute, hemp and manila for textile manufacture, soda ash for soap boiling, cut paper for manufacture of envelopes, ground-nuts for oil-crushing, galvanized or coppered wire for netting, anhydrous ammonia, and sugar to be used in the manufacture of fruit juices for export. The import duty on carbonic acid and that on burnt gypsum were rendered protective on the application of Jewish firms.
6. The Government is assisting in many ways the Levant Fair to be held in the spring of 1932 at Tel-Aviv; Departmental exhibits are being arranged and various facilities have been extended to the Jewish promoters of the Fair, and to exhibitors, in matters of Customs and immigration formalities and railway fares.
7. Jewish labour is particularly interested in the review of labour legislation which is being undertaken at

present by a Government committee.

8. Government again purchased a large number of plants for afforestation from the Girls' Farms of the General Federation of Jewish Labour.

9. The determination of the Jewish share of employment on public works, taking into account the Jewish contribution to revenue, is being discussed between the Executive of the Jewish Agency and the Government Treasury, with a view to devising an applicable formula. For this purpose all relevant financial statistics have been supplied by the Treasury to the Executive.

10. At the Haifa Harbour Works over a hundred additional Jews were engaged; the comparative figures at the 31st December for 1930 and 1931 were 183 and 340, respectively.

11. Work on the construction of the Haifa-Acre and Jaffa-Haifa roads was assigned in part to Jews at rates higher than those which were paid to Arabs for the same labour; and most of the work at the Kadoorie Agricultural School at Mt. Tabor is in Jewish hands. Representatives of the Executive of the Jewish Agency and of the General Federation of Jewish Labour were recognized by Government for the special purpose of recruitment of Jewish labour as required by Departments.

The principal employer among the local authorities of Palestine, in so far as concerns areas with mixed Arab and Jewish populations, is Jerusalem. The permanent staff of the Public Works branch of this Municipality consists of 194 persons, of whom 63 are Jews. The amount of work done during 1931 in terms of men-days, was 10,067, of which 2,935, or approximately 32 per cent., were allotted to Jews.

12. The figures for Jaffa at the 31st December, 1931, were, as regards recurrent municipal works, 35 Arabs and 6 Jews, and as regards extraordinary works, 35 Arabs and 8 Jews. The bulk of Jewish municipal labour in the Jaffa District is, of course, engaged in Tel-Aviv.

13. A Treasury officer is advising the General Council (Vaad Leumi) of the Jewish Community in revising its financial system and preparing its budget for the coming year.

14. The Jewish township of Tel-Aviv was assisted by Government in raising temporary bank accommodation in

connexion with the relief of local unemployment; and the Government Treasury is assisting the Local Councils of Rishon-le-Zion and Petah-Tiqva in reducing their long-outstanding debts.

15. The Government Geological Adviser has advised Jewish settlements with regard to water-supplies; and the Government drilling plant is placed at the disposal of the settlements for testing the possibilities of underground water.

16. Government road rollers are lent, at nominal charges, for internal road construction in Jewish as well as Arab villages.

17. There is now a complete network of roads and telephone routes connecting the Jewish settlements with the principal centres of administration for defensive purposes; Verrey lights are provided in some cases as an additional form of signalling; sealed armouries with shot-guns have been installed and selected colonists instructed in their use; and British police are stationed in every important colony and in the strategic centre of each group of smaller settlements.

II.--AUTONOMOUS ADMINISTRATION.

1. The Local Government Bill (vide paragraph 4 on page 30 of the Report for 1930) is still under consideration.

2. Elections to the Municipal Council of Safad took place in January, 1931: four Moslems and three Jews were elected. By-elections were held at Acre, Haifa, and Jaffa to fill the places of Arab Councillors who died or resigned.

3. Orders were made by the High Commissioner under the Determination of Areas of Municipalities Ordinance, 1925, fixing the limits of Hebron, Ramallah, Bethlehem, Bait Jala, Beersheba, and Jerusalem. By-laws were approved by Government dealing with road transport, control of noises, begging, and sale of intoxicating liquors in Acre, Nablus, Haifa, Tiberias, Lydda, Ramleh, Tel-Aviv, and Jaffa.

4. Outline Schemes for the urban section of the Town Planning Area of Jaffa and for the Haifa Town Planning Area were prepared and provisionally approved by the Central Town Planning Commission. Schemes for the new and old cities of Tiberias were also approved.

In Jerusalem three schemes for major suburbs and a number of small schemes were approved. These schemes involve the detailed planning of areas covered by the Outline Scheme for the city.

Several small schemes for the Tel-Aviv section of the Jaffa Town Planning Area were also approved.

The Central Commission were also concerned with the preparation of a detailed scheme for the area at Haifa which will be reclaimed when the new harbour is complete and for the important commercial area adjacent to the coast.

5. The Local Council at Tireh in the Northern District was abolished on grounds of inefficiency.

6. The electoral rules of the Jewish villages of Rehovot and Ramat Gan were amended, and the Arab village of Tarshiha was granted further powers of taxation.

7. The Government sanctioned a number of by-laws for Jewish Local Councils in respect of road transport and closing hours of shops.

III.--JEWISH AGENCY.

1. During the year under review, the Jewish Agency was consulted by the Palestine Government in regard to various matters, including immigration and the census. A nominee of the Agency was appointed to be a member of the Labour Legislation Committee, and a representative of the Agency appeared on several occasions before the Government Standing Committee for Commerce and Industry as adviser and spokesman of Jewish applicants for customs and other facilities.

2. As regards Immigration, the Agency advised the Palestine Government, on the basis of its survey of the existing economic conditions, that there was a reasonable prospect of absorbing 1,415 new Jewish workers, men and women, in the half-year beginning at the 1st April. A Labour Immigration Schedule of 500, including 200 women, was authorized by the Government on this application.

3. A second application for 1,720 workers was made by the Agency in respect of the half-year beginning at the 1st October, 1931, but the Government found itself unable to authorize a Labour Immigration Schedule of more than 350 as, after full consideration of the Agency's application and conferences with its representatives, the Government

came to the conclusion that the economic situation did not justify a larger schedule.

4. The Agency made representations to the Government for a reduction of the financial qualification of immigrants of independent means, and for exclusion of certain classes of adult dependants from the Labour Immigration Schedule.

5. It was instrumental also in preparing and submitting applications for registration as immigrants under the special Order mentioned in Section IV, paragraph 2, on behalf of Jews who were in the country without permission.

6. The Agency submitted representations, oral and written, to the Financial Commission (see Introductory Section, paragraph 33) on general questions of administration.

7. The Agency renewed its representations to Government for an increased grant-in-aid to Zionist Schools, and for a larger participation by the Government in the expenditure on Jewish Health Services. Financial stringency has not allowed the Government to meet these demands, but arrangements are being made to extend the hospital facilities provided by the Government in the Northern District, in view of the curtailment of the activities of the Hadassah (Jewish) Medical Organization in that District.

8. The Jewish Agency co-operated most helpfully with the Palestine Government in finding a temporary solution of the problem of the Wadi Hawareth Arabs, referred to in paragraph 46 of the Introductory Section of this Report. Among the other matters in which the Agency co-operated were the campaigns against field mice and cattle disease, and the recruitment of Jewish labour as required for Government Departments.

9. The Agency is directly interested, as a shareholder, in the public utility concessions for hydro-electricity and irrigation (Palestine Electric Corporation) and for extracting minerals from the Dead Sea (Palestine Potash).

10. Government officers attend the meetings of the Education Department of the Jewish Agency, which receives a block grant of £P20,000 from the Government towards the cost of maintaining the Jewish Public School System in Palestine.

11. During the year 5690 (1st October, 1930--30th September, 1931) the Jewish Agency, the Emergency Fund for Palestine, and the Hebrew University expended £P797,000 on social, cultural, and economic services. The income was derived from the following sources:--

	£P	
Keren Hayesod (through the Jewish Agency)	318,00	
.....	0	
Hadassah Medical Organization	151,00	
.....	0	
Women's International Zionist Organization	94,000	
.....	23,000	
The Palestine Emergency Fund	<u>166,00</u>	
.....	0	
The Hebrew University		
.....		
<i>Total</i>	<u>797,00</u>	
.....	0	

In addition, the Sick Fund of the General Federation of Jewish Labour expended £P52,500, towards which the Keren Hayesod granted £P3,000.

12. The Keren Hayesod Funds were assigned to the following purposes:--

	£P	
Agricultural Colonization (including the Experimental Station)	112,26	
.....	7	
.....	84,741	
Education	38,509	
.....	25,209	
.....	21,830	
Investments in Land and Buildings	5,828	
.....	2,545	
Immigration and Public Works	1,792	
.....	<u>25,323</u>	
National Communal Institutions		
.....		
Public Health and Sanitation		
.....		
Urban Colonization		
.....		
Religious and other "Mizrahi" Institutions		
.....		
Administration and Miscellaneous		
.....		
<i>Total</i>	<u>318,04</u>	
.....	<u>4</u>	

13. In the year 5691 (1931-1932) the Jewish National Fund acquired 9,978 dunums of rural land, which brings the

- area in its possession to 288,605 dunums. The Fund has completed the drainage works in Haifa Bay, and has installed water-supply and irrigation systems in several settlements. Afforestation of hills and swamps was continued. The Fund has, in all, afforested 6,000 dunums with 1,250,000 trees.
14. The Jewish Agency carried out irrigation works at a cost exceeding £P20,000, which will permit the cultivation of 4,200 dunums of grapefruits, vegetables, and forage in the plain of Esdraelon and in the Jordan Valley; and has constructed farm buildings in many colonies.
15. The Agency has now concluded contracts with its settlers for repayment of colonization advances. Generally, repayment is to begin five years after the completion of settlement, with interest, for the first ten years, at 2 per cent. on the outlay. The capital, with that interest, is to be paid off during the 40 years following. For colonies in the Maritime Plain, the period of repayment is 27 years and the interest 4 per cent., but the capital debt has been written down by 35-45 per cent.
16. The Women's International Zionist Organization has maintained its training farms and has opened a new farm in Ness-Zionah, near Jaffa, where 30 pupils are already at work.
17. Since its establishment, the Central Bank of Co-operative Institutions has advanced £P1,062,000 for agricultural and credit purposes, and £P125,000 as long-term loans for development of orange-groves and establishment of auxiliary farms.
18. Mortgage loans for construction of buildings and workers' suburbs in the villages are granted by the Palestine Mortgage and Credit Bank.
19. With the organization of the Jewish community, steps have been taken to transfer to local communities the responsibility for the hospitals hitherto maintained by the Hadassah Medical Organization at Tel-Aviv and Haifa, and for some 30 rural dispensaries.
20. The Hadassah Medical Organization continues to supply the greater part of the budget for these institutions; and the Government makes a grant in respect of the Tel-Aviv hospital.

21. There were 10,003 patients admitted to Hadassah hospitals during 1931 and 80,000 out-patients were treated in dispensaries; 28,000 school children were under the supervision of the Hadassah Department of Hygiene.

22. The Sick Fund of the Jewish Labour Federation has a membership of 37,000 (including dependants of members).

23. There are 22,533 children in the schools conducted by or affiliated with the Department of Education of the Agency. This figure exceeds two thirds of the number of all Jewish school children in Palestine. The expenditure on these schools in 1931-32 was £185,072, towards which the Agency contributed £75,720 and the Government £20,000, the balance being made up by tuition fees and grants of Jewish communities.

IV.--IMMIGRATION AND EMIGRATION.

1. Financial stress abroad adversely affected the collection of funds from Jewish sources for the settlement of immigrants in Palestine; opportunities for the employment of labour have consequently been less and the need to introduce additional workers has been small. On the other hand, the difficulty in finding satisfactory investments for capital in other countries has induced some small capitalists to look towards Palestine.

The general tendency of such persons has, however, been to leave their money behind, transferring it only when they are ready to turn it into land or, as in most cases, into buildings. Investment in orange plantations has slackened, and not many new merchants or shopkeepers of any consequence established themselves during 1931.

Immigration into Palestine has on the whole remained relatively constant during the past five years. 5,533 immigrants, of whom 4,075 were Jews, received permission to settle in Palestine in 1931. The average for the previous four years is 4,920 (3,771 Jews).

2. Steps were taken to regularize the position of a large number of persons in Palestine who, having originally entered as travellers, or without permission, had succeeded in establishing themselves on a reasonably sound economic basis in the country and were completely absorbed into its economic life. This action was considered to be desirable on general grounds, and also in view of the possibility that the persons concerned would otherwise be deterred from registering at the

Census by fear of prosecution for the offence of illegal presence in the country.

For this purpose an Order was made in the summer under the Immigration Ordinance, 1925, empowering the Chief Immigration Officer to register as immigrants of independent means persons possessing a capital of less than £P1,000. The Order applied only to persons already in the country on the date of its publication; and remained in force until the 31st December. The great majority of those who took advantage of it were Jews. Altogether 3,258 applications, affecting nearly 8,000 individuals, were made for registration and granted.

3. Of the 5,533 immigrants registered during the year, 269 with 338 dependants belonged to the class of capitalists with means, including long-term loans, amounting to £P1,000 per family and upwards. 1,896 with 620 dependants were members of the working class; 1,058 were near relatives and dependants of residents in Palestine; and 507 were men and women in religious occupations, elderly dependants of residents abroad, orphans, and students. Among these classes were the following Jews:--233 capitalists with 286 dependants; 1,603 working men and women with 569 dependants; 813 dependants on residents in Palestine; and 57 men and women in religious occupations, elderly dependants of residents abroad, orphans, and students.

Of the Jewish working men and women 850 were authorized under half-yearly Labour Immigration Schedules: 200 men and 300 women for the period from April to September and 150 men and 200 women for the period from October to March, 1932. The second Schedule was authorized to provide mainly for working-class relatives of residents in Palestine and Zionist refugees from Russia.

The Schedules are considered by Government after the details have been the subject of consultation between the Director, Department of Immigration, and representatives of the Executive of the Jewish Agency at Jerusalem.

4. The long-term loans which are in certain cases regarded as part of the capital of immigrants of independent means are those granted by responsible institutions such as the Zionist Organisation, the Jewish National Fund or the Palestine Jewish Colonisation Association.*

**Minutes of the Twentieth Session of the Permanent Mandates Commission, page 87.*

5. 54,764 travellers and 31,617 returning residents were recorded as having entered Palestine during the year, and 52,790 travellers as having left. Among the returning residents are many Palestinians who emigrated to America some years ago and are now compelled by industrial depression to return home.

As recorded, 5,533 immigrants (2,293 men, 2,323 women, and 917 children) were admitted, including 4,075 Jews (1,604 men, 1,863 women, and 608 children). Among these immigrants were 1,580 persons who were in Palestine illegally (Jews 939, Christians 502, Moslems 137, Druzes 2) but received permission to remain permanently in the country. 2,701 of the immigrants came from Europe east of a line drawn from Danzig to Trieste, 1,146 from North Africa and Western Asia including Iraq, Persia, and Afghanistan, 341 from Central Europe, 382 from the United States of America, and 546 (including 197 British Police) from the British Empire (apart from Aden, which is included in Western Asia).

401 prospective immigrants who failed to comply with the Immigration Regulations were refused admission.

6. 282 Palestinian citizens (138 Jews, 88 Christians, and 56 Moslems) and 1,064 aliens (528 Jews, 485 Christians, and 51 Moslems) were recorded as having left Palestine permanently. Of these emigrants, 895, including 443 Jews, had settled in Palestine since 1920; 182 were members of the British Section of the Palestine Police who left the country on termination of engagement.

The figure of emigration is the lowest yet recorded. The following table illustrates the downward trend in emigration so far as new countries of emigration are concerned. Emigrants to other countries are for the most part persons returning to their countries of origin or to Syria and Egypt.

Year.	Emigration.		
	U.S.A.	Latin America.	South Africa, Australia, New Zealand.
1929	724	985	205
1930	624	1,290	181
1931	272	205	34

The census of the population of Palestine taken in November disclosed an unrecorded emigration of not inconsiderable dimensions, consisting of residents who,

- on leaving Palestine, declared their intention of returning shortly. The number of these unrecorded emigrants during the six years ending the 31st December, 1931, exceeds 15,000.
7. Forms of application for all of the services performed by the Department of Immigration are available in practically every town in Palestine; naturalization certificates are delivered wherever there is a District Officer and replies to personal applications are, wherever practicable, sent by post. An applicant need therefore appear in person only once at any Immigration Office.
8. Arrangements have been completed for relieving Police Officers of the duties connected with the reception and transmission of applications, which they had hitherto carried out on behalf of the Department of Immigration at certain places; and the Passport Control work on the Northern Frontier is to be performed in future by Customs personnel.
9. The institution of a junction at Tiberias-Samakh by Imperial Airways on the air route to India has necessitated the establishment of a new Passport Control; and the increasing overland traffic with Egypt has made a similar control necessary at Beersheba.
10. Close settlement by the Jews on the land is one of the subjects covered by the instructions to the Director of Development, see Introductory Section, paragraph 11.

APPENDIX I.

Palestine (Western or Wailing Wall) Order in Council, 1931.

go to P.5

AT THE COURT AT BUCKINGHAM PALACE,
The 19th day of May, 1931.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by treaty capitulation grant usage sufferance and other lawful means His Majesty has power and jurisdiction within Palestine:

AND WHEREAS the Council of the League of Nations on the 14th day of January, 1930, passed a resolution in the following terms:--

" / "

"The Council

"Being anxious to place the mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 13 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;

"Wishing not to prejudge, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;

"Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement;

"Decides that,

"(1) A Commission shall be entrusted with this settlement;

"(2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;

"(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;

"(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

AND WHEREAS the said Commission was duly appointed and after having held an inquiry in Palestine submitted a report to His Majesty's Principal Secretary of State for Foreign Affairs:

AND WHEREAS the conclusions contained in the said Report are set out in Schedule I to this Order and the temporary instructions referred to in Part B, paragraphs 1 and 3 of the said conclusions are contained in Schedule II to this Order:

AND WHEREAS in order that His Majesty may be in a position to discharge the responsibilities in regard to the Western or Wailing Wall created by Article 13 of the Mandate for Palestine it is necessary that all persons in Palestine should be required to observe and abide by the provisions contained in Schedule I and in Schedule II to this Order (so far as the latter provisions are not amended by the provisions contained in Schedule I) and that the High Commissioner for Palestine should be vested with all powers necessary to give effect to the said provisions:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested is pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows:--

1. All persons in Palestine shall observe and abide by the provisions regarding the Western or Wailing Wall which are contained (a) in Schedule I and in Schedule II to this Order (so far as the latter provisions are not amended by the provisions contained in Schedule I) and (b) in any regulations made by the High Commissioner for Palestine under Article 2 of this Order.

2. The High Commissioner for Palestine with the approval of a Secretary of State shall have power to make such regulations as may be necessary to give effect to the provisions contained in Schedules I and II to this Order.
3. Any person who fails to comply with any of the provisions contained in Schedules I or II to this Order or acts contrary thereto or fails to comply with any regulations made by the High Commissioner for Palestine under Article 2 of this Order or acts contrary thereto shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or to fine not exceeding P.50 or to both such imprisonment and fine.
4. Notwithstanding anything in the Palestine (Holy Places) Order in Council 1924:--
 - (1) Offences under Article 3 of this Order shall not be triable by a Magistrate but shall be within the jurisdiction of a District Court.
Such offences shall be tried summarily in accordance with the procedure applicable in Magistrates' Courts and the provisions of the Trial upon Information Ordinances 1924-1929 shall not be applicable thereto.
 - (2) The Supreme Court sitting as a High Court of Justice shall have exclusive jurisdiction to make such mandatory orders or orders by way of injunction or otherwise as may be necessary to secure the observance of the provisions contained in Schedules I and II of this Order and in any regulations made under Article 2 provided that no such order shall be made except upon the application of the Attorney-General on behalf of the Government of Palestine.
5. His Majesty His Heirs and Successors in Council may at any time

revoke alter or amend this Order.

HP EXHIBIT 93

6. This Order shall come into operation on a day to be fixed by the High Commissioner by Proclamation in the Gazette.

7. This Order may be cited as "The Palestine (Western or Wailing Wall) Order in Council, 1931.

M. P. A. HANKEY.

SCHEDULE I.

A. To the Moslems belong the sole ownership of, and the sole proprietary right to, the Western Wall, seeing that it forms an integral part of the Haram-esh-Sherif area, which is a Waqf property.

To the Moslems there also belongs the ownership of the Pavement in front of the Wall and of the adjacent so-called Moghrabi (Moroccan) Quarter opposite the Wall, inasmuch as the last-mentioned property was made Waqf under Moslem Sharia Law, it being dedicated to charitable purposes.

Such appurtenances of worship and/or such other objects as the Jews may be entitled to place near the Wall either in conformity with the provisions of this present Verdict or by agreement come to between the Parties, shall under no circumstances be considered as, or have the effect of, establishing for them any sort of proprietary right to the Wall or to the adjacent Pavement.

On the other hand, the Moslems shall be under the obligation not to construct or build any edifice or to demolish or repair any building within the Waqf property (Haram area and Moghrabi Quarter) adjacent to the Wall, in such a manner that the said work would encroach on the Pavement

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1225

or impair the access of the Jews to the Wall or involve any disturbance to, or interference with, the Jews during the times of their devotional visits to the Wall, if it can in any way be avoided.

B. The Jews shall have free access to the Western Wall for the purpose of devotions at all times--subject to the explicit stipulations hereinafter to be mentioned, viz.:--

(1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to "appurtenances of worship" (See section 2, a, b, c) are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the table on which the Scroll is laid when being read from, but only on the following occasions, viz.:--

(a) At any special fast and assembly for public prayer that the Chief Rabbis of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;

(b) on New Year's Day and on the Day of Atonement, and also on any other special "holy days" that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

Save as provided in the articles of this Verdict it shall not be permissible to have any appurtenances of worship in the vicinity of the Wall.

(2) No objection or obstacle shall be raised to

the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.

(3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right, however, for Moslems to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.

(4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there--even though for a limited space of time.

(5) The Jews shall not be permitted to blow the ram's horn (Shofar) near the Wall nor cause any other disturbance to the Moslems that is avoidable; the Moslems on the other hand shall not be permitted to carry out the Zikr ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.

(6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to,

and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.

(7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.

(8) It shall be held to be a matter of common interest to Moslems and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it, and also that the Pavement in front of the Wall should be kept clean and be properly respected by Moslems and Jews alike; it is herewith declared to be the Moslems' right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.

(9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine.

(10) If any repairs to the Pavement that are necessary are not attended to by the Moslems in due time, the Palestine Administration shall take the necessary steps to have the work done.

(11) The Chief Rabbis of Jerusalem shall be required to nominate one or more officials to be their authorised representative or representatives

for receiving the instructions and other communications that will be issued from time to time by the Palestine Administration regarding the Western Wall, the Pavement in front of it and the formalities to be observed with regard to the Jewish devotions near the Wall.

SCHEDULE II.

2.--(a) The Jews may bring daily to the Pavement before the Wall a stand containing ritual lamps, and may place on the stand a zinc case with glass doors in which such lamps are lighted. They may bring also a portable wash-basin and a water container on a stand. None of the objects above mentioned shall be affixed to the Wall or to any wall of the adjoining Waqf buildings.

(b) From sunset on Friday evening to sunset on Saturday, and from sunset on the eve of any Jewish holy day recognised by the Government to sunset of that holy day the Jews may place at the Northern end of the Wall a stand containing prayer books, and at the Southern end of the Wall a table on which to stand a cabinet or ark containing Scrolls of the Law and another table on which the Scrolls are laid for reading. The tables and cabinet or ark and the stand shall be removed at the end of the Sabbath or holy day as the case may be.

(c) On the two holy days of the New Year Festival and on the Day of Atonement each Jewish worshipper may bring a prayer-mat which may be placed on the Pavement before the Wall but so as not to obstruct the right of passage along the Pavement.

3. No benches, chairs or stools shall be brought to or placed on the Pavement before the Wailing Wall. No screen or curtain shall be placed on the Wall or on the Pavement, for the purpose of separating men and women or for any other purpose.

4. Between the hours of 8 a.m. and 1 p.m. on Sabbath days and Jewish holy days recognised by the Government, and between the hours of 5 and 8 p.m. on the eve of such days, and throughout the eve and Day of Atonement, save between the hours of dawn and 7 a.m., no animal shall be driven along the Pavement before the Wall.

5. The wooden door giving access from the Pavement to the Zawieh at the Southern end of the Wall shall remain locked on the eve of the Sabbath and Jewish holy days recognised by the Government from 5 p.m. and throughout such days until after sunset.

APPENDIX II.

**Palestinian Citizenship (Amendment) Order,
1931.**

AT THE COURT AT BUCKINGHAM PALACE.

The 23rd day of July, 1931.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Lord President. Mr. Secretary Wedgwood Benn.
Earl of Athlone. Sir Maurice de Bunsen.

WHEREAS by the Palestinian Citizenship Order, 1925 (hereinafter referred to as the Principal Order), provision was made for the regulation of the grant and acquisition of Palestinian citizenship:

AND WHEREAS it is expedient to amend the Principal Order as hereinafter set forth:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:--

1.--(1) Turkish subjects who were habitually resident in the territory of Palestine upon the sixth day of August, 1924, but ceased to be so habitually resident before the first day of August, 1925, shall be deemed to have become Palestinian citizens, unless before the date of this Order they shall have voluntarily acquired another nationality.

(2) Nevertheless, the High Commissioner shall have power in the case of any person who becomes a Palestinian citizen by virtue of the preceding paragraph and shall make an application to this effect within four years of the date of this Order, to apply to any such person the provisions of paragraphs 2 and 3 of Article 1 of the Palestinian Citizenship Order, 1925, and to extend the period of option provided for therein.

2.--(1) Article 10 (1) of the Principal Order is hereby repealed and the following is substituted therefor:

"Where it appears to the High Commissioner that a certificate of naturalization granted by him has been obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate is granted has, since the grant, been for a period of not less than three years ordinarily resident out of Palestine and has not maintained substantial connection with Palestine, or has shown himself by act or speech to be disaffected, or disloyal to the Government of Palestine, the High Commissioner may, subject to the approval of one of His Majesty's Principal Secretaries of State, by order revoke the certificate, and the order of revocation shall have effect from such date as the High Commissioner may direct."

(2) Article 10 (2) of the Principal Order is hereby repealed, and the

following is substituted therefor:--"The High Commissioner may, for the like reasons, and subject to the like approval, annul a Certificate of Citizenship granted under the provisions of Articles 4 and 5 hereof, or a declaration of the acquisition or resumption of citizenship made under the provisions of Articles 12 (1) and 14 (2) of this Order."

3. Article 11 (1) (b) of the Principal Order is hereby repealed, and the following is substituted therefor:--"The High Commissioner shall not make any such Order as aforesaid in the case of a wife who was at birth, or who became, in virtue of Articles 1 and 6 of this Order, a Palestinian citizen, unless he is satisfied that if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under this Order."

4. His Majesty, His Heirs and Successors, in Council, may at any time revoke, alter, or amend this Order.

5. This Order shall be published and proclaimed in Palestine, and the date of such publication shall be deemed to be the date of the commencement of this Order.

6. This Order shall be known as the Palestinian Citizenship (Amendment) Order, 1931, and shall be read and construed as one with the Principal Order.

COLIN SMITH.



General Assembly
Security Council

Distr.
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5 August 1994

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GENERAL ASSEMBLY
Forty-ninth session
Item 38 of the provisional agenda*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-ninth year

Letter dated 5 August 1994 from the Permanent Representatives of
Israel, Jordan, the Russian Federation and the United States of
America to the United Nations addressed to the Secretary-General

We have the honour to enclose the text of the Washington Declaration, signed at Washington, D.C., on 25 July 1994, by the Governments of the Hashemite Kingdom of Jordan and of the State of Israel, and witnessed by the United States of America (see annex).

As the cosponsors of the peace process launched at Madrid in October 1991 and of the signatories to the document, we would be grateful if you would have the present letter and its annex circulated as an official document of the forty-ninth session of the General Assembly, under item 38 of the provisional agenda, and of the Security Council.

(Signed) Ambassador Gad YAACOBI
Permanent Representative of
Israel to the United Nations

(Signed) Ambassador Adnan S. ABU ODEH
Permanent Representative of Jordan
to the United Nations

(Signed) Ambassador Madeleine K. ALBRIGHT
Permanent Representative of
the United States to the
United Nations

(Signed) Ambassador Yuliy M. VORONTSOV
Permanent Representative of the
the Russian Federation to the
United Nations

* A/49/150.

ANNEX

Washington Declaration, signed at Washington, D.C., on 25 July 1994
by the Governments of Jordan and Israel and witnessed by the United
States of America

A. After generations of hostility, blood and tears and in the wake of years of pain and wars, His Majesty King Hussein and Prime Minister Yitzhak Rabin are determined to bring an end to bloodshed and sorrow. It is in this spirit that His Majesty King Hussein of the Hashemite Kingdom of Jordan and Prime Minister and Minister of Defence, Mr. Yitzhak Rabin of Israel, met at Washington, D.C., today at the invitation of President William J. Clinton of the United States of America. This initiative of President William J. Clinton constitutes an historic landmark in the United States' untiring efforts in promoting peace and stability in the Middle East. The personal involvement of the President has made it possible to realize agreement on the content of this historic declaration. The signing of this declaration bears testimony to the President's vision and devotion to the cause of peace.

B. In their meeting, His Majesty King Hussein and Prime Minister Yitzhak Rabin jointly reaffirmed the five underlying principles of their understanding on an agreed common agenda designed to reach the goal of a just, lasting and comprehensive peace between the Arab States and the Palestinians, with Israel.

1. Jordan and Israel aim at the achievement of just, lasting and comprehensive peace between Israel and its neighbours and at the conclusion of a treaty of peace between both countries.

2. The two countries will vigorously continue their negotiations to arrive at a state of peace, based on Security Council resolutions 242 (1967) and 338 (1973) in all their aspects, and founded on freedom, equality and justice.

3. Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines. In addition, the two sides have agreed to act together to promote interfaith relations among the three monotheistic religions.

4. The two countries recognize their right and obligation to live in peace with each other as well as with all States within secure and recognized boundaries. The two States affirmed their respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area.

5. The two countries desire to develop good neighbourly relations of cooperation between them to ensure lasting security and to avoid threats and the use of force between them.

C. The long conflict between the two States is now coming to an end. In this spirit, the state of belligerency between Jordan and Israel has been terminated.

/...

D. Following this declaration and in keeping with the agreed common agenda both countries will refrain from actions or activities by either side that may adversely affect the security of the other or may prejudice the final outcome of negotiations. Neither side will threaten the other by use of force, weapons or any other means against each other and both sides will thwart threats to security resulting from all kinds of terrorism.

E. His Majesty King Hussein and Prime Minister Yitzhak Rabin took note of the progress made in the bilateral negotiations within the Jordan-Israel track last week on the steps decided to implement the sub-agendas on borders, territorial matters, security, water, energy, environment and the Jordan Rift Valley.

In this framework, mindful of items of the agreed common agenda (borders and territorial matters) they noted that the boundary subcommission reached agreement in July 1994 in fulfilment of part of the role entrusted to it in the sub-agenda. They also noted that the subcommission for water, environment and energy agreed to recognize mutually, as a result of their negotiations, the rightful allocations of the two sides in Jordan River and Yarmouk River waters and to respect fully and comply with the negotiated rightful allocations, in accordance with agreed acceptable principles with mutually acceptable quality.

Similarly, His Majesty King Hussein and Prime Minister Yitzhak Rabin expressed their deep satisfaction and pride in the work of the trilateral commission in its meeting held in Jordan on Wednesday, 20 July 1994, hosted by the Jordanian Prime Minister, Dr. Abdessalam al-Majali, and attended by Secretary of State Warren Christopher and Foreign Minister Shimon Peres. They voiced their pleasure at the association and commitment of the United States in this endeavour.

F. His Majesty King Hussein and Prime Minister Yitzhak Rabin believe that steps must be taken both to overcome psychological barriers and to break with the legacy of war. By working with optimism towards the dividends of peace for all the people in the region, Jordan and Israel are determined to shoulder their responsibilities towards the human dimension of peacemaking. They recognize imbalances and disparities are a root cause of extremism which thrives on poverty and unemployment and the degradation of human dignity. In this spirit His Majesty King Hussein and Prime Minister Yitzhak Rabin have today approved a series of steps to symbolize the new era which is now at hand:

1. Direct telephone links will be opened between Jordan and Israel.
2. The electricity grids of Jordan and Israel will be linked as part of a regional concept.
3. Two new border crossings will be opened between Jordan and Israel - one at the southern tip of Aqaba-Eilat and the other at a mutually agreed point in the north.
4. In principle free access will be given to third country tourists travelling between Jordan and Israel.

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A/49/300
S/1994/939
English
Page 4

5. Negotiations will be accelerated on opening an international air corridor between both countries.

6. The police forces of Jordan and Israel will cooperate in combating crime, with emphasis on smuggling and particularly drug smuggling. The United States will be invited to participate in this joint endeavour.

7. Negotiations on economic matters will continue in order to prepare for future bilateral cooperation including the abolition of all economic boycotts.

All these steps are being implemented within the framework of regional infrastructural development plans and in conjunction with the Jordan-Israel bilaterals on boundaries, security, water and related issues and without prejudice to the final outcome of the negotiations on the items included in the agreed common agenda between Jordan and Israel.

G. His Majesty King Hussein and Prime Minister Yitzhak Rabin have agreed to meet periodically or whenever they feel necessary to review the progress of the negotiations and express their firm intention to shepherd and direct the process in its entirety.

H. In conclusion, His Majesty King Hussein and Prime Minister Yitzhak Rabin wish to express once again their profound thanks and appreciation to President William J. Clinton and his Administration for their untiring efforts in furthering the cause of peace, justice and prosperity for all the peoples of the region. They wish to thank the President personally for his warm welcome and hospitality. In recognition of their appreciation to the President, His Majesty King Hussein and Prime Minister Yitzhak Rabin have asked President William J. Clinton to sign this document as a witness and as a host to their meeting.

(Signed) His Majesty King HUSSEIN

(Signed) Prime Minister Yitzhak RABIN

(Signed) President William J. CLINTON

Remarks by President Clinton, King Hussein and Prime Minister Rabin at the Signing Ceremony of the Washington Declaration, 25 July 1994.

<http://mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook9/Pages/212%20Remarks%20by%20President%20Clinton-%20King%20Hussein%20and.aspx>

The signing of the Washington Declaration marked the end of the state of war between Israel and Jordan. This was the third major agreement signed between Israel and the Arabs (all of them at the White House). The first was the Israel-Egypt Peace Treaty (26 March 1979), the second the Israel-PLO Declaration of Principles (13 September 1993) and the third the Israel-Jordan Declaration. The new mood of optimism was noted in the speeches of the three leaders. Texts:

PRESIDENT CLINTON: Your Majesties, Prime Minister and Mrs. Rabin, distinguished guests: Today we gather to bear witness to history. As this century draws to a close a new era of peace opens before us in ancient lands, as brave men choose reconciliation over conflict. Today our faith is renewed.

As we write a new chapter in the march of hope over despair on these grounds and at this historic table, we remember the courage of Anwar Sadat and Menachem Begin, and the leadership of President Carter at Camp David fifteen years ago; the efforts of President Bush to bring Israel and her neighbors together in Madrid two years ago; and that shining September day last year when Prime Minister Rabin and Chairman Arafat declared that their two peoples would fight no more.

Today, in that same spirit, King Hussein and Prime Minister Rabin will sign the Washington Declaration. After generations of hostility, blood and tears, the leaders of the Hashemite Kingdom of Jordan and the State of Israel will solemnly declare, with the world as their witness, that they have ended the state of belligerency between them. From this day forward, they pledge to settle their differences by peaceful means.

Both countries will refrain from actions that may adversely affect the security of the other, and will thwart all those who would use terrorism to threaten either side.

The Washington Declaration is the product of much hard work. Less than a year ago Crown Prince Hassan of Jordan and Foreign Minister Peres of Israel met here publicly for the first time. Together, with the wise counsel and persistent energy of the Secretary of State Warren Christopher, Israel and Jordan have pursued peace. And we are all in their debt.

It takes but a minute or two to cross the River Jordan, but for as long as most of us can remember, the distance has seemed immense. The awful power of ancient arguments and the raw wounds of recent wars have left generations of Israelis, Jordanians and Palestinians unable to imagine, much less build, a life of peace and security. Today, King Hussein and Prime Minister Rabin give their people a new currency of hope and the chance to prosper in a region of peace.

Under the Washington Declaration, Jordan and Israel have agreed to continue vigorous negotiations to produce a treaty of peace based on Security Council Resolutions 242 and 338. King Hussein and Prime Minister Rabin will meet as often as necessary to shepherd and personally direct those negotiations. Their objective is a just, lasting and comprehensive peace between Israel and all its neighbors; a peace in which each acknowledges and respects the territorial integrity and political independence of all others, and their right to live in peace within secure and recognized boundaries.

In the meantime, Jordan and Israel have decided to take immediate steps to normalize relations and resolve disputes in areas of common concern. They have agreed to survey the international border based on the work of their boundary subcommission. They have resolved that negotiations on water resources should aim to establish the rightful allocation between the two sides of the waters of the Jordan and Yamiouk rivers. They have determined that their police forces will cooperate in combating crime, with a special emphasis on drug smuggling. They have set up as their joint purpose the abolition of all economic boycotts and the establishment of a bilateral economic cooperation.

And as of today, Jordan and Israel have agreed to take the first practical steps to draw their people together and to let the peoples of the world share in the wonders of their lands. They will establish direct telephone links; connect their two nations' electricity grids; open two border crossings between their nations, including one at Aqaba and Eilat, and another in the north; accelerate the negotiations aimed at opening an international air corridor

between the two countries; and give free access to third-country tourists travelling between their two nations. These are the building blocks of a modern peace in ancient holy lands.

Your Majesty, after our first meeting, you wrote me a heartfelt letter in which you referred to your revered grandfather, King Abdullah. You told me that his untimely assassination at the entrance to Jerusalem's Al-Aqsa Mosque had come at a time when he was intent on making peace with Israel. Had he completed his mission, you said to me, your region would have been spared four decades of war. Today, 43 years later, Abdullah's grandson has fulfilled his legacy.

And in the declaration you will sign, your role as guardian of Jerusalem's Muslim holy sites, Al-Aqsa among them, has been preserved. And Israel has agreed to accord a high priority to Jordan's historic role regarding these holy sites in final status negotiations.

Prime Minister, when you first visited me in the White House, you spoke eloquently of your soldier's life, defending and guiding your nation through four bloody decades of struggling to survive. You told me your people had had enough bloodshed, that it was time to make peace. Ten months ago, you stood on this same lawn and shook the hand of Yasser Arafat, the leader of the Palestinian people.

Today you stand together with King Hussein, descendant of the Prophet Mohammed, to declare that Jordan and Israel have ended their conflict. In holding out to your people the hope of a normal, secure life, you, Sir, have fulfilled the mission of your life and of all those who have fought by your side for so long.

Now as we go forward, we must guard against illusions. Dark forces of hatred and violence still stalk your lands. We must not let them succeed.

King Hussein, Prime Minister Rabin: As you and your people embark on this journey of peace, we know the road will not be easy. Just as we have supported you in coming this far, the United States will walk the final miles with you. We must all go on until we ensure that the peace you are seeking prevails in the Holy Land and extends to all Israel's Arab neighbors. Our common objective of a comprehensive peace must be achieved.

Now as we witness the signing of this declaration and applaud the bravery of these men, let us remember that peace is - much more than a pledge to abide by words on a page. It is a bold attempt to write a new history. Guided by the blessing of God, let us now go forward and give life to this declaration. For if we follow its course, we will truly achieve a peace of the generations. Thank you very much.

(The declaration is signed.)

KING HUSSEIN: President Clinton, Prime Minister Yitzhak Rabin, ladies and gentlemen: And so it is that on this day, at this house of the great American people, we have been able to take an historic step which we hope and pray will be to the benefit of our peoples within our entire region - Jordanians, Israelis, and others.

This is the moment of commitment and of a vision. Not all of what is possible is within the document we have just ratified, but a modest, determined beginning to bring to our region and our peoples the security from fear, which I must admit has prevailed over all the years of our lives; the uncertainty of every day as to know how it might end; the suspicion, the bitterness, the lack of human contact. We are on our way now, truly, towards what is normal in relations between our peoples and ourselves, and what is worthy.

We will meet as often as we are able to and is required, with pleasure, to shepherd this process on in the times ahead.

At this moment, I would like to share with you all the pride I have in my people, the people of Jordan - in their maturity, in their courage, and what I have been blessed with, their trust and confidence, and I believe the commitment of the overwhelming majority to the cause of peace.

The term used in international documents as have affected us so far is "the state of belligerency" and the "end of the state of belligerency." I think both in Arabic and in Hebrew, our people do not have such a term. What we have accomplished and what we are committed to is the end of the state of war between Jordan and Israel.

Thank-you so very much, indeed, Mr. President, for all your kindness. Thank you, Prime Minister. Thank you, all our dear friends. A warm thanks to the American people, our partners in the past, in the present and in the future. And bless you and bless our march for the future and towards the future of peace in our region.

PRIME MINISTER RABIN: The President of the United States, His Majesty King Hussein of the Kingdom of Jordan, friends, ladies and gentlemen: I start with the Hebrew word, shalom.

A million eyes all over the world are watching us now with great relief and great joy. Yet another nightmare of war may be over. At the same time a million eyes in the Middle East are looking at us now with great heartfelt hope that our children and grandchildren will know no more war.

Ladies and gentlemen, today we submit to our respective people a wonderful present. The declaration we have signed just now here in Washington is the closest thing to a treaty of peace. We have gone here a long way towards a full treaty of peace, and even though our work has not yet ended, it is my hope and belief that not long from today we shall return to signing a final and a permanent treaty of peace.

Mr. President, Your Majesty, it is dusk at our homes in the Middle East. Soon, darkness will prevail. But the citizens of Israel and Jordan will see a great light. We have today taken a major step on the road to peace. We and Jordan have chosen to speak to each other rather than to continue the state of war. From here, at a distance of thousands of miles from home, I would like to congratulate today the inhabitants of Israel and of Jordan, to remember the fallen in the wars on both sides, and to tell children on both sides of the border, we hope and pray that your life will be different than ours.

I believe that we are a small country with a big heart. We are aware of world agonies and suffering of human beings everywhere. At this hour, when we are celebrating here in Washington, Israeli defense soldiers and medical units are trying to save the lives of thousands, if not more, of people on the verge of death in Rwanda. But at the very same time, Israeli soldiers, a rescue team in Buenos Aires, at the invitation of the Argentinian government, are endeavoring to rescue the lives or find the bodies of those who were

attacked, killed and disappeared - bodies of their own brothers, as well as of the other human beings from buildings destroyed by vicious terrorists. This terrible crime was committed against Jews just because they were Jews.

The Israeli rescue soldiers in Rwanda, as well as those in Argentina, together with their comrades in arms defending us at home, are the same side of the same coin.

Mr. President, Your Majesty, there is much more in the Washington Declaration than what the parties were planning when they decided to prepare this declaration 10 days ago. It bears witness to our ability in Israel and Jordan to accelerate our efforts towards peace, to overcome obstacles, to achieve a breakthrough and to put an end to 46 years of hostility.

Mr. President, thank you - thank you for all you have done for us and for what you will do. We embark on a road which must still be completed. And I am appealing to the United States, the leader of peace efforts in the Middle East, to assist those countries, those peoples who demonstrate courage and who take risks - risks for peace -because it is a worthwhile goal.

The political achievements presented today to the public here in Washington are part of a whole agenda that must still be clarified in serious deliberation ahead of us - from the difficult subjects of boundaries and water, to trade and economic relations on which peace in our region will be based, and of course, security and diplomatic relations. Our duty, starting today, is to turn the articles written on the paper into a living reality.

This fine job could not have been completed without your leadership and determination in the Middle East peacemaking. You have already established your place in our history, an honorable place. And thank you.

Statement in the Knesset by Prime Minister Rabin on the Washington Declaration,
3 August 1994.

<http://mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook9/Pages/219%20Statement%20in%20the%20Knesset%20by%20Prime%20Minister%20Rab.aspx>

It is Israeli practice that the Government secures Knesset approval for major foreign-policy moves. Thus the prime minister presented the Washington Declaration to the Knesset, and explained the meaning of the agreement as well as its historic implications. He stated that the agreement heralded first and foremost the end of the state of belligerency; it was also a guideline for future negotiations and contained elements already agreed upon with the Jordanians in previous meetings in Washington, Ein-Evrona and the Dead Sea. He also explained the role that Jordan will play in Jerusalem. The Knesset approved the declaration by a vote of 91 in favor, 3 against and 2 abstentions. On that day King Hussein, flying from London back to Jordan, overflew Israeli airspace and circled over Tel Aviv and Jerusalem.
Text:

Mr. President,

Mr. Speaker,

Members of Knesset,

Before beginning my address, I want to join in the praise of the Knesset Speaker for the two missions carried out by the IDF, in the name of the State of Israel: the mission of sharing the fate of the Jewish community which was attacked in Argentina, through the excellent rescue unit established by the IDF; and the humanitarian mission to assist the Rwandan refugees in Zaire - with the field hospital, whose doctors, medical team and soldiers all volunteered for this mission. This is an exceptional expression of the unique character of the State of Israel, its sharing in the fate of each Jew and each Jewish community everywhere, and its performing this humanitarian mission for the sake of people, refugees, in the midst of distress and illness. There is nothing that better expresses the character and uniqueness of the State of Israel. Thank you - to all those involved in these missions, and to all those party to their creation.

We have come today to inform Members of Knesset, the citizens of the State of Israel and the entire Jewish people that the state of war between the State of Israel and the Hashemite Kingdom of Jordan has come to an end.

We have come today to tell Members of Knesset and the citizens of the State of Israel that, last week in Washington, we took a significant step toward peace.

Members of Knesset,

Today, the Government of Israel places on your table - with satisfaction and great pride - the Washington Declaration, signed in the capital of the United States on 17 Av 5754, 25 July 1994. The four pages of paper placed before the Knesset today are the essence of the dream of peace between Israel and Jordan which, we all believe and hope, will become a full-fledged peace treaty.,

Members of Knesset,

Over the decades, all prime ministers of Israel have stood on this podium. From this podium, all prime ministers of Israel have addressed leaders of Arab states and called upon them to end the state of war, and to bring peace to the peoples of the Middle East. These calls by prime ministers of Israel have been regularly - sometimes even tirelessly and monotonously - repeated; over the years, they became routine cliches to which nobody paid attention - because Cairo was silent, Amman did not respond, Damascus remained deaf. Our hand outstretched for peace was forced to pull the trigger, in a war to preserve our lives here.

The first prime minister to merit standing on this podium, and seeing his calls for peace blessed, was Menachem Begin. Together with the late president of Egypt, Anwar Sadat, he weaved the first threads of peace between Israel and the largest Arab state: Egypt. The belief that other Arab states would follow in the footsteps of Egypt was proved false, and the voice of Israel remained alone in the wilderness. We have remained isolated - two countries, one peace.

On the day that the current Government was presented to the Knesset, I again called on Arab states and the Palestinians to end the Arab-Israeli conflict and to inaugurate a

new page in the history of our peoples. To the Palestinians who have not known even one day of freedom or happiness in their lives we then offered autonomy, with its advantages and limitations. We called on the king of Jordan, and on the presidents of Syria and Lebanon, to come to this podium - and to talk peace.

The Palestinians accepted this call and we are now past the completed implementation of the "Gaza-Jericho First" agreement, and we are continuing negotiations with them. Following the Palestinians, King Hussein is now extending a hand for peace - and it would be accurate to conclude that the Washington Declaration would not have been achieved were it not for the accord with the Palestinians.

Members of Knesset,

The Jewish people and, later, the State of Israel have - for generations - had a very special and very complex link with the Hashemite family and the Kingdom of Jordan, which was born out of the problem of Eretz Israel. Love and animosity were combined within this connection ever since we sought an understanding with the Hashemite house, after World War 1, at the meeting between Weizmann and Emir Faisal.

Since then, much water has flowed through the Jordan River, and also much blood. Jordan participated in wars and hostile actions against us. The Jordanians have bequeathed us difficult physical and mental wounds: Jerusalem was divided and a wall was erected in the middle of the city; Jews were prevented from having access to or praying at the Wailing Wall, the last remnant of the Temple; Gush Etzion was laid waste; classes were halted at the university on Mount Scopus, to which we ascended in armored convoys; snipers fired through the windows of homes on the municipal border; infiltrators penetrated Israeli communities along the Jerusalem Corridor; they stole and they murdered. In Jerusalem, and in Amman as well, families wept over the deaths of their loved ones. Only during the Six-Day War did IDF soldiers put an end to Israel's agonies.

Members of Knesset,

It is an open secret that, alongside the hostile acts, we have maintained unique relations with the Hashemite family, for which King Abdullah - the patriarch - paid with his

life. Despite the risks, despite the difficulties, we have maintained these special ties - even during the most difficult hours for the State of Israel, and for Jordan. Very little has been disclosed about these ties, for which we owe a debt of thanks to the first weavers of the thread with the Hashemite house - even before the creation of the State - from Haim Arlozorov, Moshe Sharett, Ezra Danin, Aharon Haim Hacohen, Golda Meir, Reuven Shiloah and Moshe Dayan to Ya'acov Herzog, Eliyahu Sasson, Levi Eshkol and Yigal Allon. And many others who live with us today, and for whom we reserve great credit.

During the tenure of the previous government, headed by Yitzhak Shamir, the Madrid process was begun in October 1991. Since then, we have known two important milestones in our relations with Jordan:

One - the formal and public ratification of the agenda between Israel and Jordan in September 1993, and two - the public and first-of-its-kind meeting between Foreign Minister Shimon Peres, Prince Hassan and President Clinton, at the White House in October 1993. During this meeting, it was decided to create the tripartite economic committee between the three countries.

Over time, links were enhanced and joint discussions were held with King Hussein and members of his court and government, until we arrived at the occasion of the signing of the Washington Declaration - in public - in Washington last week.

Member of Knesset,

The Declaration, in its full format, has been placed before you. It contains no secret annexes; it has no additional passages. You see the entire document.

What is in the Washington Declaration?

On the one hand, the Washington Declaration contains new components which will form the foundation of a full peace treaty - when signed. On the other hand, it contains components from the documents that have been concluded with Jordan thus far, including the agenda signed in Washington. Additional elements are derived from the agreements which resulted from the bilateral negotiations conducted in Washington and at the Dead Sea Hotel in

Jordan on 20 July, including the joint declaration that was signed by the Jordanian prime minister, the Israeli foreign minister and the U.S. secretary of state.

The Washington Declaration's central theme is the termination of the state of belligerency. The termination of the state of belligerency is a stage in transition to the signing of a full peace treaty.

Mr. Speaker,

Members of Knesset,

I must add that the English expression which appears in the Washington Declaration is the "end of the state of belligerency."

Since the term "end of the state of war" appears in the peace treaty with Egypt and is clear to all, we proposed to the Jordanians that we use this phrase. But they preferred to cautiously adhere to the language of ending the "state of belligerency." In an oral message from King Hussein, we were told that, for Jordan's part, the meaning was identical and that it would also be given public expression. And indeed, the king - in his statements at the White House and before Congress - said explicitly, and I am quoting from his 25 July speech at the White House: "The term used in international documents as they affected us so far is the 'state of belligerency' and the end of the 'state of belligerency.' I think - both in Arabic and in Hebrew - our people do not have such a term. But what we have accomplished and what we are committed to is the end of the state of war between Jordan and Israel." Therefore, there is nothing equivocal here, but only the clearest possible message - the state of war between Israel and Jordan has ended.

I ask to direct your attention to the fact that the issue of a peace treaty finds clear expression in the document. Indeed, the Jordanians have always spoken about a comprehensive peace, but - in the Washington Declaration - it says explicitly that the objective is the signing of a peace treaty between Jordan and Israel.

Mr. Speaker,

Members of Knesset,

It is natural that the paragraph relating to the places in Jerusalem which are holy to Muslims has aroused great interest.

With your permission, I would like to turn the wheel back a bit, and quote from statements I made to you on the day that I presented the Government: "This Government, like all of its predecessors, believes there is no disagreement in this House concerning Jerusalem as the eternal capital of Israel. United Jerusalem has been, and will forever be, the capital of the Jewish People, under Israeli sovereignty, a focus of the dreams and longings of every Jew. The Government is firm in its resolve that Jerusalem will not be open to negotiation. The coming years will also be marked by the extension of construction in Greater Jerusalem. All Jews, religious and secular, have vowed: 'If I forget thee, O Jerusalem, may my right hand wither.' This vow unites us all."

Then, I also said: "The Government will safeguard freedom of worship for the followers of all religions and all communities in Jerusalem. It will rigorously maintain free access to the holy places for all sects and ensure the conduct of a normal and pleasant life for those who visit and reside in the city."

The Jerusalem paragraph in the Washington Declaration has, in our opinion, caused much ado about nothing. I suggest that this paragraph be read again. It says: "Israel," I emphasize, "Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines. In addition, the two sides have agreed to act together to promote interfaith relations among the three monotheistic faiths."

What can be learned from these statements?

The purpose of this paragraph is to frame an existing situation in which the Jordanians, even during the 27 years since the Six-Day War - under all governments of Israel - have indeed played a role in the running of the Islamic holy places in Jerusalem. The paragraph promises that, when negotiations are conducted for the permanent arrangement,

Israel will give - and it will be Israel that gives - a high preference to this role of the Jordanians,

Once again, I would like to emphasize that these statements contain nothing that suggests any concession relating to Jerusalem's affairs, or regarding Israel's status in the city or in the places holy to the Jews. When the time comes and all the holy places are discussed within the permanent solution - the comprehensive one, if you will - we will certainly consult with Jewish religious authorities, the Ministry of Religious Affairs and the Chief Rabbinate.

Mr. Speaker,

Members of Knesset,

Apart from the positive declarations and the commitments made vis-a-vis the continuation of negotiations on the various matters, until its culmination in a peace agreement, the Washington Declaration contains a number of agreements on how to implement practical steps for realizing the new situation.

Negotiations were held already yesterday in the Arava concerning telephone connections between us and Jordan. We are waiting for the moment when we will be able to dial directly from Tel Aviv to Amman, and vice versa. Border crossings will be opened from Jordan to Israel, and vice versa. Discussions on the issue are at their height; at this point, passage for tourists and those with foreign passports is in question. We believe and hope that the day is not far off when Israelis and Jordanians will pass through as if it had always been this way.

The Washington Declaration also addresses the following: - the connection of electricity grids;

- the establishment of an air corridor between Israel and Jordan; - police cooperation in the war on crime and drugs; and

- economic issues, including a commitment for the future cancellation of boycotts. This week, and over the next few weeks, we will continue negotiations regarding all of these

issues in addition to many others - including border security, water, environment, energy and various economic issues.

Members of Knesset,

Israel has experienced great days.

Even if there are many hardships, even if the effort is tremendous, even if we must live through moments of disappointment and hours of frustrations, we still have no doubt in our hearts - Arab nations are joining us on the path to peace. The path is indeed long, and our work is not nearly done.

In the Washington Declaration, King Hussein joined us as a full partner, with his people as his partners - and we have escorted his courageous steps and difficult, but wise, decisions with great hope.

And our most esteemed partners, from outside, the American people headed by U.S. President Bill Clinton and his administration, and members of both Houses of Congress - without whose devotion, perseverance and contribution, we might not have succeeded in arriving at the moment when we signed the Washington Declaration. From Jerusalem, we send our heartfelt thanks to the president, the American people and its elected officials.

Members of Knesset,

There are many more who live among us and who are deserving of thanks, and there are many more abroad to whom we also owe a debt of gratitude.

As we stop at this station, on the way to peace, it is our duty and our great honor to recall in our hearts the civilians of Israel and the fallen of the IDF from every period, from the events of 1947 up until the present - who are not witnesses to the great emotions which we feel these days, whose eyes cannot see the tears of happiness in our eyes. There are tears of pain in our eyes that they were not able to see the arrival of this day, en route to peace. Our hearts today are with the members of the families who want to join us in our happiness - but whose terrible pain prevents them from feeling it, from experiencing the pleasure, from

smiling. Today, we are with the wounded and disabled of the IDF, with the civilians who - for 46 years - have borne the pain and scars which were caused by the acts of aggression from Jordan.

Members of Knesset,

A great honor has fallen to us today - to witness and participate in these wonderful moments in the history of the State of Israel.

I will conclude with a passage from Chapter Five of First Kings, which expresses the wishes of us all: "And he had peace on all sides round about him." Let it be so.

On behalf of the Government, I ask that the Knesset endorse the Washington Declaration.

Thank you.

Treaty of Peace

Between

The State of Israel

and

The Hashemite Kingdom of Jordan

Preamble

The Government of the State of Israel and the Government of the Hashemite Kingdom of Jordan:

Bearing in mind the Washington Declaration, signed by them on 25th July, 1994, and which they are both committed to honour:

Aiming at the achievement of a just, lasting and comprehensive peace in the Middle East based on Security Council resolutions 242 and 338 in all their aspects:

Bearing in mind the importance of maintaining and strengthening peace based on freedom, equality, justice and respect for fundamental human rights, thereby overcoming psychological barriers and promoting human dignity:

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and recognising their right and obligation to live in peace with each other as well as with all states, within secure and recognised boundaries:

Desiring to develop friendly relations and co-operation between them in accordance with the principles of international law governing international relations in time of peace:

Desiring as well to ensure lasting security for both their States and in particular to avoid threats and the use of force between them:

Bearing in mind that in their Washington Declaration of 25th July, 1994, they declared the termination of the state of belligerency between them:

Deciding to establish peace between them in accordance with this Treaty of Peace:

Have agreed as follows:

Article 1 - Establishment of Peace

Peace is hereby established between the State of Israel and the Hashemite Kingdom of Jordan (the "Parties") effective from the exchange of the instruments of ratification of this Treaty:

Article 2 - General Principles

The Parties will apply between them the provisions of the Charter of the United Nations and the principles of international law governing relations among states in time of peace. In particular:

1. They recognise and will respect each other's sovereignty, territorial integrity and political independence;
2. They recognise and will respect each other's right to live in peace within secure and recognised boundaries;
3. They will develop good neighbourly relations of co-operation between them to ensure lasting security, will refrain from the threat or use of force against each other and will settle all disputes between them by peaceful means;
4. They respect and recognise the sovereignty, territorial integrity and political independence of every state in the region;
5. They respect and recognise the pivotal role of human development and dignity in regional and bilateral relationships;

6. They further believe that within their control, involuntary movements of persons in such a way as to adversely prejudice the security of either Party should not be permitted.

. Article 3 - International Boundary

1. The international boundary between Israel and Jordan is delimited with reference to the boundary definition under the Mandate as is shown in Annex I (a), on the mapping materials attached thereto and coordinates specified therein.
2. The boundary, as set out in Annex I (a), is the permanent, secure and recognised international boundary between Israel and Jordan, without prejudice to the status of any territories that came under Israeli military government control in 1967.
3. The Parties recognise the international boundary, as well as each other's territory, territorial waters and airspace, as inviolable, and will respect and comply with them.
4. The demarcation of the boundary will take place as set forth in Appendix (1) to Annex I and will be concluded not later than 9 months after the signing of the Treaty.
5. It is agreed that where the boundary follows a river, in the event of natural changes in the course of the flow of the river as described in Annex I (a), the boundary shall follow the new course of the flow. In the event of any other changes the boundary shall not be affected unless otherwise agreed.
6. Immediately upon the exchange of the instruments of ratification of this Treaty, each Party will deploy on its side of the international boundary as defined in Annex I (a).
7. The Parties shall, upon the signature of the Treaty, enter into negotiations to conclude, within 9 months, an agreement on the delimitation of their maritime boundary in the Gulf of Aqaba.
8. Taking into account the special circumstances of the Naharayim Baqura area, which is under Jordanian sovereignty, with Israeli private ownership rights, the Parties agree to apply the provisions set out in Annex I (b).

9. With respect to the Zolár Al-Ghamr area, the provisions set out in Annex I (c) will apply.

. Article 4 - Security

1. a. Both Parties, acknowledging that mutual understanding and co-operation in security-related matters will form a significant part of their relations and will further enhance the security of the region, take upon themselves to base their security relations on mutual trust, advancement of joint interests and co-operation, and to aim towards a regional framework of partnership in peace.
- b. Towards that goal, the Parties recognise the achievements of the European Community and European Union in the development of the Conference on Security and Co-operation in Europe (CSCE) and commit themselves to the creation, in the Middle East, of a Conference on Security and Co-operation in the Middle East (CSCEME).
- This commitment entails the adoption of regional models of security successfully implemented in the post World War era (along the lines of the Helsinki Process) culminating in a regional zone of security and stability.
2. The obligations referred to in this Article are without prejudice to the inherent right of self-defence in accordance with the United Nations Charter.
3. The Parties undertake, in accordance with the provisions of this Article, the following:
 - a. to refrain from the threat or use of force or weapons, conventional, non-conventional or of any other kind, against each other, or of other actions or activities that adversely affect the security of the other Party;
 - b. to refrain from organising, instigating, inciting, assisting or participating in acts or threats of belligerency, hostility, subversion or violence against the other Party;

- c. to take necessary and effective measures to ensure that acts or threats of belligerency, hostility, subversion or violence against the other Party do not originate from, and are not committed within, through or over their territory (hereinafter the term "territory" includes the airspace and territorial waters).
 4. Consistent with the era of peace and with the efforts to build regional security and to avoid and prevent aggression and violence, the Parties further agree to refrain from the following:
 - a. joining or in any way assisting, promoting or co-operating with any coalition, organisation or alliance with a military or security character with a third party, the objectives or activities of which include launching aggression or other acts of military hostility against the other Party, in contravention of the provisions of the present Treaty;
 - b. allowing the entry, stationing and operating on their territory, or through it, of military forces, personnel or material of a third party, in circumstances which may adversely prejudice the security of the other Party.
 5. Both Parties will take necessary and effective measures, and will co-operate in combating terrorism of all kinds. The Parties undertake:
 - a. to take necessary and effective measures to prevent acts of terrorism, subversion or violence from being carried out from their territory or through it and to take necessary and effective measures to combat such activities and all their perpetrators;
 - b. without prejudice to the basic rights of freedom of expression and association, to take necessary and effective measures to prevent the entry, presence and operation in their territory of any group or organisation, and their infrastructure, which threatens the security of the other Party by the use of or incitement to the use of violent means;
 - c. to co-operate in preventing and combating cross-boundary infiltrations.
 6. Any question as to the implementation of this Article will be dealt with through a mechanism of consultations which will include a liaison system, verification, supervision, and where necessary, other mechanisms, and
7. higher level consultations. The details of the mechanism of consultations will be contained in an agreement to be concluded by the Parties within 3 months of the exchange of the instruments of ratification of this Treaty.
 7. The Parties undertake to work as a matter of priority, and as soon as possible in the context of the Multilateral Working Group on Arms Control and Regional Security, and jointly, towards the following:
 - a. the creation in the Middle East of a region free from hostile alliances and coalitions;
 - b. the creation of a Middle East free from weapons of mass destruction, both conventional and non-conventional, in the context of a comprehensive, lasting and stable peace, characterised by the renunciation of the use of force, and by reconciliation and goodwill.
- Article 5 - Diplomatic and Other Bilateral Relations**
1. The Parties agree to establish full diplomatic and consular relations and to exchange resident ambassadors within one month of the exchange of the instruments of ratification of this Treaty.
 2. The Parties agree that the normal relationship between them will further include economic and cultural relations.
- Article 6 - Water**
1. With the view to achieving a comprehensive and lasting settlement of all the water problems between them:
 1. The Parties agree mutually to recognise the rightful allocations of both of them in Jordan River and Yarmouk River waters and Araba Arava ground water in accordance with the agreed acceptable principles, quantities and quality as set out in Annex II, which shall be fully respected and complied with.
 2. The Parties, recognising the necessity to find a practical, just and agreed solution to their water problems and with the view that the subject of water

can form the basis for the advancement of co-operation between them, jointly undertake to ensure that the management and development of their water resources do not, in any way, harm the water resources of the other Party.

3. The Parties recognise that their water resources are not sufficient to meet their needs. More water should be supplied for their use through various methods, including projects of regional and international co-operation.

4. In light of paragraph 3 of this Article, with the understanding that co-operation in water-related subjects would be to the benefit of both Parties, and will help alleviate their water shortages, and that water issues along their entire boundary must be dealt with in their totality, including the possibility of trans-boundary water transfers, the Parties agree to search for ways to alleviate water shortages and to co-operate in the following fields:

- a. development of existing and new water resources, increasing the water availability, including cooperation on a regional basis as appropriate, and minimising wastage of water resources through the chain of their uses;
- b. prevention of contamination of water resources;
- c. mutual assistance in the alleviation of water shortages;
- d. transfer of information and joint research and development in water-related subjects, and review of the potentials for enhancement of water resources development and use.

5. The implementation of both Parties' undertakings under this Article is detailed in Annex II.

Article 7 - Economic Relations

1. Viewing economic development and prosperity as pillars of peace, security and harmonious relations between states, peoples and individual human beings, the Parties, taking note of understandings reached between them, affirm their mutual desire to promote economic co-operation between them, as well as within the framework of wider regional economic co-operation.

2. In order to accomplish this goal, the Parties agree to the following:

a. to remove all discriminatory barriers to normal economic relations, to terminate economic boycotts directed at the other Party, and to co-operate in terminating boycotts against either Party by third parties;

b. recognising that the principle of free and unimpeded flow of goods and services should guide their relations, the Parties will enter into negotiations with a view to concluding agreements on economic co-operation, including trade and the establishment of a free trade area or areas, investment, banking, industrial co-operation and labour, for the purpose of promoting beneficial economic relations, based on principles to be agreed upon, as well as on human development considerations on a regional basis. These negotiations will be concluded no later than 6 months from the exchange of the instruments of ratification of this Treaty;

c. to co-operate bilaterally, as well as in multilateral forums, towards the promotion of their respective economies and of their neighbourly economic relations with other regional parties.

Article 8 - Refugees and Displaced Persons

1. Recognising the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems arising on a bilateral level.

2. Recognising that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following:

- a. in the case of displaced persons, in a quadripartite committee together with Egypt and the Palestinians;
- b. in the case of refugees,
 - i. in the framework of the Multilateral Working Group on Refugees.

ii. in negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territories referred to in Article 3 of this Treaty;

c. through the implementation of agreed United Nations programmes and other agreed international economic programmes concerning refugees and displaced persons, including assistance to their settlement.

Article 9 - Places of Historical and Religious Significance and Interfaith Relations

1. Each Party will provide freedom of access to places of religious and historical significance.

2. In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.

3. The Parties will act together to promote interfaith relations among the three monotheistic religions, with the aim of working towards religious understanding, moral commitment, freedom of religious worship, and tolerance and peace.

Article 10 - Cultural and Scientific Exchanges

The Parties, wishing to remove biases developed through periods of conflict, recognise the desirability of cultural and scientific exchanges in all fields, and agree to establish normal cultural relations between them. Thus, they shall, as soon as possible and not later than 9 months from the exchange of the instruments of ratification of this Treaty, conclude the negotiations on cultural and scientific agreements.

Article 11 - Mutual Understanding and Good Neighbourly Relations

1. The Parties will seek to foster mutual understanding and tolerance based on shared historic values, and accordingly undertake:

a. to abstain from hostile or discriminatory propaganda against each other, and to take all possible legal and administrative measures to prevent the dissemination of such propaganda by any organisation or individual present in the territory of either Party;

b. as soon as possible, and not later than 3 months from the exchange of the instruments of ratification of this Treaty, to repeal all adverse or discriminatory references and expressions of hostility in their respective legislation;

c. to refrain in all government publications from any such references or expressions;

d. to ensure mutual enjoyment by each other's citizens of due process of law within their respective legal systems and before their courts.

2. Paragraph 1 (a) of this Article is without prejudice to the right to freedom of expression as contained in the International Covenant on Civil and Political Rights.

3. A joint committee shall be formed to examine incidents where one Party claims there has been a violation of this Article.

Article 12 - Combating Crime and Drugs

The Parties will co-operate in combating crime, with an emphasis on smuggling, and will take all necessary measures to combat and prevent such activities as the production of, as well as the trafficking in illicit drugs, and will bring to trial perpetrators of such acts. In this regard, they take note of the understandings reached between them in the above spheres, in accordance with Annex III and undertake to conclude all relevant agreements not later than 9 months from the date of the exchange of the instruments of ratification of this Treaty.

Article 13 - Transportation and Roads

Taking note of the progress already made in the area of transportation, the Parties recognise the mutuality of interest in good neighbourly relations in the area of transportation and agree to the following means to promote relations between them in this sphere:

1. Each party will permit the free movement of nationals and vehicles of the other into and within its territory according to the general rules applicable to nationals and vehicles of other states. Neither Party will impose discriminatory taxes or restrictions on the free movement of persons and vehicles from its territory to the territory of the other.
2. The Parties will open and maintain roads and border-crossings between their countries and will consider further road and rail links between them.
3. The Parties will continue their negotiations concerning mutual transportation agreements in the above and other areas, such as joint projects, traffic safety, transport standards and norms, licensing of vehicles, land passages, shipment of goods and cargo, and meteorology, to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.
4. The Parties agree to continue their negotiations for a highway to be constructed and maintained between Egypt, Israel and Jordan near Eilat.

Article 14 - Freedom of Navigation and Access to Ports

1. Without prejudice to the provisions of paragraph 3, each Party recognises the right of the vessels of the other Party to innocent passage through its territorial waters in accordance with the rules of international law.
2. Each Party will grant normal access to its ports for vessels and cargoes of the other, as well as vessels and cargoes destined for or coming from the other Party. Such access will be granted on the same conditions as generally applicable to vessels and cargoes of other nations.
3. The Parties consider the Strait of Tiran and the Gulf of Aqaba to be international waterways open to all nations for unimpeded and non-

suspendable freedom of navigation and overflight. The Parties will respect each other's right to navigation and overflight for access to either Party through the Strait of Tiran and the Gulf of Aqaba.

Article 15 - Civil Aviation

1. The Parties recognise as applicable to each other the rights, privileges and obligations provided for by the multilateral aviation agreements to which they are both party, particularly by the 1944 Convention on International Civil Aviation (the Chicago Convention) and the 1944 International Air Services Transit Agreement.
2. Any declaration of national emergency by a Party under Article 89 of the Chicago Convention will not be applied to the other Party on a discriminatory basis.
3. The Parties take note of the negotiations on the international air corridor to be opened between them in accordance with the Washington Declaration. In addition, the Parties shall, upon ratification of this Treaty, enter into negotiations for the purpose of concluding a Civil Aviation Agreement. All the above negotiations are to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.

Article 16 - Posts and Telecommunications

The Parties take note of the opening between them, in accordance with the Washington Declaration, of direct telephone and facsimile lines. Postal links, the negotiations on which having been concluded, will be activated upon the signature of this Treaty. The Parties further agree that normal wireless and cable communications and television relay services by cable, radio and satellite, will be established between them, in accordance with all relevant international conventions and regulations. The negotiations on these subjects will be concluded not later than 9 months from the exchange of the instruments of ratification of this Treaty.

Article 17 - Tourism

The Parties affirm their mutual desire to promote co-operation between them in the field of tourism. In order to accomplish this goal, the Parties - taking note of the understandings reached between them concerning tourism - agree to negotiate, as soon as possible, and to conclude not later than 3 months from the exchange of the instruments of ratification of this Treaty, an agreement to facilitate and encourage mutual tourism and tourism from third countries.

Article 18 - Environment

The Parties will co-operate in matters relating to the environment a sphere to which they attach great importance, including conservation of nature and prevention of pollution, as set forth in Annex IV. They will negotiate an agreement on the above, to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.

Article 19 - Energy

1. The Parties will co-operate in the development of energy resources, including the development of energy related projects such as the utilisation of solar energy.
2. The Parties, having concluded their negotiations on the interconnecting of their electric grids in the Eilat-Aqaba area, will implement the interconnecting upon the signature of this Treaty. The Parties view this step as a part of a wider binational and regional concept. They agree to continue their negotiations as soon as possible to widen the scope of their interconnected grids.
3. The Parties will conclude the relevant agreements in the field of energy within 6 months from the date of exchange of the instruments of ratification of this Treaty.

Article 20 - Rift Valley Development

The Parties attach great importance to the integrated development of the Jordan Rift Valley area, including joint projects in the economic, environmental, energy-related and tourism fields. Taking note of the Terms of Reference developed in the framework of the Trilateral Israel-Jordan-US Economic Committee towards the Jordan Rift Valley Development Master Plan, they will vigorously continue their efforts towards the completion of planning and towards implementation.

Article 21 - Health

The Parties will co-operate in the area of health and shall negotiate with a view to the conclusion of an agreement within 9 months of the exchange of the instruments of ratification of this Treaty.

Article 22 - Agriculture

The Parties will co-operate in the areas of agriculture, including veterinary services, plant protection, biotechnology and marketing, and shall negotiate with a view to the conclusion of an agreement within 6 months from the date of the exchange of instruments of ratification of this Treaty.

Article 23 - Aqaba and Eilat

The Parties agree to enter into negotiations, as soon as possible, and not later than one month from the exchange of the instruments of ratification of this Treaty, on arrangements that would enable the joint development of the towns of Aqaba and Eilat with regard to such matters: *inter alia*, as joint tourism development, joint customs posts, free trade zone, co-operation in aviation, prevention of pollution, maritime matters, police, customs and health co-operation. The Parties will conclude all relevant agreements within 9 months from the exchange of instruments of ratification of the Treaty.

Article 24 - Claims

The Parties agree to establish a claims commission for the mutual settlement of all financial claims.

Article 25 - Rights and Obligations

1. This Treaty does not affect and shall not be interpreted as affecting, in any way, the rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties undertake to fulfil in good faith their obligations under this Treaty, without regard to action or inaction of any other party and independently of any instrument inconsistent with this Treaty. For the purposes of this paragraph, each Party represents to the other that in its opinion and interpretation there is no inconsistency between their existing treaty obligations and this Treaty.
3. They further undertake to take all the necessary measures for the application in their relations of the provisions of the multilateral conventions to which they are parties, including the submission of appropriate notifications to the Secretary General of the United Nations and other depositories of such conventions.
4. Both Parties will also take all the necessary steps to abolish all pejorative references to the other Party, in multilateral conventions to which they are parties, to the extent that such references exist.
5. The Parties undertake not to enter into any obligation in conflict with this Treaty.
6. Subject to Article 103 of the United Nations Charter, in the event of a conflict between the obligations of the Parties under the present Treaty and any of their other obligations, the obligations under this Treaty will be binding and implemented.

Article 26 - Legislation

Within 3 months of the exchange of the instruments of ratification of this Treaty, the Parties undertake to enact any legislation necessary in order to implement the Treaty, and to terminate any international commitments and to repeal any legislation that is inconsistent with the Treaty.

Article 27 - Ratification and Annexes

1. This Treaty shall be ratified by both Parties in conformity with their respective national procedures. It shall enter into force on the exchange of the instruments of ratification.
2. The Annexes, Appendices, and other attachments to this Treaty shall be considered integral parts thereof.

Article 28 - Interim Measures

The Parties will apply, in certain spheres, to be agreed upon, interim measures pending the conclusion of the relevant agreements in accordance with this Treaty, as stipulated in Annex V.

Article 29 - Settlement of Disputes

1. Disputes arising out of the application or interpretation of this Treaty shall be resolved by negotiations.
2. Any such disputes which cannot be settled by negotiations shall be resolved by conciliation or submitted to arbitration.

Article 30 - Registration

This Treaty shall be transmitted to the Secretary General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the

United Nations.

Done at the Arava Arava Crossing Point this day Heshvan 21st, 5755, Jumada Al-Ula, 21st, 1415 which corresponds to 26th October, 1994 in the Hebrew, Arabic and English languages, all texts being equally authentic. In case of divergence of interpretation the English text shall prevail.

List of Annexes, Appendices and Other Attachments

- Annex I: (a) International Boundary
- (b) Naharayim/Baqura Area
- (c) Zofar Al-Ghamr Area

Appendices (27 sheets):

- I. Emek Haarava (10 sheets), 1:20,000 orthophoto maps
- II. Dead Sea (2 sheets), 1:50,000 orthoimages
- III. Jordan and Yarmouk Rivers (12 sheets), 1:10,000 orthophoto maps
- IV. Naharayim Area (1 sheet), 1:10,000 orthophoto map
- V. Zofar Area (1 sheet), 1:20,000 orthophoto map
- VI. Gulf of Eilat (1 sheet), 1:50,000 orthoimage

Annex II: Water

Annex III: Crime and Drugs

Annex IV: Environment

Annex V: Interim Measures

Attachments: Agreed Minutes A to D

Signature
For the Hashemite Kingdom of Jordan
Abdul Salam Majali
Prime Minister

Signature
For the State of Israel
Yitzhak Rabin
Prime Minister

Witnessed by:

Signature
William J. Clinton
President of the United States of America

Signature
President of the United States of America

ANNEX I (a)

ISRAEL - JORDAN INTERNATIONAL BOUNDARY DELIMITATION AND DEMARCATION

1. It is agreed that, in accordance with Article 3 of the Treaty, the international boundary between the two states consists of the following sectors:
 - A. The Jordan and Yarmouk Rivers.
 - B. The Dead Sea.
 - C. The Emek Haarava Wadi Arava.
 - D. The Gulf of Aqaba.

2. The boundary is delimited as follows:

A. Jordan and Yarmouk Rivers:

1. The boundary line shall follow the middle of the main course of the flow of the Jordan and Yarmouk Rivers.
2. The boundary line shall follow natural changes (accretion or erosion) in the course of the rivers unless otherwise agreed. Artificial changes in or of the course of the rivers shall not affect the location of the boundary unless otherwise agreed. No artificial changes may be made except by agreement between both Parties.
3. In the event of a future sudden natural change in or of the course of the rivers (avulsion or cutting of new bed) the Joint Boundary Commission (Article 3 below) shall meet as soon as possible, to decide on necessary measures, which may include physical restoration of the prior location of the river course.
4. The boundary line in the two rivers is shown on the 1:10,000 orthophoto maps dated 1994 (Appendix III attached to this Annex).
5. Adjustment to the boundary line in any of the rivers due to natural changes (accretion or erosion) shall be carried out whenever it is deemed necessary by the Boundary Commission or once every five years.
6. The lines defining the special Naharayim Baqura area are shown on the 1:10,000 orthophoto map (Appendix IV attached to this Annex).
7. The orthophoto maps and image maps showing the line separating Jordan from the territory that came under Israeli Military government control in 1967 shall have that line indicated in a different presentation and the legend shall carry on it the following disclaimer:
"This line is the administrative boundary between Jordan and the territory which came under Israeli Military government

control in 1967. Any treatment of this line shall be without prejudice to the status of that territory."

B. Dead Sea and Salt Pans

The boundary line is shown on the 1:50,000 image maps (2 sheets, Appendix II attached to this Annex). The list of geographic and Universal Transverse Mercator (UTM) coordinates of this boundary line shall be based on Israel Jordan Boundary Datum (IJB-D 1994) and, when completed and agreed upon by both parties, this list of coordinates shall be binding and take precedence over the maps as to the location of the boundary line in the Dead Sea and the salt pans.

C. Finck Harava Wadi Arba

1. The boundary line is shown on the 1:20,000 orthophoto maps (10 sheets, Appendix I attached to this Annex).
2. The land boundary shall be demarcated, under a joint boundary demarcation procedure, by boundary pillars which will be jointly located, erected, measured and documented on the basis of the boundary shown in the 1:20,000 orthophoto maps referred to in Article 2-C-(1) above. Between each two adjacent boundary pillars the boundary line shall follow a straight line.
3. The boundary pillars shall be defined in a list of geographic and UTM coordinates based on a joint boundary datum (IJB-D 94) to be agreed upon by the Joint Team of Experts appointed by the two parties (hereinafter the JTE) using Joint Global Positioning System (GPS) Measurements. The list of coordinates shall be prepared, signed and approved by both Parties as soon as possible and not later than 9 months after this Treaty enters into force and shall become part of this Annex. This list of geographic and UTM coordinates when completed and agreed upon by both Parties shall be binding and shall take precedence over the maps as to the location of the boundary line of this sector.
4. The boundary pillars shall be maintained by both Parties in accordance with a procedure to be agreed upon. The coordinates in Article 2-C-(3) above shall be used to reconstruct

boundary pillars in case they are damaged, destroyed or displaced.

5. The line defining the Zofar Al-Ghamr area is shown on the 1:20,000 Ennek Hararava Wadi Araba orthophoto map (Appendix V attached to the Annex).

D. The Gulf of Aqaba

The Parties shall act in accordance with Article 3.7 of the Treaty.

3. Joint Boundary Commission

A. For the purpose of the implementation of this Annex, the Parties will establish a Joint Boundary Commission comprised of three members from each country.

B. The Commission will, with the approval of the respective governments, specify its work procedures, the frequency of its meetings, and the details of its scope of work. The Commission may invite experts and or advisors as may be required.

C. The Commission may form, as it deems necessary, specialized teams or committees and assign to them technical tasks.

ANNEX I (b)

THE NAHARAYIM/BAOURA AREA

1. The two Parties agree that a special regime will apply to the Naharayim Baoura area ("the area") on a temporary basis, as set out in this Annex. For the purpose of this Annex the area is detailed in Appendix IV.

2. Recognising that in the area which is under Jordan's sovereignty with Israeli private land ownership rights and property interests ("land owners") in the land comprising the area ("the land"), Jordan undertakes:

a. to grant without charge unimpeded freedom of entry to, exit from land usage and movement within the area to the land-owners and to their invitees or employees and to allow the land-owners freely to dispose of their land in accordance with applicable Jordanian law;

b. not to apply its customs or immigration legislation to land-owners, their invitees or employees crossing from Israel directly to the area for the purpose of gaining access to the land for agricultural, touristic or any agreed purpose;

c. not to impose discriminatory taxes or charges with regard to the land or activities within the area;

d. to take all necessary measures to protect and prevent harassment of or harm to any person entering the area under this Annex;

e. to permit with the minimum of formality, uniformed officers of the Israeli police force, access to the area for the purpose of investigating crime or dealing with other incidents solely involving the landowners, their invitees or employees.

3. Recognising Jordanian sovereignty over the area, Israel undertakes:

a. not to carry out or allow to be carried out in the area activities prejudicial to the peace or security of Jordan;

b. not to allow any person entering the area under this Annex (other than the uniformed officers referred to in paragraph 2(c) of this Annex) to carry weapons of any kind in the area; unless authorized by the licensing authorities in Jordan after being processed by the liaison committee referred to in Article 8 of this Annex;

c. not to allow the dumping of wastes from outside the area into the area.

d. Subject to this Annex, Jordanian law will apply to this area.

e. Israeli law applying to the extra territorial activities of Israelis may be applied to Israelis and their activities in the area, and Israel may take measures in the area to enforce such laws.

f. Having regard to this Annex, Jordan will not apply its criminal laws to activities in the area which involve only Israeli nationals.

5. In the event of any joint projects to be agreed and developed by the parties in the area the terms of this Annex may be altered for the purpose of the joint project by agreement between the Parties at any time. One of the options to be discussed in the context of the joint projects would be the establishment of a Free-Trade Zone.
6. Without prejudice to private rights of ownership of land within the area, this Annex will remain in force for 25 years, and shall be renewed automatically for the same periods, unless one year prior notice of termination is given by either Party, in which case, at the request of either Party, consultations shall be entered into.
7. In addition to the requirement referred to in Article 4 (a) of this Annex, the acquisition of the land in the area by persons who are not Israeli citizens shall take place only with the prior approval of Jordan.
8. An Israeli-Jordanian Liaison Committee is hereby established in order to deal with all matters arising under this Annex.

ANNEX I (c)

THE ZOFAR/AL-GHAMR AREA

1. The two Parties agree that a special regime will apply to the Zofar Al-Ghamr area ("the area") on a temporary basis, as set out in this Annex. For the purpose of this Annex the area is detailed in Appendix V.
2. Recognising that in the area which is under Jordan's sovereignty with Israeli private land use rights ("land users") in the land comprising the area ("the land") Jordan undertakes:
 - a. to grant without charge unimpeded freedom of entry to, exit from land usage and movement within the area to the land-users and to their invitees or employees and to allow the land-users freely to dispose of their rights in the usage of the land in accordance with applicable Jordanian law;

- b. not to apply its customs or immigration legislation to land-users, their invitees or employees crossing from Israel directly to the area for the purpose of gaining access to the land for agricultural or any agreed purpose;
 - c. not to impose discriminatory taxes or charges with regard to the land or activities within the area;
 - d. to take all necessary measures to protect and prevent harassment of or harm to any person entering the area under this Annex;
 - e. to permit with the minimum of formality, uniformed officers of the Israeli police force, access to the area for the purpose of investigating crime or dealing with other incidents solely involving the land-users, their invitees or employees.
3. Recognising Jordanian sovereignty over the area, Israel undertakes:
 - a. not to carry out or allow to be carried out in the area activities prejudicial to the peace or security of Jordan;
 - b. not to allow any person entering the area under this Annex (other than the uniformed officers referred to in paragraph 2(c) of this Annex) to carry weapons of any kind in the area; unless authorized by the licensing authorities in Jordan after being processed by the liaison committee referred to in Article 8 of this Annex;
 - c. not to allow the dumping of wastes from outside the area into the area.
 - d. Subject to this Annex, Jordanian law will apply to this area.
 - e. Israeli law applying to the extra territorial activities of Israelis may be applied to Israelis and their activities in the area, and Israel may take measures in the area to enforce such laws.
 - f. Having regard to this Annex, Jordan will not apply its criminal laws to activities in the area which involve only Israeli nationals.
 5. In the event of any joint projects to be agreed and developed by the parties in the area the terms of this Annex may be altered for the purpose of the joint project by agreement between the Parties at any time.

- 6. Without prejudice to private rights of use of land within the area, this Annex will remain in force for 25 years, and shall be renewed automatically for the same periods, unless one year prior notice of termination is given by either Party, in which case, at the request of either Party, consultations shall be entered into.
- 7. In addition to the requirement referred to in Article 4 (a) of this Annex, the acquisition of the land in the area by persons who are not Israeli citizens shall take place only with the prior approval of Jordan.
- 8. An Israeli-Jordanian Liaison Committee is hereby established in order to deal with all matters arising under this Annex.

ANNEX II
WATER RELATED MATTERS

Pursuant to Article 6 of the Treaty, Israel and Jordan agreed on the following Articles on water related matters:

Article I: Allocation

- 1. Water from the Yarmouk River
 - a. Summer period - 15th May to 15th October of each year.
Israel pumps (12) MCM and Jordan gets the rest of the flow.
 - b. Winter period - 16th October to 14th May of each year.
Israel pumps (13) MCM and Jordan is entitled to the rest of the flow subject to provisions outlined hereinbelow: Jordan concedes to Israel pumping an additional (20) MCM from the Yarmouk in winter in return for Israel conceding to transferring to Jordan during the summer period the quantity specified in paragraph (2.a) below from the Jordan River.
 - c. In order that waste of water will be minimized, Israel and Jordan may use, downstream of point 121 Adassiya Diversion, excess flood water that is not usable and will evidently go to waste unused.

- 2. Water from the Jordan River
 - a. Summer period - 15th May to 15th October of each year.
In return for the additional water that Jordan concedes to Israel in winter in accordance with paragraph (1.b) above, Israel concedes to transfer to Jordan in the summer period (20) MCM from the Jordan River directly upstream from Degan'ya gates on the river. Jordan shall pay the operation and maintenance cost of such transfer through existing systems (not including capital cost) and shall bear the total cost of any new transmission system. A separate protocol shall regulate this transfer.
 - b. Winter period - 16th October to 14th May of each year.
Jordan is entitled to store for its use a minimum average of (20) MCM of the floods in the Jordan River south of its confluence with the Yarmouk (as outlined in Article II below). Excess floods that are not usable and that will otherwise be wasted can be utilised for the benefit of the two Parties including pumped storage off the course of the river.
 - c. In addition to the above, Israel is entitled to maintain its current uses of the Jordan River waters between its confluence with the Yarmouk and its confluence with Tirat Zvi Wadi Yabis. Jordan is entitled to an annual quantity equivalent to that of Israel, provided however, that Jordan's use will not harm the quantity or quality of the above Israeli uses. The Joint Water Committee (outlined in Article VII below) will survey existing uses for documentation and prevention of appreciable harm.
 - d. Jordan is entitled to an annual quantity of (10) MCM of desalinated water from the desalination of about (20) MCM of saline springs now diverted to the Jordan River. Israel will explore the possibility of financing the operation and maintenance cost of the supply to Jordan of this desalinated water (not including capital cost). Until the desalination facilities are operational, and upon the entry into force of the Treaty, Israel will supply Jordan (10) MCM of Jordan River water from the same location as in (2.a) above, outside the summer period and during dates Jordan selects, subject to the maximum capacity of transmission.
- 3. Additional Water
Israel and Jordan shall cooperate in finding sources for the supply to Jordan of an additional quantity of (50) MCM/year of water of drinkable standards.

To this end, the Joint Water Committee will develop, within one year from the entry into force of the Treaty, a plan for the supply to Jordan of the abovementioned additional water. This plan will be forwarded to the respective governments for discussion and decision.

Operation and Maintenance

- a. Operation and maintenance of the systems on Israeli territory that supply Jordan with water and their electricity supply, shall be Israel's responsibility. The operation and maintenance of the new systems that serve only Jordan will be contracted at Jordan's expense to authorities or companies selected by Jordan.
- b. Israel will guarantee easy unhindered access of personnel and equipment to such new systems for operation and maintenance. This subject will be further detailed in the agreements to be signed between Israel and the authorities or companies selected by Jordan.

Article II: Storage

1. Israel and Jordan shall cooperate to build a diversion/storage dam on the Yarmouk River directly downstream of the point 121/Adassiya Diversion. The purpose is to improve the diversion efficiency into the King Abdullah Canal of the water allocation of the Hashemite Kingdom of Jordan, and possibly for the diversion of Israel's allocation of the river water. Other purposes can be mutually agreed.
2. Israel and Jordan shall cooperate to build a system of water storage on the Jordan River along their common boundary, between its confluence with the Yarmouk River and its confluence with Tirat Ziv/Wadi Yabis, in order to implement the provision of paragraph (2.b) of Article I above. The storage system can also be made to accommodate more floods: Israel may use up to (3) MCM year of added storage capacity.
3. Other storage reservoirs can be discussed and agreed upon mutually.

Article III: Water Quality and Protection

1. Israel and Jordan each undertake to protect within their own jurisdiction, the shared waters of the Jordan and Yarmouk Rivers, and Arava/Araba groundwater, against any pollution, contamination, harm or unauthorized withdrawals of each other's allocations.
2. For this purpose, Israel and Jordan will jointly monitor the quality of water along their boundary, by use of jointly established monitoring stations to be operated under the guidance of the Joint Water Committee.
3. Israel and Jordan will each prohibit the disposal of municipal and industrial wastewater into the courses of the Yarmouk and the Jordan Rivers before they are treated to standards allowing their unrestricted agricultural use. Implementation of this prohibition shall be completed within three years from the entry into force of the Treaty.
4. The quality of water supplied from one country to the other at any given location shall be equivalent to the quality of the water used from the same location by the supplying country.
5. Saline springs currently diverted to the Jordan River are earmarked for desalination within four years. Both countries shall cooperate to ensure that the resulting brine will not be disposed of in the Jordan River or in any of its tributaries.
6. Israel and Jordan will protect water systems each in its own territory, supplying water to the other, against any pollution, contamination, harm or unauthorized withdrawal of each other's allocations.

Article IV: Groundwater in Emeq Ha'arava/Wadi Arava

In accordance with the provisions of this Treaty, some wells drilled and used by Israel along with their associated systems fall on the Jordanian side of the borders. These wells and systems are under Jordan's sovereignty. Israel shall retain the use of these wells and systems in the quantity and quality detailed in an Appendix to this Annex, that shall be jointly prepared by 31st December, 1994. Neither country shall take, nor cause to be taken, any measure that may appreciably reduce the yields or quality of these wells and systems.

2. Throughout the period of Israel's use of these wells and systems, replacement of any well that may fail among them shall be licensed by Jordan in accordance with the laws and regulations then in effect. For this purpose, the failed well shall be treated as though it was drilled under license from the competent Jordanian authority at the time of its drilling. Israel shall supply Jordan with the log of each of the wells and the technical information about it to be kept on record. The replacement well shall be connected to the Israeli electricity and water systems.

3. Israel may increase the abstraction rate from wells and systems in Jordan by up to (10) MCM/year above the yields referred to in paragraph 1 above, subject to a determination by the Joint Water Committee that this undertaking is hydrogeologically feasible and does not harm existing Jordanian uses. Such increase is to be carried out within five years from the entry into force of the Treaty.

4. Operation and Maintenance

- a. Operation and maintenance of the wells and systems on Jordanian territory that supply Israel with water, and their electricity supply shall be Jordan's responsibility. The operation and maintenance of these wells and systems will be contracted at Israel's expense to authorities or companies selected by Israel.
- b. Jordan will guarantee easy, unhindered access of personnel and equipment to such wells and systems for operation and maintenance. This subject will be further detailed in the agreements to be signed between Jordan and the authorities or companies selected by Israel.

Article V: Notification and Agreement

1. Artificial changes in or of the course of the Jordan and Yarmouk Rivers can only be made by mutual agreement.
2. Each country undertakes to notify the other, six months ahead of time, of any intended projects which are likely to change the flow of either of the above rivers along their common boundary, or the quality of such flow. The subject will be discussed in the Joint Water Committee with the aim of preventing harm and mitigating adverse impacts such projects may cause.

Article VI: Co-operation
1. Israel and Jordan undertake to exchange relevant data on water resources through the Joint Water Committee.

2. Israel and Jordan shall co-operate in developing plans for purposes of increasing water supplies and improving water use efficiency, within the context of bilateral, regional or international cooperation.

Article VII: Joint Water Committee

1. For the purpose of the implementation of this Annex, the Parties will establish a Joint Water Committee comprised of three members from each country.
2. The Joint Water Committee will, with the approval of the respective governments, specify its work procedures, the frequency of its meetings, and the details of its scope of work. The Committee may invite experts and or advisors as may be required.
3. The Committee may form, as it deems necessary, a number of specialized sub-committees and assign them technical tasks. In this context, it is agreed that these sub-committees will include a northern sub-committee and a southern sub-committee, for the management on the ground of the mutual water resources in these sectors.

ANNEX III

COMBATTING CRIME AND DRUGS

Pursuant to Article 12 of the Treaty of Peace, Israel and Jordan have decided to cooperate in the following fields:

- A. Cooperation on Combating Dangerous Drugs
 1. The two Parties shall cooperate in fighting illicit drugs according to the legal system of their countries.

2. The two Parties shall take all necessary measures to prevent drug smuggling between the two countries.

3. The two Parties shall exchange information regarding drug trafficking and dealers' activities concerning the two countries.

4. Information given by one of the Parties may not be shared with a third party without the consent of the Party which provided the information.

5. The two Parties shall exchange and share the experience of fighting against drugs including anti-drug education, prevention, treatment, rehabilitation programmes, technical means and methods of concealment.

6. In order to identify the persons involved in drug activities, the two Parties shall facilitate controlled deliveries of drugs between the two countries according to their laws.

7. Drug law enforcement officers from both sides shall meet periodically to coordinate efforts pertaining to drug problems concerning the two countries.

8. The two Parties shall maintain open channels of communication such as fax, telephone and telex for liaison purposes in drug matters concerning the two countries.

9. The two Parties shall cooperate with the multilateral forums which deal with drug issues in the area.

10. The two Parties shall cooperate in investigating procedures necessary for collecting evidence and indictment in cases against drug dealers which concern either or both countries.

11. The two Parties shall exchange information regarding statistics on the type and number of drug crimes committed in each country including detailed information regarding suspected and convicted persons involved in these cases.

12. The two Parties shall exchange all relevant information regarding the narcotic drug producing laboratories if revealed in either of the two countries, including structure, working methods and technical features of the laboratory as well as the type and trademark of the product.

13. The cooperation described in this document will be carried out in accordance with the legal systems of the two countries.

B. Crime

The Parties have agreed that the Agreements to be negotiated pursuant to Article 12 of the Treaty shall cover the following issues:

Crime:

* Exchange of information concerning all aspects of smuggling, theft (including art objects, vehicles, national treasures, antiquities and documents), etc.

* Apprehension of criminals and exchange of information including transmission of evidence in order to carry out judicial procedures in each of the two countries, subject to the relevant treaties and regulations.

General Cooperation:

* Exchange of information regarding technical matters.

* Exchange of information regarding training and research

* Joint police research projects on topics of mutual interest to both countries.

Additional Issues:

* Rescue

* Unintentional border crossing, fugitives from justice.

* Notification of detention of nationals of the other country.

* Establishment of a liaison mechanism between the sides.

C. Cooperation on Forensic Science

ANNEX IV

ENVIRONMENT

1. The two Parties shall cooperate on the subjects of criminal identification and forensic science.
2. The two Parties shall share and exchange professional experience and training programmes, inter alia:
 - a. Use of field kits for preliminary examinations.
 - b. Analysis of illicit drugs.
 - c. Analysis of poisons and toxic materials.
 - d. Forensic biology and DNA examinations.
 - e. Footmarks and materials examinations.
 - f. Questionable documents examinations.
 - g. Analysis of voice prints.
 - h. Analysis of fire arms.
 - i. Detection of latent fingerprints.
 - j. Analysis of explosive traces.
 - k. Examination for arson in laboratories.
 - l. Identification of victims in mass disasters.
 - m. Research and development in forensic science.

In light of the above, both Parties agree to cooperate in matters relating to environmental protection in general and to those that may mutually affect them. Areas of such co-operation are detailed as follows:

- A. Taking the necessary steps both jointly and individually to prevent damage and risks to the environment in general, and in particular those that may affect people, natural resources and environmental assets in the two countries respectively;

- B. Taking the necessary steps by both countries to co-operate in the following areas:

- * Environmental planning and management, including conducting Environmental Impact Assessment (EIA) and exchanging of data on projects possessing potential impact on their respective environments.
- * Environmental legislation, regulations, standards and enforcement thereof.
- * Research and applied technology;
- * Emergency response, monitoring, related notification procedures and control of damages.
- * Code of conduct through regional charters.

This may be achieved through the establishment of joint modalities and mechanisms of cooperation to ensure that exchange of information

communication and coordination regarding matters and activities of mutual environmental concern between their environmental administrations and experts.

C. Environmental subjects to be addressed:

1. Protection of nature, natural resources and biodiversity, including cooperation in planning and management of adjacent protected areas along the common border, and protection of endangered species and migratory birds.
 2. Air quality control, including general standards, criteria and all types of man-made hazardous radiations, fumes and gases.
 3. Marine environment and coastal resources management.
 4. Waste management including hazardous wastes.
 5. Pest control including house flies and mosquitoes, and prevention of diseases transferred by pests, such as malaria and leishmaniasis.
 6. Abatement and control of pollution, contamination and other man-made hazards to the environment.
 7. Desertification: combating desertification, exchange of information and research knowledge, and the implementation of suitable technologies.
 8. Public awareness and environmental education, encouraging the exchange of knowledge, information, study materials, education programmes and training through public actions and awareness campaigns.
 9. Noise: reducing noise pollution through regulation, licensing and enforcement, based on agreed standards.
 10. Potential co-operation in case of natural disasters.
12. In accordance with the above, the two Parties agree to co-operate in activities and projects in the following geographical areas:

I. The Gulf of Aqaba

I.1 The Marine Environment:

- * Natural resources.
- * Coastal reef protection.
- * Marine pollution:
 - Marine sources: such as oil spills, littering and waste disposal and others.
 - Land-based sources: such as liquid waste, solid waste and littering.
- Abatement, including monitoring and emergency response actions.

I.2 Coastal Zone Management - The Littoral

- * Nature reserves and protected areas.
- * Environmental protection of water resources.
- * Liquid waste.
- * Solid waste.
- * Tourism and recreational activities.
- * Ports.
- * Transport.
- * Industry and power generation.
- * Air quality.
- * Hazardous materials.
- * Environmental assessments.

II. The Rift Valley

II.1 The Jordan River

Israel and Jordan agree to cooperate along the common boundaries in the following aspects:

- * Ecological rehabilitation of the Jordan River.
- * Environmental protection of water resources to ensure optimal water quality, at reasonably usable standards.
- * Agricultural pollution control.
- * Liquid waste.
- * Pest control.
- * Nature reserves and protected areas.
- * Tourism and historical heritage.

II.2 The Dead Sea

- * Nature reserves and protected areas.
- * Pest Control
- * Environmental protection of water resources.
- * Industrial pollution control.
- * Tourism and historical heritage.

II.3 Emek Ha'arava Wadi Araba

- * Environmental protection of water resources.
- * Nature reserves and protected areas.
- * Pest Control.

- * Tourism and historical heritage.
- * Agricultural pollution control.

ANNEX V

INTERIM MEASURES
BORDER CROSSING POINTS PROCEDURES
BETWEEN ISRAEL AND JORDAN

In pursuance of Article 28 of the Treaty of Peace, the Parties have agreed as follows:

1. The Crossing Points between Israel and Jordan shall be opened in both directions for Israelis, Jordanians and third country nationals.
2. Procedures of crossing shall be in accordance with the regulations in both countries.
3. Each Party shall recognise passports of the other, and the stamps and visas affixed by the other Party on such passports. The stamps on the passports will be in English and Hebrew/Arabic, and will include the date of the crossing, the name of the country which stamps the document, and the name of the crossing point.
4. The Crossing Points shall be open 5 days a week from Sunday to Thursday, during all the year, except for Yom Kippur and the first day of Al Hijrah calendar. The dates of these two holy days shall be communicated to the other side beforehand.
5. The Crossing Points shall be open from 08:00 to 18:30 hours.
6. Each Party has the right to refuse entry to a person, in accordance with its regulations. In this case, each Party undertakes to accept this person back into the country, without delay, according to international practices.
7. Each Party shall apply its customs regulations.

8. Each Party shall provide the passengers with the A.17 international immigration form of the other Party, before crossing.
9. Direct links, both telephonic and fax, shall be established between the authorities of both sides of the Crossing Points, in order to provide solutions to any problem.
10. The passenger's passport should be valid for at least six months after the date of the crossing, in accordance with the international practices.
11. Each Party shall provide the other with a list of the countries whose citizens are exempted from its visa requirements.
12. These arrangements shall go into effect as from the day following the exchange of the instruments of ratification of this Treaty.
13. Within a period of up to 3 months from the date stated in paragraph 12 above, interim arrangements regulating passage of persons through the Crossing Points, and visa procedures shall be applied. Both Parties may shorten this period by mutual agreement.
14. During the interim period mentioned in paragraph 13 above, visas to Israeli and Jordanian citizens shall be granted as agreed between the Parties.
15. Pending the mutual opening of the Embassies in the two countries, Israeli and Jordanian nationals shall be granted the necessary visas through the following procedures:
 - a. The tourist should apply for the visa through a travel agent in his country, who shall convey the application to his counterpart travel agent in the other country. This correspondent travel agent shall apply for the visa to the Ministry of Interior in his country. The visa shall then be collected at the Crossing Point with a copy to be sent to the travel agent, and another one shall be delivered to the terminals on each side.

Upon the opening of the Embassies in both countries, the Parties will adjust the above procedures as necessary.
16.
 - a. Visa fees shall be collected on a reciprocal basis.
 - b. Terminal fees shall be collected in accordance with applicable regulations in both countries.
17. This system shall be revised after two months and a half from the date mentioned in paragraph 12 above, in accordance with any relevant bilateral agreements to be signed as an outcome of this Treaty.
18. The existing arrangements for Muslim Israeli nationals who cross into Jordan in transit to Saudi Arabia for Muslim Pilgrimage, shall continue to be applicable.
19. Transportation for Israeli and Jordanian tourists between terminals of each of the crossing points shall be by shuttle bus, and the tourist vehicles provided by travel agents of the visited country shall carry them from its terminal to their final destinations.
20. The Parties agree that matters relating to persons entering one of the two countries by one Crossing Point, Harbors or Airports, and wishing to exit that country also through other border Crossing Points, Harbors or Airports shall be discussed during the interim period mentioned in paragraph 13 above.
21. The Parties agree that matters relating to the passage of vehicles through the Crossing Points shall be discussed during the interim period mentioned in paragraph 13 above, taking into account the transportation, tourism and any other relevant bilateral agreements, to be concluded by the Parties.
22. Teams of the two Parties shall monitor the implementation of this Annex.

collected at the Crossing Point and a copy shall be delivered to the terminals on each side.

Upon the opening of the Embassies in both countries, these persons will apply for visas through the respective Embassies.

a. Visa fees shall be collected on a reciprocal basis.

b. Terminal fees shall be collected in accordance with applicable regulations in both countries.

This system shall be revised after two months and a half from the date mentioned in paragraph 12 above, in accordance with any relevant bilateral agreements to be signed as an outcome of this Treaty.

The existing arrangements for Muslim Israeli nationals who cross into Jordan in transit to Saudi Arabia for Muslim Pilgrimage, shall continue to be applicable.

Transportation for Israeli and Jordanian tourists between terminals of each of the crossing points shall be by shuttle bus, and the tourist vehicles provided by travel agents of the visited country shall carry them from its terminal to their final destinations.

The Parties agree that matters relating to persons entering one of the two countries by one Crossing Point, Harbors or Airports, and wishing to exit that country also through other border Crossing Points, Harbors or Airports shall be discussed during the interim period mentioned in paragraph 13 above.

The Parties agree that matters relating to the passage of vehicles through the Crossing Points shall be discussed during the interim period mentioned in paragraph 13 above, taking into account the transportation, tourism and any other relevant bilateral agreements, to be concluded by the Parties.

Teams of the two Parties shall monitor the implementation of this Annex.

AGREED MINUTES

A. Concerning Article 3 (f) stating that:

"Immediately upon the exchange of the instruments of ratification of this Treaty, each Party will deploy on its side of the international boundary as defined in Annex I (a)".

The Parties recognise the practical questions connected with the deployment (such as demarcation, minefields, fences), and therefore would interpret the language to mean that the deployment would start immediately, continue uninterrupted and expeditiously, and conclude no later than 3 months after the exchange of the instruments of ratification.

B. With regard to economic and monetary matters pertaining specifically to the territories under Israeli Military control, the two governments shall consult with each other with the aim of:

1. eliminating or mitigating adverse effects on their economies;
2. giving each other enough time to make the necessary adjustments.

The above is without prejudice to activities which are the result of relations with other states or to former obligations with regard to the territories referred to above, except to the extent that the implementation of such obligations may have adverse effects and to the extent that the implementation is within their control.

C. In the spirit of peace, the two Parties attach high priority to the planned recreation joint venture project in the Naharayim/Baqura area, they favourably consider the partnership in peace to be created there, and will endeavour together to promote its implementation as soon as possible.

D. The Parties will, upon the signature of this Treaty, establish a joint committee headed by senior officials to monitor the implementation of this Treaty and the conclusion of relevant agreements, in accordance with the Treaty provisions.



UNITED NATIONS
SECURITY
COUNCIL



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LETTER DATED 1 MARCH 1976 FROM THE PERMANENT REPRESENTATIVE OF
THE LIBYAN ARAB REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter dated 23 February addressed to you from the Acting Permanent Observer of the Palestine Liberation Organization to the United Nations concerning the violation of the sanctity of Al-Aqsa Mosque. Upon the instructions of my Government I would like to request that the above-mentioned letter be circulated as an official document of the Security Council.

(Signed) Mansur R. KIKHIA
Permanent Representative

Annex

Letter dated 23 February 1976 from the Acting Permanent Observer
of the Palestine Liberation Organization to the United Nations
addressed to the President of the Security Council

Upon instructions of the Executive Committee of the Palestine Liberation Organization, I have the honour to present the attached report with the hope that you will bring it to the attention of the Member States.

(Signed) Zehdi Labib TERZI
Acting Permanent Observer
to the United Nations

/...

S/12000
English
Annex
Page 2

Attachment

On Wednesday, 28 January 1976, a judge appointed by the racist Zionist forces of occupation to preside over a Jerusalem magistrate court ruled that "Jews have the right to pray" in the sacred Al-Haram Al-Sharif. In her statement, Judge Ruth Or is reported to have said: "If I hadn't heard this with my own ears, I wouldn't have believed it - i.e., that the ban on Jews praying on Temple Mount exists only since the Israel government controls it. Since the site is holy to members of the two religions, the Ministry for Religious Affairs, in order to prevent disturbances, should have drawn up regulations clarifying who has the right of prayer, where and when."

According to Jewish Halacha (religious) law, Jews are forbidden from setting foot on the sacred sanctuary until the Messiah's return heralds the rebuilding of the Temple.

The magistrate exonerated the culprits who had earlier defied the ban.

In the wake of the magistrate's ruling, racist Zionist groups of Jewish faith have announced their plans to organize "pray-ins" in the Mosque.

The issue at hand is not an issue over prayer in a particular spot in Jerusalem. It is a political measure aiming at changing the status of Jerusalem. It is in pursuance of the persistent racist Zionist policy to eliminate the vestiges of Christian and Moslem heritage in occupied Palestine.

The ruling of the magistrate court is a violation of several Security Council resolutions, including resolution 252 (1968), operative paragraph 2 of which "considers that all legislative and administrative measures and actions taken by Israel ... which tend to change the legal status of Jerusalem are invalid and cannot change that status".

Taking into consideration the Jewish Halacha and the centuries'-old Moslem religious tradition, the ruling of the racist Zionist magistrate Ruth Or constitutes an act of profanation and desecration of the sacred site of Al-Haram Al-Sharif.

According to Moslèem religious concepts and traditions, the entire area of Al-Haram Al-Sharif is one sacred entity. It is the third holiest Mosque in Islam. Moslems consider the linkage between Al-Israa' and the Mosque as a divine act. This sanctuary is considered a common property of all Moslems, all over the world.

In its resolution 271 (1969), the Security Council determined that execrable acts of desecration and profanation of the holy Al-Aqsa Mosque emphasize the immediate necessity of Israel's desisting from acting in violation of Security Council resolutions and rescinding forthwith all measures and actions taken by it to alter the status of Jerusalem.

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The magistrate's ruling is designed to alter the status of Jerusalem. It carries more weight and authority than any administrative attempts to continue to enforce the ban on Jewish religious services on the site of the sacred sanctuary of Al-Haram Al-Sharif.

The Jewish Telegraphic Agency reported in its Daily News Bulletin of 11 February 1976 that the Israeli Government "has already appealed the magistrate's decision to a higher court". No move has been made to secure an injunction from a superior court. The culprits have been acquitted and the chief of the racist Zionist police, Shlomo Hilel, did not seek a stay of execution pending the decision of a higher court. The procedure of an appeal is lengthy, but in the meantime Jewish groups, according to the Jerusalem Post Weekly Overseas Edition of 3 February 1976, were planning "pray-ins" in the Mosque.

The magistrate's ruling sparked a wave of violent demonstrations in most major West Bank towns and in East Jerusalem. On 17 February 1976 the Jewish Telegraphic Agency reported violent demonstrations - near riots - over the Temple Mount area to protest the decision of the Jerusalem magistrate. The JTA reported that the forces of occupation imposed a ban on residents of Ramallah, Nablus, Jenin and Tulkarm, prohibiting them from visiting Jordan or receiving visitors from Jordan. The JTA reported also that Israeli police prevented attempts to organize demonstrations in Jenin and Tulkarm, that the disturbances began in East Jerusalem, and that scores of Palestinians were arrested. On 12 February 1976 the JTA reported the arrest of 26 Arab students; on 10 February, it reported the arrest of two dozen Arab high school students after they threw stones at police during a day of demonstrations and a general strike.

The Jerusalem Arabic language daily Al Fajr has been reporting these daily demonstrations, mass arrests, beating of students, violations of schools and the use of tear gas bombs and armoured tanks against these demonstrations. American television stations have shown scenes of bloody confrontation between students and helmeted policemen.

The confrontation reached a climax on 22 February when, as a result of Nazi-like interrogation and torture at the hands of Major Shlomo Aharon, the Zionist intelligence officer in charge, four Palestinians died in the Nablus gaol.

Two other Palestinians were killed in an indiscriminate attack by planes, artillery and tanks on the villages of Hiwara and Burqa. This attack was followed by mass arrests of the residents of these villages and the imposition on them of arbitrary curfews.

Demonstrations and strikes continue in Jenin, Tulkarm, Jerusalem, Jericho, Al-Bira and Hebron. The continuing confrontation will inevitably lead to an increase in the severity of the oppressive methods which will lead to a situation threatening peace in the area.



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/12017
19 March 1976

ORIGINAL: ENGLISH

LETTER DATED 19 MARCH 1976 FROM THE PERMANENT REPRESENTATIVES
OF THE LIBYAN ARAB REPUBLIC AND PAKISTAN TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of our Governments, we have the honour to request you to call a meeting of the Security Council urgently in order to consider the serious situation arising from recent developments in the occupied Arab territories. On 28 January 1976, an Israeli magistrate in Jerusalem ruled that Jews could not be prevented from praying in the Mosque of Al-Aqsa, revered by Muslims all over the world as one of their holiest shrines. In his letter dated 23 February 1976 (circulated in document S/12000 dated 1 March 1976), the Acting Permanent Observer of the Palestine Liberation Organization drew attention to the widespread protests and demonstrations against this decision by Arabs living in East Jerusalem and other major West Bank towns and to the large-scale arrests and other repressive measures ordered by the Israeli authorities to quell the disturbances. Subsequently, in his letter dated 12 March 1976 (document A/31/63-S/12012 dated 15 March 1976) addressed to Your Excellency and to the Secretary-General, the Permanent Representative of Saudi Arabia conveyed a statement by the members of the Islamic Conference concerning these developments in which, *inter alia*, they requested the President of the Security Council and the Secretary-General to keep under urgent attention the situation in Jerusalem and in the rest of the occupied territory and warned that it might be further aggravated.

The situation has indeed continued to deteriorate in Jerusalem and other parts of the occupied West Bank and is becoming explosive. The magistrate's ruling concerning the Al-Aqsa Mosque can no longer be viewed in isolation but must be seen, along with recent expropriations of Arab-owned lands in Jerusalem and the establishment of Jewish settlements in Arab areas, as part of a policy of absorbing occupied Jerusalem into Israel and changing its cultural and demographic character in calculated defiance of the Security Council and General Assembly resolutions on the subject. The extensiveness, violence and tenacity of the demonstrations reflect the determination of the people of the occupied territories to resist Israel's attempt to annex East Jerusalem. According to press reports, the occupation authorities have fired on demonstrators and are carrying out mass arrests and intimidation of the civilian population with the help of the Israeli armed forces. Such actions will aggravate the situation and jeopardize the prospects for a just and peaceful settlement in the Middle East.

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S/12017
English
Page 2

Accordingly, we call on the Security Council to take prompt and effective measures which would halt the deterioration of the situation and put an end to Israeli defiance of its existing decisions on Jerusalem. We also request that representatives of the Palestine Liberation Organization be invited to participate in the debate as on previous occasions.

(Signed) Mansur Rashid KIKHIA
Permanent Representative of
Libyan Arab Republic to the
United Nations

(Signed) Iqbal AKHUND
Permanent Representative of
Pakistan to the United Nations

**UNITED
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General Assembly Security Council

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A/38/117
S/15642
16 March 1983
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Thirty-eighth session
Item 69 of the preliminary list*
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
POPULATION OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Thirty-eighth year

Letter dated 14 March 1983 from the Permanent Representative of Jordan
to the United Nations addressed to the Secretary-General

I am transmitting herewith, in extreme indignation and protest, a brief account of the Israeli assaults on the blessed Al-Aqsa Mosque in Jerusalem from June 1967 to 11 March 1983, when the series of Israeli assaults on the Islamic Holy Places reached its peak with Israel's commission of an act of desecration against the sacred Haram al-Sharif.

Israel has continually persisted in the commission and encouragement of acts of aggression and destruction against the blessed Al-Aqsa Mosque and against the other Holy Places in Jerusalem and in all the places that have since fallen under Israeli occupation.

The repeated commission of such acts indicates clearly Israel's deliberate intention of destroying all the Islamic religious landmarks in Jerusalem and elsewhere in the occupied territories and its disdain for the feelings of hundreds of millions of believers whose eyes are turned towards Jerusalem.

I need not emphasize once again the seriousness of such acts, which constitute a grave violation of the principles of international law, in particular article 47 of the Fourth Geneva Convention of 1949, and the fact that it represents a serious threat to the peace and security of the region.

* A/38/50.

A/38/117
S/15642
English
Page 2

I would be grateful if you would arrange for this letter and its annex to be circulated as an official document of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

(Signed) Abdullah SALAH
Permanent Representative

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ANNEX

Israeli assaults on the sacred Haram al-Sharif from
June 1967 to March 1983

The Israeli conspiracy against the sacred Haram al-Sharif of the Al-Aqsa Mosque and the Dome of the Rock, aimed at the destruction of the complex and the establishment of the Temple on its ruins, began during the latter part of 1967, less than one week after the occupation of the City.

This conspiracy has adopted numerous methods, all aimed at the destruction of this sacred Islamic monument, the first of the two Kiblahs and the third of the Holy Places, and at terminating the historic Islamic relationship with the City of Jerusalem, which finds visual expression primarily in its fundamental symbol, the blessed Al-Aqsa Mosque.

These methods have alternated between, on the one hand, early excavation work around the Al-Aqsa Mosque from the west and the south, which, as a result of the extension of the excavations through a tunnel, penetrated underneath the Mosque, and, on the other, innumerable attempts at infiltration, which occurred, on the average, twice or three times in one month, on the pretext of holding prayers in the Mosque, while the real goal is to impose the Jewish fait accompli on the Haram al-Sharif. That is what happened in the Ibrahim Mosque at Hebron, where the act of entry into and prayer in the Mosque led to its partition between Muslims and Jews, the subsequent encirclement of the Muslim areas and harassment of the worshippers there, in preparation for their eventual expulsion and the Judaization of the Mosque.

The following are the most conspicuous assaults to which the Haram al-Sharif has been exposed since the Israeli occupation in June 1967.

I. FIRE

The crime of setting fire to the blessed Al-Aqsa Mosque was the first of the conspicuous attempts to destroy and demolish this Islamic Holy Place. It occurred on 21 August 1969, when a Zionist, of Australian nationality, Michael Rohan, started a fire in the Mosque, which resulted in the burning of the Saladin mimbar in its entirety and of the south-eastern part of the roof of the Mosque. The occupation authorities merely arrested the criminal, submitted him to a nominal trial, in the course of which they claimed that he was insane, and acquitted and released him.

II. EXCAVATIONS

Excavations have been carried out around and under the Al-Aqsa Mosque from both the west and the south in order to destroy the Al-Aqsa Mosque and cause cracks in its walls. Ostensibly, they constitute an attempt to search for the remains of the so-called Temple, but, in actuality, they are aimed at the destruction and

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A/38/117
S/15642
English
Page 4

elimination of the Islamic buildings contiguous to, abutting on and located along the Buraq Wall (Wailing Wall). The purpose is also to obtain possession of and destroy the Haram al-Sharif and to construct the Temple on the site where the Al-Aqsa Mosque and the Dome of the Rock stand.

The Israeli excavations around the Al-Aqsa Mosque began in late 1967 and have continued up to the present, in nine stages, the most recent being the stage of the tunnel running from beneath the Buraq Wall to beneath the Dome of the Rock and extending to the sacred Haram al-Sharif. The Department of Islamic Awkaf discovered the excavations in the tunnel accidentally on 17 August 1981, and they closed the tunnel on 2 September 1981, after extensive clashes between Muslim workers and technicians and Jewish extremists.

III. REPEATED ATTEMPTS TO PRAY IN THE AL-AQSA MOSQUE

Israeli attempts to break into the Al-Aqsa Mosque and its external courtyards began on the pretext of conducting early-morning prayers. Less than three days after the fire in the Al-Aqsa Mosque, which occurred on 18 August 1969, some young Jewish men stole into the Haram al-Sharif and circumambulated the Dome of the Rock, while chanting psalms, prayers and some passages from the Torah. After that, the break-ins continued. The most conspicuous was the attempt to blow up the Dome of the Rock made by Rabbi Meir Kahane in May 1980. On 11 May 1980, the Israeli security forces discovered a cache of explosives near the Al-Aqsa Mosque prepared by Meir Kahane and his group.

Since that time, Kahane has been announcing his determination to blow up the Al-Aqsa Mosque. For example, there is his unambiguous statement in the interview conducted by the Israeli newspaper Yedioth Aharnoth and published on 21 January, in which he said that he would not rest until he succeeded in blowing up the Al-Aqsa Mosque.

IV. ARMED INTRUSION AND SHOOTING OF MUSLIMS

Indicative of the attempts to break into and blow up the Al-Aqsa Mosque was the break-in effected by the Israeli soldier Eli Gothman on 11 April 1982. He succeeded in reaching and entering the Dome of the Rock, after firing at the Mosque guards and killing two of them. This break-in resulted in the firing of a large number of shots at the Dome of the Rock and its walls and great material losses in the Mosque. The clashes that took place between Muslims and Jews left nine martyrs and 136 wounded.

V. THE MOST RECENT ATTEMPT TO BLOW UP THE AL-AQSA MOSQUE

The last of the attempts to penetrate the Haram al-Sharif was that which took place on 11 March 1983 and which was carried out by approximately 45 settlers belonging to the racist extremist Kach movement, most of them living in Qiryat Arba near Hebron. They intended to reach the Al-Aqsa Mosque through a secret tunnel not

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A/38/117
S/15642
English
Page 5

yet uncovered by excavation and were equipped with large amounts of weapons and explosives for the purpose of blowing up the Al-Aqsa Mosque and establishing a Jewish settlement on its ruins. However, the attempt failed, and the members of the group were arrested. They confessed that the operation had been planned by Jewish religious leaders, including Meir Kahane, Moshe Levinger and Israel Ariel, and that the leaders had held meetings at Qiryat Arba with the members of this group that had been entrusted with the task of blowing up the Al-Aqsa Mosque.

A quick count of the attempts made so far to break into the Al-Aqsa Mosque and penetrate its courtyards, and of the statements in which extremists among Jewish religious leaders announce their resolve to continue the endeavour to blow up the Al-Aqsa Mosque and establish the Temple on its ruins gives an indication of the truth regarding Jewish designs on this Mosque and the other Islamic and Christian Holy Places in Jerusalem and the various parts of the West Bank. The instance of the attempt to explode a bomb in the Qazzazin Mosque at Hebron a few days ago is but a further indication of the degree of gravity that the situation in the occupied territories has reached and the seriousness of the dangers that threaten the citizens and the Arab and Islamic cultural presence in the occupied territories.

UNITED
NATIONS

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HP EXHIBIT 101



General Assembly Security Council

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GENERAL

A/41/82
S/17727
9 January 1986
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-first session
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
I. VESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE POPULATION OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Forty-first year

Letter dated 9 January 1986 from the Permanent Representative of
Jordan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to bring to your attention the blatant desecration of the Al-Aqsa Mosque in the occupied Arab city of Al-Quds committed by some 20 members of the Israeli Knesset on 8 January 1986 while the faithful were engaged in the midday prayer. The members of the Knesset, who belong to the Internal Affairs Committee of the Israeli parliament, entered the interior of the holy place with the intention of desecrating it by establishing a place of prayer there for adherents of the Jewish religion. Immediately upon entering the mosque, the Israeli parliamentarians encountered members of the faithful, who drove them out. The intruders then called the Israeli police. Before long a large number of police officers, led by the commander of the Southern Unit and the Al-Quds Chief of Police, arrived on the scene, entering the mosque with great show, provoking and outraging the faithful and offending the sentiments of the believers by flouting the inviolability of that holy place of Islam. In addition, the Israeli police attacked Muslims who were present and the civilian guards of the mosque, who were shocked by this humiliating treatment. It should be pointed out that this is not the first time that the Al-Aqsa Mosque has been the target of desecration and violation by Israeli extremists. This despicable attack and irresponsible behaviour on the part of members of the Israeli legislature has aroused the indignation, repulsion and anger of the inhabitants of Al-Quds, the West Bank and the entire Muslim world. Sheikh Saad Eddine El-Ilmi, President of the Supreme Muslim Council, has sent a telegram of protest to the Israeli leaders demanding the withdrawal of their occupation troops which have, since yesterday, been blocking the entrance to the mosque.

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A/41/82
S/17727
English
Page 2

HP EXHIBIT 101

"This act of aggression committed by members of the Israeli Knesset, including Julia Cohen, who has openly advocated the expulsion of Arabs from Al-Quds and the West Bank, constitutes a violation and a desecration of the holy places of Islam and a challenge to hundreds of millions of Moslems, for whom the Al-Aqsa Mosque is the place towards which all the faithful turn at the beginning of their prayers and the third most holy place of Islam. This act of aggression is part and parcel of an Israeli plan directed against Muslim and Christian sacred monuments in Al-Quds and the occupied Arab territories.

Jordan, which condemns and strongly denounces such acts, is deeply concerned at their consequences, which can only be detrimental to the cause of peace and stability in the region. Moreover, such an act runs counter to the international rules and principles governing foreign occupation, which forbid an occupying State to interfere with the private and public life of the civilian inhabitants living under its occupation and prohibit infringements of the freedom of worship and the violation of holy places.

I should be grateful if you would arrange for the text of this letter to be circulated as a document of the General Assembly, under the items entitled "The situation in the Middle East" and "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories", and of the Security Council.

(Signed) Abdullah SALAH
Ambassador
Permanent Representative

1285

UNITED
NATIONS

HP EXHIBIT 102 A S



General Assembly Security Council

Distr.
GENERAL

A/41/85 ✓
S/17729
10 January 1986

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-first session
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-first year

Letter dated 10 January 1986 from the Permanent Representative of
the United Arab Emirates to the United Nations addressed to the
Secretary-General

I have the honour to transmit herewith the text of a letter addressed to Your Excellency by the Permanent Observer of the Palestine Liberation Organization to the United Nations, dated 10 January 1986 (see annex).

I would be very grateful if you arrange that this letter be circulated as an official document of the General Assembly, under the item entitled "Question of Palestine", and of the Security Council.

(Signed) Monammad Hussain AL-SHAALI
Permanent Representative

ANNEX

**Letter dated 10 January 1986 from the Permanent Observer of the
Palestine Liberation Organization to the United Nations
addressed to the Secretary-General**

I am instructed by Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, to bring the following to your immediate attention.

On Wednesday, 8 January 1986, three members of the Israeli Knesset's Interior Committee, accompanied by two other members of the Knesset, Guela Cohen and Yuval Neeman, walked into the Al-Haram Al-Sharif (Al-Aqsa Mosque and Dome of the Rock), the holiest of Islamic Sanctuaries. They were joined by a group of approximately 30 people led by a certain Gershon Solomon. This premeditated violation of the Holy Sanctuary touched the sensitivities of the Muslim religious authorities, particularly since Gershon Solomon leads the movement calling for the destruction of the Dome of the Rock, and the rebuilding of the "Temple".

The Muslim religious authorities immediately called from the Minarets to Palestinian Arabs in Jerusalem to rally in the compound. Palestinian Arabs responded immediately by closing their stores and businesses and going to the compound. A state of tension prevailed. Palestinian Arabs remember that three years ago a number of Zionist thugs, under the leadership of Goodman, mounted the walls of the Holy Sanctuary and opened fire on Muslim worshippers.

Earlier the Muslim religious authorities had tried to reason with

HP EXHIBIT 102

A/41/85
S/17729
English
Page 3

those members of the Knesset's Interior Committee, but they insisted on violating the Sanctuary. The police were called and they immediately opened fire with tear gas, and fired "warning shots". Five Palestinian Arabs were injured as a result of this act of terrorism by the so-called security elements of Israel.

It later transpired that the Knesset was not aware of the visit, neither were the Muslim religious authorities, or the Knesset Speaker, Shlomo Hillel, which proves that the entire exercise by some elements of the Knesset's Interior Committee was a premeditated attempt to provoke and incite a serious and volatile situation. Notwithstanding this, the Israeli occupation authorities are now accusing Sheikh Mohammed Said Al-Jamal, one of the Sheikhs responsible for the maintenance of the Holy Sanctuary, of incitement.

On Thursday, 9 January 1986, the Sabra and Shatilla murderer and current member of the Israeli cabinet, Ariel Sharon, heavily guarded by Israeli police, walked into the Sanctuary, in yet another attempt at provocation and incitement. This act was followed by three Zionist thugs attempting to hoist the Israeli flag in the Sanctuary, but they were prevented from doing so by the Sanctuary guards.

We understand that Knesset member Guela Cohen, a judeo-nazi, plans on violating the Sanctuary again on Saturday, 11 January 1986.

We hold the Government of Israel solely and completely responsible for consequences resulting from these acts of terrorism committed by Israel, whether by members of the Knesset or the Israeli police force, and we ask for your immediate intervention to prevent what might prove to be a highly volatile and calamitous situation.

(Signed) Zuhdi Labib TERZI
Permanent Observer

1288



General Assembly Security Council

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GENERAL

A/41/109 ✓
S/17757
23 January 1986
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-first session
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE
ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS
OF THE POPULATION OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-first year

Letter dated 22 January 1986 from the Permanent Representative of
Morocco to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Group of States members of the Organization of the Islamic Conference, I have the honour to transmit to you the text of the message from the Secretary-General of the Organization of the Islamic Conference regarding the recent acts of aggression perpetrated by Israel against the site of the holy Al-Aqsa Mosque, and to request you to have it circulated as an official document of the General Assembly, under the items entitled "Situation in the Middle East" and "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories", and of the Security Council.

(Signed) Moulay Mehdi ALAOUI
Ambassador
Permanent Representative of the
Kingdom of Morocco to the
United Nations

ANNEX

Message dated 17 January 1986 from the Secretary-General of the Organization of the Islamic Conference regarding the recent acts of Israeli aggression on the site of Al-Aqsa Mosque

I have the honour to inform you that the Sixteenth Islamic Conference of Foreign Ministers, held at Fez, Kingdom of Morocco, from 6 to 10 January 1986, expressed deep concern over the illegal entry into the Al-Aqsa Mosque by some members of the Israeli Knesset under the protection of Israeli police. This was a provocative act which aroused the indignation of Muslims all over the world. The Sixteenth Islamic Conference of Foreign Ministers adopted a unanimous resolution on this issue and directed me to convey the contents of the resolution to you immediately.

I trust that the international community will take the necessary measures to ensure that the holy places of Islam under occupation by Israel are not desecrated. The text of the resolution is reproduced below:

"The Sixteenth Islamic Conference of Foreign Ministers, held at Fez, Kingdom of Morocco, from 6 to 10 January 1986,

"Alarmed by the news of the ignoble attack on the Al-Aqsa Mosque on Wednesday, 8 January 1986, by a group of Israeli Knesset members under the protection of Israeli police,

"Having heard the statement made by the delegation of the Hashemite Kingdom of Jordan,

"1. Hails the valiant stand of the residents of Al-Quds Al-Sharif against this heinous attack and their brave defence of the sanctities of Al-Aqsa Mosque and Islamic shrines;

"2. Condemns these repeated, wicked, criminal attacks on Al-Aqsa Mosque which are supported and protected by Israeli occupation authorities;

"3. Warns Israel of the dire consequences of these repeated attacks. Meanwhile, the Islamic States remain committed to discharging their duties, using all ways and means, to put an end to these Israeli acts of aggression;

"4. Emphasizes its determination to support the steadfast stand of Al-Quds Al-Sharif, using all possible ways and means;

"5. Places on the international community the responsibility for preventing Israel from repeatedly committing such abominable crimes, which constitute a violation of United Nations resolutions and international law and conventions;

HP EXHIBIT 103

A/41/19
S/17757
English
Page 3

"6. Requests the Secretary-General of the OIC immediately to contact and convey this statement to the Secretary-General of the United Nations, the President of the Security Council, the five Permanent Members of the Security Council, and the Director-General of UNESCO."

(Signed) S. S. PIRZADA
Secretary-General of the
Organization of the
Islamic Conference



General Assembly Security Council

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GENERAL

A/41/117✓
S/17765
27 January 1986
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-first session
CO-OPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION OF THE ISLAMIC
CONFERENCE
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
IMPLEMENTATION OF THE RESOLUTIONS
OF THE UNITED NATIONS
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
POPULATION OF THE OCCUPIED
TERRITORIES
INTERNATIONAL CO-OPERATION TO AVERT
NEW FLOWS OF REFUGEES
ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE

SECURITY COUNCIL
Forty-first year

Letter dated 27 January 1986 from the Permanent Representative of
Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter of 24 January 1986 which His Majesty Hassan II, King of Morocco, as President of the Organization of the Islamic Conference and Chairman of the Al-Quds Committee, has addressed to you and to the President of the Security Council.

I request you to arrange for this letter to be circulated as an official document of the General Assembly, under the items entitled "Co-operation between the United Nations and the Organization of the Islamic Conference", "Question of Palestine", "The situation in the Middle East", "Implementation of the resolutions of the United Nations", "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories", "International co-operation to avert new flows of refugees" and "Elimination of all forms of religious intolerance", and of the Security Council.

(Signed) Moulay Mehdi ALAOUI
Ambassador,
Permanent Representative

A/41/117
S/17765
English
Page 2

ANNEX

Text of the letter dated 24 January 1986 from His Majesty Hassan II,
King of Morocco, addressed to the Secretary-General of the United
Nations and the President of the Security Council

As President of the Organization of the Islamic Conference and Chairman of the Al-Quds Committee, We have, on behalf of all the Islamic countries, brought before the Security Council a complaint against the State of Israel for its multiple violations of the pertinent resolutions of the Security Council and of the General Assembly of the United Nations and for its unspeakable desecrations of the Al-Aqsa Mosque, perpetrated with the endorsement and on the decision of the Government of Israel and carried out under the protection and with the support of its armed police.

The blow thus dealt not only to the absolutely unquestionable legal and historical rights of the Muslim countries but also, and above all, to the deepest feelings of one billion inhabitants of this planet constitutes a crime against spiritual values and a violation of divine precepts, which, if they go unpunished, might provoke among the masses of the believers a legitimate but uncontrollable reaction of revolt, with unforeseeable and incalculable consequences.

The world is following your debate, not without anxiety, and expects of the Security Council the decisions which the gravity of the situation dictates.

We, for Our part, are certain that all the members of the Council, transcending and passing beyond contingencies arising from strategic or circumstantial alliances or friendships and taking into account only the lofty mission of peace and justice with which they are invested, will act on Our complaint in the manner naturally called for both by law and by the universal conscience.

Accept, Sir, the assurances of Our highest consideration.

Hassan II
King of Morocco



General Assembly Security Council

Distr.
GENERAL

A/43/90 ✓
S/19436
18 January 1988
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Forty-third session
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES AFFECTING
THE HUMAN RIGHTS OF THE POPULATION OF
THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-third year

Letter dated 18 January 1988 from the Permanent Representative of
Kuwait to the United Nations addressed to the Secretary-General

I have the honour to enclose a letter addressed to you from the Permanent Observer of the Palestine Liberation Organization to the United Nations (see annex) and its enclosure, a message from Sheikh Saadeddine Al Alami, President of the High Islamic Commission in Jerusalem (see appendix).

I should be grateful if you would arrange for this letter and its enclosure to be circulated as an official document of the General Assembly, under the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories", and of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

A/43/90
S/19436
English
Page 2

HP EXHIBIT 105

ANNEX

Letter dated 18 January 1988 from the Permanent Observer of
the Palestine Liberation Organization to the United Nations
addressed to the Secretary-General

I have the honour to enclose herewith a message from the President of the High Islamic Commission in Jerusalem, Sheikh Saadeddine Al Alami.

(Signed) Zehdi Labih TERZI
Permanent Observer

APPENDIX

Message dated 16 January 1988 from the President of the High Islamic
Commission in Jerusalem addressed to the Secretary-General

Israel, not satisfied with its expulsion of the sons of Palestine from their homeland, and despite the protests of the Security Council and the international community, has ordered its troops to lay siege to mosques in Al-Quds and Bethlehem. Thus it was that on 15 January 1988, as worshippers were at Friday prayers at the Al-Aqsa Mosque and the Dome of the Rock, Israeli troops opened fire and hurled tear-gas canisters, before proceeding to a general charge that spared not even women, children and the elderly. Many were seriously wounded and had to be hospitalized.

In the face of such practices by the Israeli occupation authorities, the whole world must resolutely condemn those barbaric outrages, which are contrary to international norms and customs, and must put an end to the daily suffering of the Palestinian people.

(Signed) Sheikh Saadeddine AL ALAMI
President of the High
Islamic Commission



General Assembly Security Council

Distr.
GENERAL

A/43/94
S/19439
20 January 1988

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-third session
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE POPULATION OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Forty-third year

Letter dated 20 January 1988 from the Permanent Representative of
Kuwait to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the communiqué adopted on 19 January 1988 at the meeting of the members of the Organization of the Islamic Conference concerning the desecration of Al-Masjed Al-Aqsa on 15 January 1988.

I should appreciate it if you would arrange to have the text distributed as an official document of the General Assembly, under the agenda item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories", and of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

ANNEX

Communiqué adopted at the urgent meeting of the members of the Organization of the Islamic Conference at the United Nations, held in New York on 19 January 1988, concerning the desecration of Al-Masjed Al-Aqsa on 15 January 1988 during Friday prayers

An urgent meeting of the members of the Organization of the Islamic Conference at the United Nations was held in New York at the request of the Palestine Liberation Organization on Tuesday, 19 January 1988, to consider the grave situation in the occupied Palestinian territories.

The meeting was apprised in particular of the desecration of Al-Masjed Al-Aqsa and the Dome of the Sacred Rock in Al-Quds Al-Sharif (Jerusalem) on 15 January 1988, during Friday prayers.

The meeting recalled that an emergency meeting of the OIC Al-Quds Committee was held on 15 Jumad Awwal 1408H (5 January 1988) in the city of Ifrane, Morocco, at the invitation of its chairman, His Majesty King Hassan II, to consider the ferocious suppressive methods used by Israel, the occupying power, against the Palestinian people. That meeting designated 15 January 1988 as a day of Islamic solidarity with the uprising of the Palestinian people.

On Friday, 15 January 1988, while worshippers were performing their prayers at Al-Aqsa Mosque and at the Dome of the Sacred Rock, Israeli troops were rushed into the Mosque and opened fire and launched tear gas bombs against the worshippers, resulting in scores of injuries that demanded hospital treatment, some suffering from serious wounds.

The meeting was also apprised of attacks on a number of mosques in Bethlehem, Nab'us and Gaza and flagrant violations of the performance of prayers. Churches as well were subjected to similar brutalities. The Catholic priest of Rammallah was assaulted and injured in the convent by Israeli troops.

The meeting reiterates its condemnation of Israel's occupation of the Palestinian and other Arab territories, including Al-Quds Al-Sharif, and considers that the continuation of the occupation constitutes a grave violation of the human rights and fundamental freedoms of the Palestinian and other Arab people under Israeli occupation. The meeting reaffirms that the continued Israeli occupation is a violation of the relevant United Nations resolutions.

The meeting strongly condemns the Zionist policies and practices by the Israeli troops against the Palestinian Arab people in the occupied Palestinian territories in violation of the Fourth Geneva Convention. It calls upon the United Nations to provide protection to ensure the safety for the Palestinian under Israel occupation. The meeting further calls for an investigation, under the auspices of the United Nations and the International Red Cross, to determine the magnitude of the heinous crimes committed by Israel. The meeting calls upon the members of the Security Council to take deterrent measures against Israel including the imposing of sanctions in accordance with Chapter VII of the Charter of the United Nations.

The members of the Organization of the Islamic Conference at the United Nations salute the Palestinian people and express their pride in their uprising and declare their solidarity with and support for the glorious Palestinian uprising against Israeli occupation.



General Assembly Security Council

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GENERAL

A/43/277
S/19723
4 April 1988
ENGLISH
ORIGINAL; ARABIC

GENERAL ASSEMBLY
Forty-third session
Item 77 of the preliminary list*
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES AFFECTING
THE HUMAN RIGHTS OF THE POPULATION OF
THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-third year

Letter dated 4 April 1988 from the Permanent Representative of
Jordan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you from Mr. Abdel-Aziz al-Khayat, Minister of Waqfs and Islamic Affairs, concerning the flagrant acts of provocation and repression which the Israeli occupation forces have committed recently against Islamic holy places and Muslim religious leaders.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 77 of the preliminary list, and of the Security Council.

(Signed) Abdullah SALAH
Ambassador
Permanent Representative

* A/43/50.

A/43/277
S/19723
English
Page 2

HP EXHIBIT 107

ANNEX

Letter dated 3 April 1988 from the Minister of Waqfs and
Islamic Affairs addressed to the Secretary-General

You are aware that the great Al-Aqsa Mosque and the Islamic holy places in general have been subjected to all kinds of attacks since the Zionist occupation forces entered Jerusalem in 1967, the goal being to destroy the Islamic sanctuary there and to erect the so-called "Temple" on its ruins, thereby effacing every trace of Islamic heritage and Judaizing the city. The racist occupation authorities have recently stepped up their acts of aggression, using as their pretext the widespread uprising launched by the inhabitants of the occupied territories in order to put an end to the bitter sufferings which they have to endure at the hands of the occupation forces and the settlers. Using that uprising as a pretext, the occupier engages in systematic and flagrant acts of provocation and repression against Islamic holy places and Muslim religious leaders, attacking the mosques many times and arresting dozens of imams. On 1 April 1988, after the Friday prayers, the Israeli troops attacked the President of the Supreme Islamic Commission and the Council for Waqfs and Islamic Affairs, who is the Mufti of Jerusalem, the leading Islamic figure and the head of the ulema in the occupied territories. This act of aggression represents the most serious violation of religious and human values and of the resolutions of international organizations ever committed by the occupation authorities.

I request you to take such steps as you deem necessary in order to denounce these barbarous and flagrant acts of aggression against Islamic holy places and Muslim religious leaders, and to do all in your power to put an end to such acts.

(Signed) Abdel-Aziz AL-KHAYAT
Minister of Waqfs and Islamic Affairs

1301



General Assembly Security Council

Distr.
GENERAL

A/45/596 ✓
S/2185C
8 October 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE
TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 8 October 1990 from the Permanent Observer of Palestine
to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Today, 8 October 1990, Israel committed another crime of genocide, resulting, until 0800 hours New York time, in the martyrdom of 22 unarmed civilian Palestinians and the wounding of almost 200 others. Israeli occupation troops are preventing the Palestinians from reaching hospitals to donate blood to the wounded.

Early in the morning it was learned that a group of Israelis had planned to enter the precinct of the Haram al-Sharif (the al-Aqsa Mosque) in Jerusalem and to lay therein the "Foundation Stone" for the erection of the "Third Temple". As these Israelis approached the gates from the southern side, the people of Jerusalem were already in the area to prevent the aggression against one of the holiest of Moslem Shrines. Members of the Israeli army, in uniform, opened fire with live ammunition and gas cannisters. Israeli troops opened fire from helicopters circling over the area.

The Security Council is called upon immediately to invoke the powers vested in it by the Charter, to put an end to such criminal acts by the occupying Power, Israel, and to ensure respect by Israel for the legal obligations arising from the Charter and from the Fourth Geneva Convention.

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HP EXHIBIT 108

A/45/596
S/21850
English
Page 2

The aggression committed today and the persistent policy and practice of the occupying Power against the Palestinian people under occupation do constitute a threat to international peace and security.

I should be grateful if you would arrange to have the text of the present letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Zuhdi Labib TERZI
Permanent Observer of Palestine
to the United Nations

**UNITED
NATIONS**

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Security Council

Distr.
GENERAL

S/21999
13 December 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE
OF JORDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to inform you that the Jordanian Government has received reports to the effect that the Israeli authorities intend to allow the Israeli extremist group known as the "Temple Mount Faithful" to enter the precinct of the Haram al-Sharif in Jerusalem on Monday, 17 December 1990, and to hold a religious service inside the precinct.

In conveying this information to you, the Jordanian Government wishes to recall that the events which occurred in the precinct of the Haram al-Sharif on 8 October 1990, resulting in the martyrdom of 21 Palestinian nationals, and which are still under consideration by the Security Council, were, in their turn, the result of a similar act of provocation carried out by the very same group.

Accordingly, the Jordanian Government wishes to draw attention to the dangers of such an act of provocation and to its possible disastrous consequences if the Israeli authorities allow the said group to enter the precinct of the Haram al-Sharif. It requests the esteemed Council, as represented by yourself, to warn of the consequences of such practices in terms of a dangerous escalation of the situation in Jerusalem and the other occupied Arab territories and to endeavour to prevent them from occurring.

I should be grateful if you would also have this note circulated as a document of the Security Council.

(Signed) Abdullah SA'Y
Permanent Representative



General Assembly Security Council

Distr.
GENERAL

A/45/869
S/22003
14 December 1990
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 14 December 1990 from the Chargé d'affaires a.i.
of the Permanent Observer Mission of Palestine to the United
Nations addressed to the Secretary-General

I have been instructed by the Executive Committee of the Palestine Liberation Organization, which is invested with the authority and responsibilities of the Provisional Government of Palestine, to transmit to you the statement by the official spokesman of the Palestine Liberation Organization concerning the dangerous situation in occupied Jerusalem, with particular regard to the Haram al-Sharif.

I should be grateful if you would kindly arrange to have this letter and its annex circulated as a document of the General Assembly and of the Security Council.

(Signed) Nasser AL-KIDWA
Chargé d'affaires a.i.
Acting Permanent Observer
for Palestine to the
United Nations

A/45/869
S/22003
English
Page 2

ANNEX

Statement by the official spokesman of the Palestine
Liberation Organization

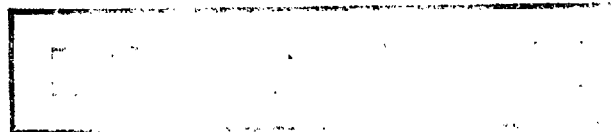
For the past two days Israeli and international news services and media have been reporting Israeli preparations to desecrate the Holy Al-Aqsa Mosque and to perpetrate a further massacre among our Palestinian population in the Holy City of Jerusalem. They state that the so-called "Temple Mount Faithful" intend to visit the Haram al-Sharif on 17 December 1990 and to hold a ceremony there and that the Israeli Government has given its approval to their proposal.

The Palestine Liberation Organization reminds the international community and the Arab and Islamic worlds of the repugnant massacre carried out by the Israeli occupation forces against our people in Jerusalem, as a result of which 31 people were martyred and hundreds injured, on the same pretext as that now being advanced by the Israeli occupiers. On that occasion the Zionist group known as the "Temple Mount Faithful" was endeavouring to lay the foundation-stone of the temple in the Haram al-Sharif. The Palestine Liberation Organization holds the Israeli Government fully responsible for this fresh act of provocation and aggression, for which preparations are this time being made overtly and in public, and calls upon the world as a whole to assume its responsibility vis-à-vis this organized official escalation of Israeli terrorism against our Palestinian people.

The Palestine Liberation Organization affirms that the Israeli Government would not be embarking on preparations for this latest bloodthirsty plan if it had encountered official international deterrence, in the context of the Security Council, at the time of the first Jerusalem massacre. The fact that it was not so deterred was a result of the American Administration's defence of the Zionist occupation and of Israeli crimes and acts of aggression against our Holy Places and our Palestinian people in the occupied Palestinian territory.

The Palestine Liberation Organization calls upon the Security Council, and particularly its five permanent members, as well as the Secretary-General of the United Nations and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to take a firm stand against this latest bloodthirsty plan.

The Palestine Liberation Organization affirms that the Palestinian people will resist this further brutal act of aggression in order to prevent the criminals from desecrating the Haram al-Sharif, which is the first of the two kiblans and the third of the Holy Places.





General Assembly Security Council

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A/46/768
S/23282
12 December 1991
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 73
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-sixth year

Letter dated 11 December 1991 from the Permanent
Representative of Jordan to the United Nations
addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you that on the afternoon of Wednesday, 11 December 1991, the Israeli occupation authorities installed on the western wall of the Holy Al-Aqsa Mosque (Al-Buraq Wall) at least eight loudspeakers oriented in the direction of the Mosque and its courtyards. This constitutes an extremely grave violation of the sanctity of this Holy Place, a blatant provocation to the sentiments of Muslims, a desecration of the things they hold most sacred and open interference with the freedom of worship of congregants engaged in their religious observances.

The Jordanian Government would like to call attention to the serious character of this measure. It is being taken in the context of Israel's ongoing practices aimed at the obliteration of Islamic religious landmarks in the Holy City and their Judaization, which will have the same dire consequences as the incident that took place in the precinct of the Haram al-Sharif on 8 October 1990.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 73, and of the Security Council.

(Signed) Abdullah SALAH
Ambassador
Permanent Representative

**UNITED
NATIONS**

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**General Assembly
Security Council**

Distr.
GENERAL

A/51/400
S/1996/779
24 September 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda items 33, 35, 54 and 85
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
IMPLEMENTATION OF THE RESOLUTIONS
OF THE UNITED NATIONS
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-first year

Letter dated 24 September 1996 from the Permanent Observer
of Palestine to the United Nations addressed to the
Secretary-General

I have been instructed to bring the following to your immediate attention.

Israel, the occupying Power, has committed yet another dangerous violation of its obligations under international law, international humanitarian law and relevant Security Council resolutions. On the evening of Monday, 23 September 1996, the Israeli occupying authorities, under the protection of army units, opened an entrance to a tunnel in the vicinity of Al-Haram Al-Sharif in occupied East Jerusalem. The tunnel extends for approximately 500 yards, parallel to the Western Wall of Al-Aqsa Mosque. It runs from the south-west corner of Al-Aqsa wall until Bab Al-Gawanimeh at the north-west corner, continuing eastward and north to Al-Aqsa Mosque. The ground broken for the opening of the tunnel is located at the stairs leading to Al-Rawda School, which is owned by the Islamic Waqf and is situated north of Al-Aqsa Mosque. As such, the opening of this entrance and any use of the tunnel endanger the security and integrity of Al-Aqsa Mosque and the foundations of the Islamic structures existing above the tunnel.

The Security Council has repeatedly affirmed the applicability of the fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967, including Jerusalem, and has called upon Israel to abide by the provisions of the Convention. In several of its resolutions, the Council declared all

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A/51/400
S/1996/779
English
Page 2

Israeli measures and actions which aim at changing the status of Jerusalem as invalid, and it called upon Israel to rescind all such measures and to desist from further action changing the status of Jerusalem. The above-mentioned Israeli action is obviously another measure aimed at the Judaization of the city, creating yet additional facts with regard to the Holy City's status.

In this regard, and given the extremely important religious and spiritual nature of the issue, we call upon the Security Council to take the necessary steps to address this issue and to have the Israeli action reversed.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly, under agenda items 33, 35, 54 and 85, and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations



**General Assembly
Security Council**

Distr.: General
29 September 2000

Original: English

**General Assembly
Fifty-fifth session**

Agenda items 36, 40, 41 and 85

Bethlehem 2000

The situation in the Middle East

Question of Palestine

**Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories**

**Security Council
Fifty-fifth year**

**Letter dated 29 September 2000 from the Permanent Observer of
Palestine to the United Nations addressed to the Secretary-General**

Yesterday, 28 September 2000, a member of the Israeli parliament and the leader of the Likud Party, Mr. Ariel Sharon, led a group in a dangerous and provocative visit to Al-Haram Al-Sharif in Occupied East Jerusalem. The purpose of this visit, according to Mr. Sharon, was to emphasize illegal Israeli sovereignty over the place. Hundreds of members of the Israeli security forces accompanied Mr. Sharon, which further aggravated tensions, leading to clashes between Palestinian civilians and Israeli security forces, both in Al-Haram Al-Sharif and the rest of East Jerusalem.

Today, 29 September 2000, and following Friday worship, Israeli security forces stormed Al-Haram Al-Sharif using rubber bullets and live ammunition against the worshippers, killing five Palestinian civilians and injuring about 200 others. An Israeli police chief admitted that snipers were also deployed and that they fired live rounds, making the death of civilians the result of wilful killing. Clashes and further Israeli repression against Palestinian civilians later spread to other places including the rest of East Jerusalem, Bethlehem, Ramallah and Gaza.

The actions today of the Israeli security forces are starkly reminiscent of those committed on 8 October 1990, when those forces stormed Al-Haram Al-Sharif, killing 20 civilians and injuring more than 150. At the time, the Security Council, in its resolution 672 (1990) of 12 October 1990, condemned the acts of violence by the Israeli security forces and called upon "Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12

00-66554 (E) 290900

August 1949, which is applicable to all the territories occupied by Israel since 1967”.

The international community, and particularly the Security Council, must reiterate such a position and compel the occupying Power to respect its obligations. The need for the cessation of such appalling actions is even greater at this sensitive time, given their detrimental effect on the Middle East peace process and the efforts to achieve a final settlement between the two sides. At this point, ensuring the withdrawal of Israeli forces from Al-Haram Al-Sharif and the rest of East Jerusalem and from the vicinity of other Palestinian cities is a necessary first step for salvaging the situation.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the fifty-fifth session of the General Assembly, under agenda items 36, 40, 41 and 85, and of the Security Council.

(Signed) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

**General Assembly
Security Council**Distr.: General
3 October 2000

Original: English

**General Assembly
Fifty-fifth session
Agenda item 41
Question of Palestine****Security Council
Fifty-fifth year****Letter dated 2 October 2000 from the Chairman of the Committee
on the Exercise of the Inalienable Rights of the Palestinian People
addressed to the Secretary-General**

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention, as a matter of urgency, to the violent confrontations between the Israel Defence Forces (IDF) and police and Palestinian worshippers at Al-Aqsa Mosque and throughout the Haram al-Sharif compound that erupted on 28 September 2000. Violent confrontations also took place all across the West Bank and the Gaza Strip. According to media reports, 40 Palestinians died in the clashes. Altogether, some 1,500 people were reported injured. Reports indicate that most of the dead and injured sustained wounds caused by rubber-coated metal bullets and live ammunition. Moreover, excessive force was used by IDF against the Palestinian protesters, including tanks, helicopter gunships, anti-tank missiles and grenades.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to express the gravest and growing concern at the continued confrontations in the Old City of Jerusalem and throughout the West Bank and the Gaza Strip. The Committee is dismayed by the loss of life as a result of these confrontations. It is particularly saddened by the tragic deaths of innocent Palestinian children.

The Committee is of the view that the events of the past several days are a direct result of the policies and practices of the Israeli occupation. To this day, Israel has continued to violate its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), and the provisions of dozens of Security Council and General Assembly resolutions. Our Committee has warned on a number of occasions that Israel's failure to live up to those principles, as well as the continued lack of progress in the Israeli-Palestinian peace negotiations, would allow despair and frustration to set in, putting the peace process in considerable jeopardy and leading to increased volatility on the ground.

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The Committee therefore addresses an urgent appeal to you, as well as to all the parties concerned, to take the necessary steps in order to induce Israel to abide by its obligations and responsibilities under the Fourth Geneva Convention, to guarantee its respect for the Holy Places and to ensure international protection of the Palestinian people.

In the light of the above, the Committee reiterates its long-standing position that the United Nations should continue to exercise its permanent responsibility towards all the aspects of the question of Palestine, including the issue of Jerusalem, until it is resolved in a satisfactory manner, in conformity with relevant United Nations resolutions and in accordance with international legitimacy, and until the inalienable rights of the Palestinian people are fully realized.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 41, and of the Security Council.

*(Signed)* Ibra Deguène **Ka**  
Chairman of the Committee on the Exercise of the  
Inalienable Rights of the Palestinian People

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United Nations

A/55/1023-S/2001/750



**General Assembly  
Security Council**

Distr.: General  
30 July 2001

Original: English

**General Assembly**  
**Fifty-fifth session**  
Agenda items 40 and 41

**Security Council**  
**Fifty-sixth year**

**The situation in the Middle East**  
**Question of Palestine**

**Letter dated 30 July 2001 from the Permanent Representative of  
Qatar to the United Nations addressed to the Secretary-General**

I have the honour, in my capacity as Chairman of the Organization of the Islamic Conference, to transmit herewith to you a statement by an official source at the Foreign Ministry of the State of Qatar, dated 30 July 2001, concerning the State of Qatar's condemnation and denouncement of a group to lay down the foundation stone at the alleged Temple in the Al-Haram Al-Qudsi Al-Sharif (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 40 and 41, and of the Security Council.

(Signed) Nassir Abdulaziz **Al-Nasser**  
Ambassador  
Permanent Representative

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**Annex to the letter dated 30 July 2001 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General**

[Original: Arabic]

The State of Qatar, in its capacity as current Chairman of the Organization of the Islamic Conference, has expressed its disapproval and condemnation of the dangerous Israeli escalation exemplified by the decision of an extremist religious group to lay a cornerstone for the alleged Temple at the Haram al-Sharif in Jerusalem. This is a provocation to religious sentiments and is to be regarded as an affront to the sanctity of the Islamic Holy Places and an act of wanton aggression against them.

In a statement to the Qatar News Agency, an authoritative source in the Ministry of Foreign Affairs said that this criminal act is a violation of the sanctity of the Islamic Holy Places and of the heritage of human civilization. It is an open affront to the sentiments of the Arab and Muslim peoples of the world and may thus ignite the situation in the region, over and above the fact that it represents a violation of international law and custom.

The source appealed to the international community and to the Security Council and its permanent members to meet their responsibility to prevent such provocation.

The source urged the co-sponsors of the peace process, the United States and the Russian Federation, as well as the European Union to take immediate action to halt such grave outrages against the sanctity of Jerusalem and to create more appropriate conditions for a resumption of the peace process in the Middle East.

In concluding his statement, the source stressed that the State of Qatar, as current Chairman of the Organization of the Islamic Conference, would support the Palestinian people in its just struggle to regain its land and its legitimate rights in accordance with the relevant United Nations resolutions and the principle of land for peace, and he called upon Israel to respond to all the international initiatives and efforts being made for the establishment of peace, security and stability in the Middle East region.



EMBASSY OF  
THE HASHEMITE KINGDOM  
OF JORDAN  
TEL - AVIV



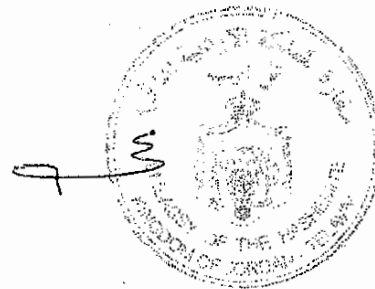
سفارة  
المملكة الأردنية الهاشمية  
تل أبيب

Ref. No. AD-7-722  
Date 26.7.2005

الرقم :  
التاريخ :

The Embassy of the Hashemite Kingdom of Jordan presents its compliments to the Ministry of Foreign Affairs of the State of Israel and has the honor to convey to the esteemed Ministry the protest of the Jordanian authorities and the need to receive an immediate explanation of the unlawful treatment of the Jordanian administrative staff of the Awqaf and Islamic Affairs including physical assault and prevention from entering the AL Aqsa Mosque by the Israeli police.

The Embassy of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the State of Israel the assurances of its highest consideration.



Ministry of Foreign Affairs/ Jerusalem.

ف.ع.ع



سفارة  
المملكة الأردنية الهاشمية  
تل أبيب

Ref. No. RA-4-155  
Date: 14-2-2006

الرقم : \_\_\_\_\_  
التاريخ : \_\_\_\_\_

The Embassy of the Hashemite Kingdom of Jordan presents its compliments to the Ministry of Foreign Affairs of the State of Israel and has the honor to kindly request the esteemed Ministry to use its good office to intervene with the concerned Israeli authorities in order to immediately stop all excavation activities beneath and in the surroundings of Al Aqsa mosque, since such activities impose a great threat to the structure of the holy mosque.

The Embassy of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the State of Israel the assurances of its highest consideration.

Ministry of Foreign Affairs /Jerusalem.



EMBASSY OF  
HASHEMITE KINGDOM  
OF JORDAN  
TEL - AVIV



R13/30  
0X/4/28 سفارة  
المملكة الأردنية الهاشمية  
تل أبيب

RA  
Ref. No. JA-4-771  
Date 5.7.2006

الرقم :  
التاريخ :

The Embassy of the Hashemite Kingdom of Jordan presents its compliments to the Ministry of Foreign Affairs of the State of Israel and has the honor to request the esteemed Ministry to use its good offices with the concerned Israeli Authorities, in order to stop all excavation activities which have been recently approved by the Israeli Archeological Authority which include the demolishing of the old bridge at Almagarba Gate, one of the gates that leads to Alaqa Mosque. These excavations are due to take place at this gate , will impose a great threat to the safety of the holy site.

The Embassy of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the state of Israel the assurances of its highest consideration.

كلمة

Ministry of Foreign Affairs of the State of Israel/Jerusalem.



EMBASSY OF  
THE HASHEMITE KINGDOM  
OF JORDAN  
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سفارة  
المملكة الأردنية الهاشمية  
تل أبيب

Ref. No. RA-4-157  
Date 7-2-2007

الرقم:  
التاريخ:

The Embassy of The Hashemite Kingdom of Jordan presents its complements to the Ministry of Foreign Affairs of The State of Israel and has the honor to make reference to the Embassy's Note No. IR-4-771, Dated at July 5<sup>th</sup> 2006 regarding demolishing Bab Al-Magharbeh dilapidated Passageway.

The Embassy would like to convey to the esteemed Ministry the strong condemnation and Protest of the Hashemite Kingdom of Jordan Government on Israel's excavation work in Bab Al-Magharbeh dilapidated Passageway, and would like to point out that such works if continued will have serious ramification on the entire delicate situation in the old City of Jerusalem, as this action will antagonize Muslims feelings all over the world.

Furthermore; this unacceptable violation must be ended immediately, and Jordan reiterates the call for repairing the dilapidated Passageway by the Awqaf Administration as the entity that solely has the legal and historic custodianship over Bab Al-Magharbeh Passageway, in order to avoid further damage.

The Embassy of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.



Ministry of Foreign Affairs / Jerusalem

United Nations

A/61/736-S/2007/76



**General Assembly  
Security Council**

Distr.: General  
9 February 2007

Original: English

**General Assembly**  
**Sixty-first session**  
Agenda items 13 and 14

**Security Council**  
**Sixty-second year**

**The situation in the Middle East**  
**Question of Palestine**

**Letter dated 9 February 2007 from the Permanent Representative  
of Azerbaijan to the United Nations addressed to the  
Secretary-General**

In my capacity as Chairman of the Organization of the Islamic Conference (OIC) Group at the United Nations in New York, I have the honour to transmit herewith a statement issued by the OIC Group on 8 February 2007 concerning the grave situation in occupied East Jerusalem (see annex).

I should be grateful if the present letter and its annex were to be urgently distributed as a document of the sixty-first session of the General Assembly, under agenda items 13 and 14, and of the Security Council.

*(Signed)* Agshin **Mehdiyev**  
Ambassador  
Permanent Representative



**Annex to the letter dated 9 February 2007 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General****Statement issued by the Ambassadorial Level Meeting of the Organization of the Islamic Conference (OIC) Group to the United Nations on 8 February 2007**

The OIC Group at the United Nations in New York met on 8 February 2007, at the Ambassadorial level, to consider the grave situation in occupied East Jerusalem, as a result of Israeli aggression against the Holy City and the blessed Al-Aqsa Mosque, and issued the following statement:

The OIC Group at the United Nations in new York expresses its strong condemnation of Israel's heinous aggression against the blessed Al-Aqsa Mosque and the holy City of Al-Quds Al-Shareef by demolishing a historic road connecting Bab Al-Maghariba with the Holy Al-Aqsa Mosque Compound, in addition to two rooms adjacent to Al-Buraq Wall. The OIC Group also condemns Israel's continued excavation works beneath the Holy Al-Aqsa Mosque Compound, undermining its foundations and threatening it with collapse. The OIC Group considers these acts and measures taken by Israel, the occupying Power, a provocation to the feelings and sentiments of more than one billion Muslims in the world. The OIC Group denounces Israel's continued policy in denying Palestinian worshippers access to their religious sites.

The OIC Group stresses that these Israeli provocative actions are not the first of their kind. Since 1968, the Security Council has adopted 16 resolutions, particularly resolution 465 (1980), and has repeatedly declared that measures and arrangements taken by Israel, the occupying Power, which aim at changing the legal status, demographic composition and character of the City of Al-Quds Al-Shareef are null and void and without any legal validity whatsoever. Further more, the Security Council has repeatedly reaffirmed the applicability of the Fourth Geneva Convention of 1949 to all the territories occupied by Israel in 1967, including East Jerusalem.

The OIC Group stresses that Israel, the occupying Power, by escalating its aggression against Al-Quds Al-Shareef, and creating new facts on the ground, raises doubts over its seriousness to resume the peace process which aims at achieving a just settlement of the Palestinian question, seriously threatens all efforts exerted to revive the political process, and aborts any possibility for negotiations on the final status issues, particularly the issue of Al-Quds Al-Shareef.

The OIC Group, reaffirming the centrality of the cause of Al-Quds Al-Shareef for the whole Islamic Ummah, affirms the firm position of the Organization of the Islamic Conference, for which the cause of Palestine and Al-Quds Al-Shareef was the *raison d'être*, on the preservation of the Arab and holy characters of the City of Al-Quds Al-Shareef.

The OIC Group, emphasizing the need to prevent further escalation in the situation in the region, calls upon the Security Council, as the body responsible for maintaining international peace and security, to take immediate and urgent action in order to bring an end to Israeli intransigence and violations against the blessed Al-Aqsa Mosque and Al-Quds Al-Shareef, and to guarantee Israel's respect for the Council's resolutions and for international law, particularly international humanitarian law.

**General Assembly  
Security Council**

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12 February 2007  
English  
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**General Assembly**  
**Sixty-first session**  
Agenda items 13 and 14

**Security Council**  
**Sixty-second year**

**The situation in the Middle East**  
**Question of Palestine**

**Identical letters dated 9 February 2007 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council**

In my capacity as Chairman of the Arab Group and at the behest thereof, I should like to draw your attention to the recent escalation triggered by the Israeli occupying power, consisting in the carrying out of excavation work in the sensitive area surrounding Al-Haram al-Sharif (sacred precinct of Al-Aqsa Mosque) in the city of Al-Quds al-Sharif, where Israeli equipment has carried out operations of demolition and excavation of the historic way leading to the Maghariba Gate, one of the principal gates connected with the Western Wall of the Haram al-Sharif, on flimsy pretexts, i.e., the rebuilding of the path, alleging that this will not affect the foundations of the Al-Aqsa Mosque.

The States members of the Arab Group condemn these acts, which constitute a dangerous escalation and flagrant aggression against Islamic holy places, and consider the provocative measures taken by Israel as constituting a clear violation of the relevant General Assembly and Security Council resolutions, in particular Security Council resolution 465 (1980). In those resolutions, the international community emphasized that all measures taken by Israel, the occupying power, including legislative and administrative measures, aimed at altering the legal status of the occupied city of Al-Quds and its demographic structure, are null and void. In many of its resolutions, moreover, the Security Council reaffirmed the applicability of the fourth Geneva Convention of 1949 to all territories occupied by Israel since 1967, including Al-Quds.

The fact that Israel, the occupying power, has carried out this grave act of aggression casts doubt on its earnestness regarding the reactivation of the peace process aimed at a just settlement of the Palestinian question on the basis of the resolutions constituting international legitimacy, first and foremost Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace, the road map and the Arab peace initiative.



What is more, such practices can only preclude any possibility of negotiations on final solution issues, the most important being the question of Al-Quds, through the creation of new facts on the ground aimed at imposing a fait accompli and prejudicing the outcome of the negotiations.

The members of the Arab Group, warning of the consequences of continued demolition and excavation work to obliterate Islamic landmarks in the area surrounding Al-Aqsa Mosque, owing to the negative repercussions and grave consequences of such acts on peace and security in the region, call upon the Security Council, as the body charged under the Charter of the United Nations with maintaining international peace and security, to take immediate emergency measures to put a stop the Israeli Government's plans and prevail upon it to respect the resolutions constituting international legitimacy.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

Accept, Sir, the assurances of my highest consideration.

*(Signed)* Abdullah Ahmed Mohamed **Al-Murad**  
Chairman of the Arab Group and Permanent Representative  
of the State of Kuwait to the United Nations

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**General Assembly**

Distr.: General  
30 October 2007

Original: English

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**Sixty-second session**  
Agenda item 18  
**Question of Palestine**

**Letter dated 17 October 2007 from the Permanent  
Representative of Pakistan to the United Nations  
addressed to the Secretary-General**

I have the honour to enclose, in my capacity as Chair of the Organization of the Islamic Conference (OIC) Group at New York, a statement on behalf of the Organization of the Islamic Conference regarding the decision of the Israeli Government to resume excavation work beneath the Holy Al-Aqsa Mosque Compound (see annex).

It is requested that the present letter and its annex kindly be issued as a document of the General Assembly, under agenda item 18.

*(Signed)* Munir Akram



**Annex to the letter dated 17 October 2007 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General**

**Statement by the Organization of the Islamic Conference Group on the decision of the Israeli Government to resume excavation work beneath the Holy Al-Aqsa Mosque Compound**

The Organization of the Islamic Conference (OIC) Group strongly condemns the decision of the Israeli Government to resume excavation work beneath the Holy Al-Aqsa Mosque Compound and the demolition of the historic road connecting Bab Al-Maghariba with the Holy Al-Aqsa Mosque Compound, which are seriously undermining its foundation and threatening it with collapse.

The OIC Group reaffirms its grave concern over the nature and objective of the Israeli archaeological work at the Haram El Sharif, which could alter the outstanding universal cultural value of the Haram El Sharif and the old city of Jerusalem.

The OIC Group believes that such actions on the part of Israel have a negative impact on the current efforts to create the appropriate political environment between the Palestinian and Israeli sides to revive the peace process and to resume the final status negotiations.

The OIC Group demands that Israel fully comply with its legal obligations according to international law, particularly the Fourth Geneva Convention of 1949, which is applicable to all of the territories occupied by Israel since 1967, including East Jerusalem.

The OIC Group calls upon the international community, particularly the Security Council, to compel Israel, the occupying Power, to rescind its decision and to cease all such actions and measures aimed at the judaization of the Holy City of Al-Quds Al-Sharif and changing its legal status, character and demographic composition.

R/1/4

GW/7/20

20 August 2008

His Excellency Mr. Xavier Solana

The Hashemite Kingdom of Jordan as the custodian of the holy shrines in Jerusalem, I would like to bring to your kind attention the issue of Israeli unilateral measures in relation to the Mughrabi Ascent site in the Old City of Jerusalem. Despite the on-going process under the auspices of UNESCO to preserve and restore the Ascent, Israel continues its excavations and is setting plans to construct a bridge on the site of the Ascent which will necessarily undermine the integrity and authenticity of the site. Recently, Israel's "District Committee" took a decision to go ahead with unilateral plans regarding the Mughrabi Ascent's expansion of the Western Wall plaza. Such actions contravene Israel's obligations under international humanitarian law and the content of UNESCO's World Heritage Committee (WHC) Decision 32 COM/7A.18 that was just adopted in Quebec, Canada in July 2008.

This WHC Decision affirms that no measure, unilateral or otherwise, be taken which would affect the authenticity and integrity of the Mughrabi Ascent site and urges Israel to limit archeological activities related to the Ascent to consolidation and stabilization work. It also requests the Israeli authorities to continue the cooperation with all concerned parties, in particular with Jordanian authorities entrusted with Jerusalem's holy shrines.

The Israeli measures towards the Ascent clearly defeat those objects and purposes of the above mentioned WHC decision. It is unilateral, affecting the authenticity and integrity of the Mughrabi Ascent site and Jordanian authorities were not engaged in the process or approved such a decision by Israel's District Committee.

The duty on Israel to cooperate with the Jordanian authorities regarding the Mughrabi Ascent issue exists under international humanitarian law (IHL), including the relevant provisions of the 1954 Hague Convention on the

Protection of Cultural Property during Armed Conflict. Such a duty entails that Israel allow Jordan's experts access to the Mughrabi Ascent site to enable them to finalize the Jordanian design to restore the Ascent which is an integral part of the WHC process. Till now Israel has not fulfilled this duty disregarding the fact that Jordan is entrusted under IHL, including the 1954 Hague Convention, with the right and duty to maintain and preserve the Mughrabi site and an Israeli duty of cooperation in this regard.

Mr. Secretary General,

The unilateral Israeli measures in the Holy City of Jerusalem, generally, and towards the Islamic sites and Waqf, specifically, contravene United Nations and UNESCO resolutions relevant to the status of Jerusalem and its holy shrines. Such measures ought to be confronted at the international level and pressure be exerted on Israel to dissuade it from such actions; otherwise a new *defacto* situation will prevail that may not be reversed in the future.

Against this background, I am looking forward to your efforts and good offices, within the framework of the European Union and other relevant organizations to put pressure on Israel to desist from its practices towards the Mughrabi gate site and occupied East Jerusalem and fulfill the international legitimacy resolutions.

Please accept, Your Excellency, the assurances of my highest considerations

**Dr. Salaheddin AL- Bashir**

United Nations

A/ES-10/462-S/2009/494

**General Assembly  
Security Council**Distr.: General  
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**General Assembly**  
**Tenth emergency special session**  
Agenda item 5  
**Illegal Israeli actions in Occupied East  
Jerusalem and the rest of the Occupied  
Palestinian Territory****Security Council**  
**Sixty-fourth year****Identical letters dated 28 September 2009 from the Permanent  
Observer of Palestine to the United Nations addressed to the  
Secretary-General and the President of the Security Council**

As we begin the sixty-fourth session of the General Assembly, we are reminded once again of the importance of this organization as the upholder and defender of international law in all circumstances and for all peoples. Yet even as the declarations spoken by world leaders before the General Assembly continue to resonate around the globe, the renewed sense of hope, prompted by their pledges to uphold the law and the purposes and principles of the United Nations, including by pursuit of the long overdue just and peaceful settlement of the question of Palestine, is being vehemently tested by the unchecked aggression and intransigence of Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem.

We write to you today with urgency to draw attention to the hostile and aggressive actions perpetrated on Sunday, 27 September, in Occupied East Jerusalem at the sacred compound of Al-Haram Al-Sharif. The Israeli occupying forces attacked Palestinian worshippers at Al-Haram Al-Sharif after midday prayers as they attempted to fend off over 150 Israeli extremists from breaking into the Holy Compound under the watch and guard of the occupying forces. Tear gas, rubber-coated steel bullets and batons were used in the Israeli attack against the Palestinian worshippers, which resulted in the injury of at least 40 civilians and the arrest of 5 others. Among the injured were 73-year-old Mohamad Al-Julani, who was shot by a rubber-coated steel bullet in the eye, 20-year-old Rami Al-Fakhourin, who was also shot in the eye by a rubber-coated steel bullet, and 31-year-old Adel Al-Alsilwadi, who was shot by a rubber-coated steel bullet in the chest.

Following the attack at Al-Haram Al-Sharif, the occupying Power deployed large military and police contingents throughout Occupied East Jerusalem and imposed the regrettably familiar punitive measures of collective punishment by closing off the Holy Compound.

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Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.

The clashes that ensued following the confrontation were painfully reminiscent of previous provocations, sanctioned by successive Israeli governments, that resulted in dangerous escalations on the ground in the Occupied Palestinian Territory. In this regard, it is imperative to recall that the provocative act perpetrated by Ariel Sharon, under the guard of hundreds of occupying forces, at Al-Haram Al-Sharif nine years ago to this day, on 28 September 2000, was the act that ignited the high tensions prevailing and led to the outbreak of the second Palestinian intifada (uprising) against the Israeli occupation.

Moreover, it cannot be overlooked that such provocations are constantly fuelled by the continuing incitement of Israeli officials who promote and support Israeli settlers and extremists whose actions fuel religious tensions, hostility and needless violence. Stark examples of such malicious, racist and aggressive incitement are the statements made by Arielel Eldad and Michael Ben Ari, two radical members of the Israeli Knesset, who criticized the Israeli occupation authorities for not cracking down hard enough on Palestinian worshippers. In the same vein, Uri Ariel, another radical Israeli parliamentarian, declared that the Israeli forces should do more to allow right-wing Israeli zealots into Al-Haram Al-Sharif.

As we alert the international community to the escalating tensions and instability on the ground, we must reiterate that the events of the past 24 hours are not the result of chance. Rather, they are the outcome of predetermined and wilful Israeli efforts, with official support, complicity and participation, to dodge commitments made in the peace process and thus continue to avert the resumption of this process towards the realization of its objectives, on which there is a firm international consensus. Undeniably, a clear trend exists of actions undertaken by successive Israeli governments to sabotage peace efforts, particularly when the international calls and the international will to end the occupation and achieve a just and lasting peace in the region are intense, as they are in the current period.

In this regard, it should be recalled that in 1996, Benjamin Netanyahu, Prime Minister at the time, provoked and fuelled a needless episode of violence and bloodshed by permitting the clandestine digging of a tunnel under Al-Haram Al-Sharif by Jewish extremists who publicly declare their goal of demolishing the Holy Compound. And in 2000, even as vigorous efforts were being exerted to advance the peace process by the United States administration of President Bill Clinton, it was under the watch of then Prime Minister Ehud Barak that opposition leader Ariel Sharon was permitted to enter Al-Haram Al-Sharif, which inflamed sensitivities and sparked widespread Palestinian protests, launching the intifada, and a violent Israeli response resulting in thousands of deaths and injuries as well as the imposition of severe and unlawful measures of collective punishment from which the Palestinian civilian population continues to suffer to this very day.

Moreover, we have repeatedly witnessed the escalation of Israeli colonization activities throughout all stages of the peace process over the past 16 years, in total contradiction to the goal of the peace process and in total defiance of the international will and consensus rejecting Israeli settlement activities and calling for their complete cessation. It is without doubt that such continuing illegal Israeli actions in the Occupied Palestinian Territory, particularly in and around Occupied East Jerusalem, have time and again obstructed peace efforts and called into question Israel's credibility as a peace partner and the viability of the process itself.

At this critical juncture, there is a renewed and overwhelming international rallying of support to restart final status negotiations between Palestinians and Israelis towards bringing a definitive end to the Israeli occupation that began in 1967, establishing a viable, contiguous, and sovereign Palestinian state, and hence achieving a just and lasting peace in the region. This was clearly evident during the general debate of the General Assembly, including, inter alia, in the pronouncements of United States President Barack Obama, and the Palestinian leadership, in line with its principled commitment to a peaceful resolution of the conflict, welcoming this international support.

However, the general debate also exposed the other part of the stalled peace equation: the clear determination of the current Israeli government to persist in its intransigence and obstruct any meaningful effort to reach peace. This was evident in the speech made by Israel's Prime Minister, who reaffirmed his government's disdain for the United Nations and the resolutions it has adopted on the question of Palestine on the basis of international law and principles. This disregard is also painfully evident on the ground, especially in Occupied East Jerusalem, where settlement activities persist, settlers are being transferred daily, and Palestinian civilians continue to be forcefully evicted from their homes, and their socio-economic life and connections to their brethren in the rest of the Occupied Palestinian Territory choked by the severe restrictions imposed by the occupying Power. Indeed, as Israeli bulldozers and occupation authorities continue to create new colonial facts on the ground in the Occupied Palestinian Territory, including East Jerusalem, the Israeli government is also trying to provoke violence and tension in order to buy time to perpetrate yet more violations of international law and commitments. This requires immediate attention and redress.

The international community cannot stand idly by as Israel, the occupying Power, persists in illegal and aggressive actions that will only serve to inflame tensions and instability and further conflict. Instead, the international community, including the Security Council, must exert the necessary efforts to uphold its responsibilities and legal obligations to protect and enforce international law. We must stand true to our agreed principles and defend international law from being turned into hollow words and empty promises by the intransigent behaviour of those who continue to act as States above the law.

We thus appeal for urgent action to quickly and decisively prevent the situation from further escalation and assist in promoting the appropriate environment, one characterized by respect for international law, for the resumption of accelerated peace negotiations for the achievement of the two-State solution on the basis of the 1967 borders, in accordance with the relevant Security Council resolutions, the principle of land for peace, the Arab Peace Initiative and the Roadmap.

This letter is in follow-up to our previous 343 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 September 2009 (A/ES-10/461-S/2009/453), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

A/ES-10/462  
S/2009/494

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I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of Palestine to the United Nations

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United Nations

A/ES-10/464-S/2009/513

**General Assembly  
Security Council**Distr.: General  
6 October 2009

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-fourth year****Illegal Israeli actions in Occupied East Jerusalem and the  
rest of the Occupied Palestinian Territory****Identical letters dated 5 October 2009 from the Chargé d'affaires a.i.  
of the Permanent Observer Mission of Palestine to the  
United Nations addressed to the Secretary-General and  
the President of the Security Council**

I write to you in follow-up letter to our recent letter (A/ES-10/462-S/2009/494), regarding the tense and deteriorating situation in the Occupied Palestinian Territory, especially in Occupied East Jerusalem, due to the blatant provocations and illegal actions that continue to be committed by Israel, the occupying Power.

On Sunday, 4 October 2009, the occupying Power once again used excessive force in repressing Palestinian worshippers trying to defend Al-Haram Al-Sharif and Al-Aqsa mosque from incursions by extremist and militant Israeli settlers, whose repeated threats continue to incite further extremism and provoke an already volatile situation. Among those brutally beaten and detained by the Israeli occupying forces was elected Jerusalem Parliamentarian Hatem Abdel Qader, who was also fined nearly 6,000 dollars and banned from the Occupied City, his birthplace and home.

The recent clashes, as well as the widespread arrest and detention campaign and deployment of occupying forces in East Jerusalem, have also been accompanied by increasingly racist and provocative remarks against the indigenous Palestinian population of the city. These provocations are being carried out in addition to the incessant, aggressive and illegal Israeli colonization measures being perpetrated in Occupied East Jerusalem and the rest of the Occupied West Bank, which continues to witness the construction and expansion of settlements and all related settlement infrastructure and the continued deliberate transfer of Israeli settlers.

Construction is under way on approximately 800 new settlement units in 34 different illegal Israeli settlements across the Occupied Palestinian Territory. In addition, in a flagrant and defiant demonstration of Israel's total disdain for the clear international consensus in rejection of all settlement activities, plans are apparently proceeding for the approval of construction of a new Israeli settlement in the village of Al-Walajeh near Bethlehem — deep into the Occupied West Bank.

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Such illegal actions and incitement only reconfirm the Palestinian belief that the current right-wing Israeli Government is only interested in impeding peace efforts in the region and establishing a vast web of illegal facts on the ground that directly contradict and sabotage the very principle of the two-State solution for peace on the basis of the 1967 borders.

Indeed, while the Palestinian side continues to do its utmost to uphold its obligations and commitments and to promote an environment conducive for the pursuit of a just and final peace settlement, Israel, the occupying Power, continues to fervently attempt to alter the demographic composition, geography, character and status of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, not seeking peace but seeking to annex de facto even more Palestinian land, in flagrant violation of international law and United Nations resolutions. The persistence of such illegal, immoral and aggressive behaviour will not only cause the further deterioration and destabilization of the situation on the ground, with the consequent heightened suffering and hardship for the Palestinian civilian population, but will also nullify any attempts for a resumption of the peace process.

Such belligerent disrespect for international humanitarian law and the relevant United Nations resolutions, which undoubtedly represent the will of the international community, must be a cause of grave concern to us all. Further, it must be a strong incentive for urgent and unwavering efforts, including by the Security Council, to compel Israel to abide by its legal obligations, including those to which it has publicly committed itself, and to cease behaving as though it were a State above the law. Wavering in this regard, including by standing idly by as Israel persists with this reckless and dangerous campaign, would be extremely detrimental to the efforts to revive the peace process and would serve as a severe blow to the very credibility of these ongoing international peace efforts. We thus urge rapid and decisive action to prevent this volatile situation from escalating further.

This letter is in follow-up to our previous 344 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 28 September 2009 (A/ES-10/462-S/2009/494), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Feda **Abdelhady-Nasser**  
Chargé d'affaires, a.i.

United Nations

A/ES-10/467-S/2009/554

**General Assembly  
Security Council**Distr.: General  
27 October 2009

Original: English

**General Assembly  
Tenth emergency special session  
Agenda item 5  
Illegal Israeli actions in Occupied East  
Jerusalem and the rest of the Occupied  
Palestinian Territory****Security Council  
Sixty-fourth year****Letter dated 26 October 2009 from the Permanent Observer of  
Palestine to the United Nations addressed to the Secretary-General**

I write to you today with urgency regarding the perpetration once again of hostile and aggressive actions in Occupied East Jerusalem at the sacred compound of Al-Haram Al-Sharif. We reiterate our appeal for due attention to be given to such acts of violence, provocation and incitement, which threaten to exacerbate already high tensions and sensitivities and to further destabilize the situation on the ground.

In the early morning hours of Sunday, 25 October, the Israeli occupying forces stormed Al-Haram Al-Sharif compound and fired stun grenades, tear gas and rubber-coated steel bullets at Palestinian worshippers. The Israeli attack resulted in the injury of at least 30 civilians and the detention of 20 others, including Mr. Hatim Abdul Qader, the former Palestinian Authority Minister of Jerusalem Affairs. Also among the injured were women, children, and five Palestinian journalists. Despite the use of force and the wounding of many, the Israeli occupying forces refused to grant the medical teams access to evacuate the injured for more than three hours.

The Palestinian civilians who had been at the holy compound gathered there the night before following calls by radical Jewish clerics to their followers to go to the compound. There was also a call by an extremist Israeli religious group, "Eretz Israel Shelanu", which had urged its followers "to properly arise to the Temple Mount". According to Israeli reports, a number of Israeli lawmakers and rabbis were among those expected to participate. Instead of taking appropriate measures against such acts of provocation and incitement by Israeli extremists that inflame religious tensions and fuel senseless violence, the Israeli occupying forces decided to turn their brutality against Palestinian civilians who had been at the holy compound. Following the raid at Al-Haram Al-Sharif, the occupying Power deployed large military and police contingents throughout Occupied East Jerusalem and imposed measures of collective punishment in and around the city.

The clashes that ensued following this confrontation are painfully reminiscent of previous provocations, sanctioned by successive Israeli Governments, which have

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resulted in dangerous escalations on the ground in the Occupied Palestinian Territory. It is imperative to recall that these offensive acts of incitement and provocation are rooted in the Government's extremist position on and incessant aggression against Jerusalem and are constantly fuelled by the incitement of Israeli officials who promote and support Israeli settlers and extremists. In this regard, just hours following the attack on Palestinian civilians at Al-Haram Al-Sharif, a group of Israeli extremists held an event in Jerusalem that was attended by a number of Knesset members and chief rabbis during which calls were made by radical speakers like Hillel Weiss, Moshe Feiglin, Rabbi Yehuda Glick and Rabbi Dov Lior to take control over the holy compound.

As noted in our previous letters on the situation in Occupied East Jerusalem, we reiterate that recent events are the product of predetermined and wilful efforts, with official Israeli complicity and support, to sabotage the efforts to resume the peace process. Such a clear pattern of illegal Israeli actions in the Occupied Palestinian Territory, particularly in and around Occupied East Jerusalem, run against repeated international calls as well as the international will to end the occupation and to end this tragic and bitter conflict. As evidenced by history, over the past decade and a half, Israel has spared no effort to obstruct peace efforts, calling into serious question its credibility as a peace partner and the viability of the process itself.

At this critical juncture, the international community cannot stand idly by as Israel, the occupying Power, persists in illegal and aggressive actions, particularly in Occupied East Jerusalem. The necessary efforts must be exerted, including by the Security Council, to uphold its responsibilities and legal obligations to protect and enforce international law and prevent an already volatile situation from further escalating. Israel, the occupying Power, must be made well aware that the international community will neither recognize nor condone the illegal acts it is attempting to create and entrench in the Occupied Palestinian Territory, including in East Jerusalem.

We thus call for urgent action to compel Israel to cease its illegal practices and to scrupulously abide by all of its legal obligations, including under the Fourth Geneva Convention. This is imperative for preventing the further deterioration and destabilization of the situation and for ensuring the appropriate environment for the resumption of accelerated peace negotiations for the achievement of the two-State solution through establishing a viable, contiguous, and sovereign Palestinian state with East Jerusalem as its capital and ending the Israeli occupation that began in 1967 in accordance with the relevant Security Council resolutions, the principle of land for peace, the Arab Peace Initiative and the Road Map. Israel must be called upon to prove that it actually is committed to peace and international law and not be permitted to continue with actions totally to the contrary.

This letter is in follow-up to our previous 346 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 13 October 2009 (A/ES-10/466-S/2009/534), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian

people, Israel, the occupying Power, must be held accountable, and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of Palestine to the United Nations

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United Nations

A/ES-10/479-S/2010/122

**General Assembly  
Security Council**Distr.: General  
5 March 2010

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5  
**Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory**

**Security Council**  
**Sixty-fifth year**

**Identical letters dated 5 March 2010 from the Permanent  
Observer of Palestine to the United Nations addressed to the  
Secretary-General and the President of the Security Council**

In follow-up to my letter of two days ago and recent letters regarding the critical situation in the Occupied Palestinian Territory, including East Jerusalem, I regret to inform you that tensions have continued to rise, resulting in greater unrest and instability on the ground. This deterioration is clearly linked to the continuous aggravation and inflammation of the situation by Israel, the occupying Power, and its illegal practices, provocations and incitement against the Palestinian people throughout the Occupied Territory. If left unaddressed, this fragile situation will surely lead to further destabilization, with vastly negative repercussions in the area as well as in the region.

Today, in a clear indication of rising frustrations and tensions, the holy Al-aram Al-Sharif compound in Occupied East Jerusalem regrettably once again witnessed turmoil. Following the Friday prayers at Al-Aqsa Mosque, Israeli occupying forces stormed the compound, firing tear gas, rubber-coated bullets and stun grenades at Palestinian men, women and youth that had been worshipping there. Further provoked by the intense presence of the Israeli occupying forces in this sacred area, clashes erupted between the occupying forces and the Palestinian worshippers at the compound and in other places in the Old City. In this regard, it is imperative to bear in mind the heightened religious sensitivities and anger prevailing due to repeated Israeli illegal attempts to alter the character, composition and status of the Palestinian Territory, particularly in East Jerusalem, and to control holy sites, as indicated by the recent Israeli declarations regarding holy sites in Al-Khalil (Hebron) and Bethlehem.

Dozens of Palestinians were injured by the occupying forces today in East Jerusalem, with reports that at least 60 people may have suffered injuries, including one Palestinian woman who was shot in the head with a rubber bullet and is currently hospitalized in serious condition. At the same time, witnesses report that

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the Israeli occupying forces even prevented Palestine Red Crescent medics from reaching and treating the many who were injured during this outbreak of violence.

Such escalating tensions were also evident today in other areas throughout the Occupied West Bank, indicating the truly detrimental and inflammatory impact of recent provocative and illegal Israeli actions. This included attempts by the Israeli occupying forces to confront Palestinian demonstrators in Al-Khalil (Hebron), including outside Al-Haram Al-Ibrahimi as well as attacks by the occupying forces on Palestinian civilians demonstrating in the village of Bil'in, west of Ramallah. In Bil'in, as the civilians marched peacefully from the centre of the village towards the Wall, the occupying troops fired tear gas, rubber bullets and sound bombs at the crowd, instigating clashes, and also fired tear gas directly at journalists and television crews at the scene, clearly aimed at obstructing reporting of the violence being perpetrated by the Israeli occupying forces against the civilian demonstrators.

All of these incidents are indications of the increasing tumult and instability being caused by deliberate, relentless and illegal Israeli actions against Palestinian civilians, their lands, their properties and their heritage in the Occupied Palestinian Territory, particularly in and around East Jerusalem and other holy sites. Once again, we alert the international community to the dangers of the further escalation of the situation. This requires immediate attention because, clearly, if permitted to continue acting with such impunity, Israel's aggressive and illegal actions threaten to ignite yet another devastating cycle of violence and loss that will drag us farther and farther away from the peace and stability we seek.

At this particular moment in time, when concerted efforts are being exerted by the international community to salvage the prospects for peace, including by the United States of America in its efforts to restart peace negotiations, it is obvious that the continuation of such unlawful and provocative Israeli behaviour will render any and all efforts null. In this regard, it must be stated that all recent illegal and provocative Israeli measures further seriously call into question Israel's genuineness and credibility as a peace partner.

We thus reiterate our call on the international community, including the Security Council, to uphold their responsibilities under the Charter, international law, including international humanitarian law and human rights law, and the relevant United Nations resolutions to compel Israel to cease all illegal policies and measures in order to stem the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, and to promote a climate truly conducive to the pursuit of peace.

This letter is in follow-up to our previous 358 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 3 March 2010 (A/ES-10/478-S/2010/119) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of Palestine to the United Nations

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United Nations

A/ES-10/547-S/2012/116

**General Assembly  
Security Council**Distr.: General  
27 February 2012

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-seventh year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 24 February 2012 from the Permanent  
Observer of Palestine to the United Nations addressed to the  
Secretary-General and the President of the Security Council**

I must draw your urgent attention to the dangerously rising tensions in Occupied East Jerusalem. The illegal policies and the constant provocations and incitement by Israel, the occupying Power, and its extremist settlers against the Palestinian people, their land and their holy places continue to exacerbate tensions and religious sensitivities between the two sides, risking further destabilization of an already fragile situation on the ground.

In this regard, I must inform you of the extremely worrying developments today, 24 February, at Al-Haram Al-Sharif (the Noble Sanctuary) in Occupied East Jerusalem, in which Israeli occupying forces stormed the holy compound and used excessive force against worshippers. The incidents took place after the Friday noon prayers at Al-Haram Al-Sharif, which houses Al-Aqsa Mosque and Qubbat Al-Sakhra (the Dome of the Rock), when hundreds of Palestinian worshippers began a demonstration in protest of the recent threats and declared attempts by Jewish extremists to enter the holy compound. According to reports, the Israeli occupying forces unleashed tear gas, stun grenades, sound bombs and rubber bullets against the demonstrators, causing fear and panic to spread among them. Medics with the Red Crescent Society have reported that around 30 Palestinians were injured. In addition, at least 13 Palestinians are said to have been detained by the occupying forces.

The international community must pay heed to the escalation of tensions and confrontations in and around Al-Haram Al-Sharif, since the potential for a refuelling of the cycle of violence as a result of such provocations is very real. As noted in recent prior letters, the holy compound and other Muslim and Christian holy sites throughout Occupied East Jerusalem and the rest of the Occupied Palestinian Territory continue to be subjected to threats, incitement and desecration by extremist Israeli settlers as well as constant provocations by right-wing Israeli officials, and this has led to escalating concerns among the Palestinian people and

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their leadership about the potential for further crisis in this most sensitive area. Recent threats against Al-Haram Al-Sharif have included postings on an extremist Jewish website threatening a mass incursion into the holy compound to “exercise Jewish sovereignty” over the area. Such incitement has been coupled by calls by right-wing Israeli leaders for Jews to come to the compound to assert their claims over it, with flyers recently distributed imploring them to “purify the site from the enemies of Israel” as well as advocating for the destruction of any Muslim buildings there.

We believe that all such acts of incitement and desecration against holy sites in the Occupied Palestinian Territory, including East Jerusalem, as well as acts of the ongoing, deliberate provocations against the Palestinian people by the occupying Power, whether it be by the Government of Israel, its occupying forces or its illegal settlers, warrant serious and immediate attention by the international community, including by the Security Council, in line with its primary duty under the Charter to maintain international peace and security. We call on the international community to act with urgency and responsibility to ensure the de-escalation of this perilous situation in Occupied East Jerusalem and to bring a halt to the occupying Power’s violations of international law, including humanitarian and human rights law, which are gravely impacting the Palestinian people in innumerable ways and which are seriously jeopardizing the prospects for realizing a peaceful and just settlement on the basis of international law and relevant United Nations resolutions and in accordance with the two-State solution based on the pre-1967 borders.

Before concluding, I regret to also inform you of the killing today of a young Palestinian man, Tal’at Ramia, age 25, by Israel, the occupying Power. Ramia was wounded by Israeli gunfire, which hit him in the chest, during a protest that was held near the Qalandia checkpoint erected by Israel between Al-Ram and Ramallah. He later died in emergency surgery, and five other Palestinians were also wounded by the occupying forces, which fired tear gas as well as live and rubber bullets at the protesters. Today also witnessed more violence by the occupying Power against Palestinian civilians in Al-Khalil who had been peacefully demonstrating at a commemoration of the anniversary of a 1994 attack by an extremist Israeli settler against Al-Haram Al-Ibrahimi (The Ibrahimi Mosque) in Al-Khalil, in which 29 Palestinians were brutally murdered while at prayer. The Israeli occupying forces fired tear gas and sound bombs, injuring dozens of civilians, 70 of whom suffered from the inhalation of foul-smelling chemicals that were also sprayed at the protesters. At least six Palestinians were also detained by the occupying forces. Israel, the occupying Power, must be held responsible for the death and injury of these Palestinians caused by its deliberate use of violence and brutality against the Palestinian civilian population under its military occupation and its blatant disregard for human rights and international humanitarian law requiring the protection of civilians in situations of armed conflict.

This letter is in follow-up to our previous 418 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 23 February 2012 (A/ES-10/546-S/2012/111) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian

people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of Palestine to the United Nations

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United Nations

A/ES-10/603-S/2013/567


**General Assembly  
Security Council**

 Distr.: General  
23 September 2013

Original: English

**General Assembly  
Tenth emergency special session  
Agenda item 5**
**Security Council  
Sixty-eighth year**
**Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory**
**Identical letters dated 20 September 2013 from the Permanent  
Observer of the State of Palestine to the United Nations addressed  
to the Secretary-General, the President of the General Assembly  
and the President of the Security Council**

I write to convey our serious concerns regarding the fragile situation on the ground as a result of the continued pursuit by Israel, the occupying Power, of illegal policies against the Palestinian people and their land. Over the past weeks, while the international community has patiently awaited confirmation of tangible progress in the resumed negotiations between the two sides, tensions have continued to rise following several negative developments that are widening the gap between the hopes and expectations for the political process and the reality on the ground. Israeli settlement activities, the blockade of the Gaza Strip, military raids and constant provocations, including incitement to religious conflict by extremist Israeli settlers, are exacerbating conditions on the ground and reinforcing doubts regarding the desire of Israel for or commitment to the peace that the State of Palestine, with the strong support of the international community, has been earnestly seeking and remains committed to achieving.

We are extremely alarmed by the escalation of aggressions in Occupied East Jerusalem, in particular in and around Al-Haram Al-Sharif and Al-Aqsa Mosque, which continue to be subjected to provocations by Israeli extremists, including settlers and Government officials, among them ministers. The blatant disrespect for the mosque and its worshippers and the continued declarations of further incursions into the holy site are tantamount to grave acts of incitement that are stoking religious sensitivities and aggravating already elevated tensions.

Among several incidents in this regard have been the following: on 4 September, Israeli occupying forces stormed Al-Aqsa Mosque, injuring three women and pepper-spraying Palestinians who were protesting after 40 Jewish extremists stormed the compound; on 4 September, the occupying forces banned Jerusalem's Mufti, as well as other religious and prominent Palestinian figures, from entering Al-Aqsa Mosque, and a group of Jewish extremists stormed Al-Haram

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Al-Sharif compound to perform prayers on the eve of the Jewish New Year; on 5 September clashes broke out in the neighbourhood of Silwan when Israeli settlers danced on copies of the Quran; on 6 September, occupying forces raided Al-Haram Al-Sharif compound following the Friday prayers, causing 55 injuries and arresting 15 Palestinian civilians; and on 9 September, Sheikh Azzam al-Khatib, Director of the Jerusalem Waqf and Al-Aqsa Affairs, reported that 150 Jewish extremists had entered the compound under heavy police guard.

It is alarming that Israeli officials continue to recklessly fuel these tensions by encouraging extremists to persist with such provocations, which threaten to ignite religious conflict, with far-reaching and dangerous consequences for the region and beyond. We therefore once again draw the international community's attention to this serious matter for the State of Palestine and the entire Muslim world, and call for vigilance in the demands for a halt to all such Israeli incitement and for respect by the occupying Power for its obligations under international law, including respect for the sanctity of religious sites.

Regrettably, Israel has also persisted with its construction of settlements and the Wall in the Occupied Palestinian Territory, including East Jerusalem — the territory that constitutes the State of Palestine — in grave breach of the Fourth Geneva Convention. In addition to other settlement activities, on 9 September, Israeli bulldozers began to construct a dividing zone between the Palestinian town of Issawiya and an illegal settlement on Occupied French Hill in East Jerusalem. Israeli bulldozers also continued to level private Palestinian lands in Salfit for establishment of infrastructure for a new Israeli settlement. The occupying Power issued eviction notices to residents of 28 houses in the Qirami neighbourhood in East Jerusalem under claims that it was for their own safety, because of fears that their homes have dangerous cracks in the walls that are the result of illegal Israeli excavations underneath the Old City. Moreover, once again, the occupying Power has undertaken the demolition of Palestinian structures in the Khirbet Makhool village in Tubas, in the Jordan Valley, displacing more than 100 people.

In the same period, the Israeli occupying forces have continued the systematic violence against the Palestinian people that has for too long characterized this more than 46-year military occupation, including the killing and injury of civilians in violent military raids and arrest operations and the excessive use of force against civilian protesters. Yet another young Palestinian life has been lost to this senseless violence by the occupying Power. In the early morning hours of 17 September in the Jenin refugee camp, occupying forces shot and killed Islam Husam al-Toubasi, a 21-year-old Palestinian, and injured several other Palestinians, including a 13-year-old boy. Also in the Jenin refugee camp, 17-year-old Kareem Sobhi Abu Sbeih, who was shot and wounded by the occupying forces on 20 August during another raid of the camp, tragically died of his wounds on 31 August. We condemn these killings and urge the international community to persist with their calls for Israel, the occupying Power, to respect its obligations under international law and to cease all such illegal actions and violence against the Palestinian people under its occupation.

Israel also continues its systematic detention and arrest of Palestinian civilians, many of them youth, further fuelling tensions and violent confrontations. Moreover, such actions deepen mistrust and poison the environment surrounding the peace negotiations as, despite the recent release of some long-term prisoners, the

occupying Power continues to add to the ranks of the thousands of Palestinians it is unlawfully and inhumanely imprisoning, including hundreds of children.

In this regard, on 3 September, clashes broke out in Abu Dis between local youth and Israeli occupying forces following the detention of a young Palestinian man reportedly suffering from cancer. Dozens of residents were treated for the effects of tear gas. On 2 September, Israeli occupying forces injured two Palestinians and arrested four others during a raid in the Old City of Nablus. This was followed by a raid, on 3 September, on the Bab Hutta neighbourhood in Jerusalem, in which at least 12 Palestinian men were arrested and detained. On 4 September, occupying forces raided the town of Beit Ummar and detained three Palestinian teenagers. On 5 September, clashes broke out in the Al-Fawwar refugee camp in Al-Khalil after occupying forces raided the camp, firing gas bombs and rubber-coated bullets, injuring dozens of people. On 10 September, occupying forces raided the Arroub refugee camp near Al-Khalil and detained 13 Palestinians between the ages of 18 and 26 and assaulted several others. On 12 September, the occupying forces detained two Palestinian brothers from Beit Fajjar village east of Bethlehem. On 15 September, occupying forces raided several villages and detained at least 14 Palestinians.

Also inflaming tensions and instability have been the constant harassment, intimidation and violence by extremist Israeli settlers, with the collusion and protection of the occupying forces, against the Palestinian people and their properties. Such unlawful actions are the cause of widespread suffering, fear and trauma among the population and, in particular in the case of provocations in Occupied East Jerusalem, threaten to instigate further confrontation between the sides. We reiterate our demand for the perpetrators to be held accountable for their crimes.

The following are just some of the examples of Israeli settler violence in recent weeks: on 1 September, five Palestinians were injured when settlers threw stones at Palestinian cars near the Jalazoun refugee camp; on 5 September, settlers threw stones at Palestinian residents and houses in the al-Sowana area of East Jerusalem; on 8 September, settlers stoned Palestinian vehicles travelling near Nablus, damaging 25 vehicles; on 10 September, settlers set fire to Palestinian agricultural fields east of Nablus; and on 15 September, an Israeli settler, using a metal rod, hit and injured a 48-year-old Palestinian man in East Jerusalem. Also, on 11 September, a group of settlers raided the village of Salem, East of Nablus, in an attempt to raise the land, and were aided by the Israeli occupying forces, who injured three Palestinians and arrested seven others at the scene while allowing the settlers to carry out their vandalism and destruction.

All of the above illegal and provocative actions by Israel, the occupying Power, and its settlers in the Occupied Palestinian Territory, including East Jerusalem, are causing suffering for the Palestinian people and worsening conditions on the ground. Such actions threaten to further destabilize the situation in the midst of the turmoil already roiling the region, and are actions that are completely contradictory to the conditions necessary for advancing the negotiations and contradictory to the objectives of the peace process as a whole.

We thus renew our call upon the international community, including the Security Council, to uphold international law and the responsibilities to address this critical situation. For the sake of peace, all efforts must be made to compel Israel,

the occupying Power, to cease all violations and abide by its obligations under international law. This is imperative for reducing tensions, promoting calm and allowing for emergence of an environment truly conducive for the pursuit of serious negotiations aimed at bringing an end to the Israeli occupation, achieving the independence of the State of Palestine in accordance with the two-State solution based on the pre-1967 borders and justly resolving all outstanding final status issues, including the problem of the Palestine refugees, in accordance with international law and relevant resolutions, including resolution 194 (III), which are all requirements for the establishment of lasting peace and security between the two sides.

The present letter is in follow-up to our previous 472 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. The letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 26 August 2013 (A/ES-10/602-S/2013/509) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

*(Signed)* **Riyad Mansour**  
Ambassador  
Permanent Observer of the State of Palestine  
to the United Nations

United Nations

A/ES-10/617-S/2014/128


**General Assembly  
Security Council**

 Distr.: General  
26 February 2014

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**General Assembly**  
**Tenth emergency special session**  
 Agenda item 5

**Security Council**  
**Sixty-ninth year**
**Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory**
**Identical letters dated 25 February 2014 from the Chargé  
d'affaires a.i. of the Permanent Observer Mission of the State of  
Palestine to the United Nations addressed to the Secretary-General,  
the President of the General Assembly and the President of the  
Security Council**

I have been instructed by the Government of the State of Palestine to draw your urgent attention to the escalating acts of Israeli aggression, provocation and incitement in Occupied East Jerusalem and particularly at Al-Haram Al-Sharif, which houses the holy Al-Aqsa Mosque. Tensions are dramatically rising as Israel, the occupying Power, persists with hostile and illegal actions at this holy site. Such actions undermine the extremely fragile situation on the ground, threatening to further inflame religious sensitivities, ignite another cycle of violence and sabotage the peace negotiations currently under way.

In this regard, Israeli extremists, including right-wing government officials, continue to incite and to attempt to breach the sanctity of Al-Haram Al-Sharif. Today, Israeli occupying forces once again violently stormed the compound, attacking and injuring Palestinian worshipers with rubber-coated steel bullets and tear gas canisters and arresting several worshipers. This aggression was undertaken in the midst of threats by Jewish extremists to breach the compound and raise Israeli flags there and in the context of a provocative debate launched in the Israeli Knesset aimed at passing legislation to impose Israeli sovereignty over Al-Haram Al-Sharif. It must be noted that this condemnable, illegal action has been instigated by the Deputy Speaker of the Israeli Knesset, Moshe Feiglin, a member of the party of the Prime Minister, who recently entered Al-Haram Al-Sharif under Israeli military escort and made provocative declarations regarding Al-Aqsa Mosque, a serious matter to which we drew attention in our letter of 20 February 2014 ([A/ES-10/616-S/2014/118](#)).

Such reckless actions are clearly aimed at illegally and forcibly asserting Israeli control over Al-Haram Al-Sharif in the heart of Occupied East Jerusalem, which is an integral part of the Palestinian Territory occupied by Israel since 1967

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and constitutes the capital of the State of Palestine, the Israeli annexation of which remains unrecognized and condemned worldwide. We also stress that this holy site, the first *qibla* and the third holiest site in Islam, remains under the supervision of the Islamic Waqf and recall the special role of the Hashemite Kingdom of Jordan with regard to the Muslim and Christian holy sites in the city.

Moreover, we recall the numerous relevant United Nations resolutions, including Security Council resolutions 252 (1968), 267 (1969), 271 (1969), 298 (1971), 476 (1980), 478 (1980), 672 (1990) and 1073 (1996), that remain wholly valid and must be fully respected by the occupying Power. Specifically, we recall the Council's repeated pronouncements regarding the illegality of Israeli measures aimed at altering the physical character, demographic composition, institutional structure and status of the city of Jerusalem and the calls to rescind all such measures, to desist from any further such measures, including settlement activities, and to comply with the legal obligations in this regard, including in accordance with the Fourth Geneva Convention.

We call on the Security Council to give urgent attention to this critical matter and to act to uphold its Charter duty for the maintenance of international peace and security. It is obvious that such Israeli acts of incitement, provocation and aggression are intended to deliberately provoke Palestinian, Arab and Muslim sensitivities and could have extremely dangerous and widespread consequences. These condemnable actions are heightening tensions and threaten to completely destabilize the situation on the ground. Moreover, such actions threaten to undermine the current peace negotiations, which are being mediated by the United States of America with the support of the Quartet and the entire international community and are aimed at salvaging the two-State solution and achieving a just, lasting and comprehensive solution to the Palestinian-Israeli conflict, the core of the Arab-Israeli conflict.

The international community, which has for so long endorsed the two-State solution, based on the pre-1967 borders and the well-known terms of reference enshrined in the relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map, cannot stand idly by while Israel, the occupying Power, flouts international law and destroys the small opportunity that remains for realizing that solution. At this critical juncture, all must act responsibly and with conscience to address this matter of utmost concern and seriousness to Palestine, the Arab world and the Muslim *ummah* and to salvage the prospects for peace.

As noted today by the Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, in his briefing to the Security Council, "*on the Middle East peace process we are nearing a defining moment*". The international community, primarily the Security Council and the Quartet members, in accordance with the responsibility taken upon themselves to advance the realization of a just and lasting solution, must act forthwith to demand that Israel, the occupying Power, cease all of its violations of international law, including humanitarian and human rights law, cease all provocations and incitement against the Palestinian people and their holy sites, including in Occupied East Jerusalem, and truly commit to the path of peace.

This letter is in follow-up to our previous 485 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from

29 September 2000 (A/55/432-S/2000/921) to 20 February 2014 (A/ES-10/616-S/2014/118) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Feda **Abdelhady-Nasser**  
Chargé d'affaires a.i.

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United Nations

A/ES-10/623-S/2014/257

**General Assembly  
Security Council**Distr.: General  
10 April 2014

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-ninth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 9 April 2014 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and the  
President of the Security Council**

I draw your urgent attention to the dangerously rising tensions in Occupied East Jerusalem. The illegal actions and constant provocations and incitement by Israel, the occupying Power, including in particular by right-wing Israeli Government officials, extremist settlers and religious zealots, against the Palestinian people, their land and their holy places are exacerbating already-high tensions and religious sensitivities. Such actions risk further destabilization of the situation at a critical and defining moment in the political process, in which serious efforts are being exerted, including by the United States of America and other Quartet members and the League of Arab States, to salvage any remaining hope to achieve a just, lasting solution.

On Monday 7 April 2014, in yet another act of incitement and attempt to breach the sanctity of Haram al-Sharif, right-wing Deputy Speaker of the Israeli Knesset and member of the Prime Minister's party, Moshe Feiglin, again entered Haram al-Sharif under heavily armed Israeli military escort with more than 50 extremist settlers. As noted in our letters of 20 and 25 February 2014 ([A/ES-10/616-S/2014/118](#) and [A/ES-10/617-S/2014/128](#), respectively), Feiglin entered this holy compound on 19 February, escorted by Israeli police and declaring that "Al-Aqsa Mosque belongs to the Jews", causing anger and raising tensions among the Palestinian population. In this latest incident of provocation, while Mr. Feiglin and the settlers were present in the Al-Aqsa compound, the occupying forces imposed restrictions on the entry of Palestinian worshippers to the area. Israeli occupying forces stopped Palestinian worshippers at the main entrances of the mosque and detained them until Mr. Feiglin and the settlers left.

Such provocative incidents have intensified in both frequency and aggressiveness in the recent period, aggravating sensitivities and the fragile situation on the ground. Here it should be noted that, according to the Palestinian

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non-governmental organization Wadi Hilweh Information Center — Silwan, which documents Israeli violations in the holy city, a total of about 1,250 Jewish settlers forced their way into the Al-Aqsa Mosque compound last month alone. Equally disconcerting, the Internal Affairs and Environment Committee in the Israeli Knesset convened on 7 April to further discuss a resolution for “allowing” Jewish prayers in the Al-Aqsa courtyard. Such debates will not only provoke the already inflamed political climate but completely disregard the sensitive nature of Al-Aqsa Mosque, the first qiblah and the third holiest site in Islam, which remains under the supervision of the Islamic Waqf and custodianship of the Hashemite Kingdom of Jordan, and the long-standing status quo in this regard.

Moreover, we must reiterate at this critical juncture that all such illegal Israeli actions at Haram al-Sharif and throughout the rest of Occupied East Jerusalem are in violation of the numerous relevant Security Council and General Assembly resolutions calling for a cessation of all Israeli policies and measures aimed at altering the character, legal status and demography of the Occupied Palestinian Territory, including East Jerusalem, and for respect by Israel, the occupying Power, of its obligations under international law, including the Fourth Geneva Convention, which prohibits such actions.

The State of Palestine believes that all such acts of incitement at holy sites in the Occupied Palestinian Territory, including East Jerusalem, as well as acts of the ongoing, deliberate provocations against the Palestinian people by the occupying Power, whether they be by the Government of Israel, its occupying forces or its illegal settlers, warrant serious and immediate attention by the international community, including by the Security Council, in line with its primary Charter duty for the maintenance of international peace and security. It is clear that such provocations and incitement are clearly aimed at illegally and forcibly further entrenching Israeli control over Haram al-Sharif in Occupied East Jerusalem and they must be rejected unequivocally.

Furthermore, we must draw attention to Israel’s continued pursuit of its reckless and illegal settlement enterprise, which, in addition to the unabated construction of settlements, includes the destruction and confiscation of Palestinian lands and properties, as well as the forced displacement of Palestinian families. The persistence of such illegal actions sabotaged the latest round of peace talks and continues to threaten to physically destroy the possibility of the two-State solution based on the pre-1967 borders. Last week, as the United States Secretary of State, John Kerry, was shuttling between the two sides to address the crisis in the negotiations owing to Israel’s renegeing on the prisoner release, the Israeli Minister of Housing and Construction, Uri Ariel, himself a settler, signed tenders for 708 new settlement units in the so-called settlement of “Gilo” in Occupied East Jerusalem. This flagrant, deliberate act of provocation only served to further inflame the situation and to reaffirm Israel’s bad faith in the peace process.

We call on the international community to act with urgency and responsibility to ensure the de-escalation of this perilous situation in the Occupied State of Palestine and to salvage the prospects for the realization of a peaceful, negotiated solution. Pressure must be brought to bear to bring a halt to the occupying Power’s violations of international law, including humanitarian and human rights law, as well as its provocations and incitement against the Palestinian people and their holy sites, including in Occupied East Jerusalem. The international community, if truly

interested in peace and saving the two-State solution, must do all that is possible to support a credible, substantive peace process, and this requires a clear call on Israel to commit to the path of peace on the basis of international law and relevant United Nations resolutions and in accordance with the two-State solution based on the long-standing terms of reference. For peace to truly have a chance, this is the time for the international community, and foremost the Security Council, to act collectively to hold Israel accountable for its violations and crimes and reject its empty pretexts, deception and disdain for international law.

The present letter is in follow-up to our previous 491 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 24 March 2014 ([A/ES-10/622-S/2014/214](#)) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Riyad **Mansour**  
Ambassador  
Permanent Observer of the State of Palestine  
to the United Nations

United Nations

A/ES-10/624-S/2014/280

**General Assembly  
Security Council**Distr.: General  
17 April 2014

Original: English

**General Assembly  
Tenth emergency special session  
Agenda item 5****Security Council  
Sixty-ninth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 16 April 2014 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and the  
President of the Security Council**

I write to you in follow-up to our numerous previous letters regarding the illegal policies and constant provocations and incitement by Israel, the occupying Power, and its extremist settlers and religious zealots against the Palestinian people, their land and their holy places. Over the past couple of weeks, such reckless actions and provocations have not only continued but have escalated, further exacerbating tensions and religious sensitivities between the two sides and risking a dangerous destabilization of the already fragile situation on the ground.

In this connection, I must inform you of the extremely worrying developments that occurred today, 16 April, at Haram al-Sharif (the Noble Sanctuary), which houses the holy Al-Aqsa Mosque and Qubbat Al-Sakhra (the Dome of the Rock) in Occupied East Jerusalem. In a clear act to aggravate and destabilize the situation on the ground, at 7.45 am (Palestine time), Israeli occupying forces unlocked the entrance of Al-Mughrabi Gate, which is the entrance to Haram al-Sharif, to allow for the entry of over 1,000 occupying forces, backed by so-called "border police" as well as "special units", including a sniper squad, to violently raid the mosque, provoking confrontations with the Muslim worshippers inside Al-Aqsa Mosque.

According to reports, Israeli occupying forces cordoned off the southern building of Al-Aqsa Mosque and fired a barrage of tear gas canisters, rubber-coated bullets and stun grenades towards the worshippers, who took refuge in the mosque. These violent attacks by the occupying forces caused fear and panic to spread among worshippers and provoked clashes. As a result, at least 25 Palestinians were injured, including some hospitalized for respiratory injuries due to the firing of tear gas canisters. In addition, dozens of Palestinians are said to have been detained by the occupying forces. Moreover, shortly after this provocation, the occupying Power deployed its occupying forces at all gates of the holy compound, where Palestinian men under the age of 50 were denied entry into the mosque at the time of prayers, further violating their human rights, particularly the right to worship.

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As noted in prior letters, Al-Aqsa Mosque, the first qiblah and the third holiest site in Islam, continues to be subjected to threats, incitement and provocations by Israeli occupying forces as well as extremist Israeli settlers and right-wing zealots, who have been calling for a “group pilgrimage” to Haram al-Sharif to mark the Jewish Passover holiday, now under way until 21 April. Moreover, the constant provocations by right-wing Israeli officials, to which we have also referred in past letters, has deepened concerns and fears among the Palestinian people and their leadership about the potential for further crisis in this most sensitive area.

We reiterate once more that all such illegal Israeli actions at Haram al-Sharif, and for that matter throughout the rest of Occupied East Jerusalem, are in violation of the numerous relevant Security Council and General Assembly resolutions calling for a cessation of all Israeli policies and measures aimed at altering the character, legal status and demography of the Occupied Palestinian Territory, including of East Jerusalem, and for respect by Israel, the occupying Power, for its obligations under international law, including the Fourth Geneva Convention, which prohibits such actions.

We believe that all such incitement and provocations against Muslim and Christian holy sites in the Occupied Palestinian Territory, including East Jerusalem, and against the Palestinian people, whether they be perpetrated by the Government of Israel, its occupying forces or its illegal settlers or religious zealots, warrant serious and immediate attention by the international community, including by the Security Council, in line with its primary duty under the Charter of the United Nations for the maintenance of international peace and security. We therefore reiterate our call upon the international community to act with urgency and responsibility to ensure the de-escalation of this perilous situation in Occupied East Jerusalem and to bring a halt to the occupying Power’s violations of international law, including humanitarian and human rights law. These latest violent and dangerous measures taken at Haram al-Sharif are not only aimed at illegally and forcibly entrenching Israeli control over Haram al-Sharif and Occupied East Jerusalem but are also seriously jeopardizing the prospects for ever realizing a peaceful and just settlement on the basis of international law and relevant United Nations resolutions and in accordance with the two-State solution based on the pre-1967 borders.

The present letter is in follow-up to our previous 492 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 9 April 2014 (A/ES-10/623-S/2014/257), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of the State of Palestine to the United Nations

**General Assembly  
Security Council**Distr.: General  
30 May 2014

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-ninth year****Illegal Israeli actions in Occupied East Jerusalem and the  
rest of the Occupied Palestinian Territory****Identical letters dated 29 May 2014 from the Chargé d'affaires a.i.  
of the Permanent Observer Mission of the State of Palestine to the  
United Nations addressed to the Secretary-General and the  
President of the Security Council**

I write to alert you to the critical situation and continuously rising tensions in the Occupied State of Palestine, including East Jerusalem, as a result of Israel's relentless provocations and illegal actions against the Palestinian people. On a daily basis, the occupying Power persists with its grave violations of international humanitarian and human rights law, which include rampant settlement activities, military raids, systematic detention and arrest of Palestinians, constant provocations, including incitement at holy sites and the destruction of Palestinian property by extremist Israeli settlers, and the suffocating blockade on the Gaza Strip. All of these violations exacerbate conditions on the ground, intensifying the hardships faced by the Palestinian people and solidifying doubts about Israel's so-called desire for peace.

In this regard, I would like first to address Israel's relentless policy of incitement and provocations against holy sites in Occupied East Jerusalem, namely at Haram al-Sharif (the Noble Sanctuary), which houses the holy Al-Aqsa Mosque and Qubbat al-Sakhra (Dome of the Rock). In a dangerous development, Israeli provocations at this sensitive area have escalated in frequency and intensity. On 27 May 2014, thousands of Jewish extremists, including 30 rabbis, set out to march through the Old City to celebrate so-called Jerusalem Day, marking Israel's occupation of East Jerusalem in 1967. As a result, clashes broke out between Palestinian worshippers and Israeli "border police" and "special units" accompanying the Jewish extremists. During the clashes, Israeli occupying forces fired stun grenades and rubber-coated bullets at innocent Palestinian worshippers, attacking some with pepper spray. Many Palestinians were injured by rubber-coated bullets and a 68-year-old Palestinian man was severely beaten.

In addition to the above-mentioned human rights violations, the occupying forces also violated the right to worship by preventing hundreds of Palestinian men and women from accessing Al-Aqsa Mosque to perform morning prayers. We reiterate

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our cautionary appeals, drawing attention to the dangers of such continuous provocations and incitement in or near Al-Aqsa Mosque, the first *qibla* and third holiest site in Islam, which remains under the supervision of the Islamic Waqf and the custodianship of the Hashemite Kingdom of Jordan. Further provocations will only inflame the already elevated tensions and anger among the Palestinian population, threatening to completely destabilize the situation on the ground, with far-reaching consequences.

Accordingly, all such acts of incitement against holy sites in the Occupied Palestinian Territory, including East Jerusalem, as well as acts of deliberate provocation against the Palestinian people by the occupying Power, whether by the Government of Israel, its occupying forces or its illegal settlers, warrant the serious and immediate attention of the international community, including the Security Council, in line with its primary Charter duty of the maintenance of international peace and security and in line with its numerous relevant resolutions calling for a cessation of all Israeli measures aimed at altering the character, legal status and demography of the Occupied Palestinian Territory, including of East Jerusalem.

I must also bring to your attention the critical situation of Palestinian political prisoners illegally imprisoned and detained by Israel. Thousands of Palestinians, among them women and children, continue to be held in deplorable conditions and subjected to grave human rights violations. In particular, I must underscore the plight of hundreds of prisoners who have been on a hunger strike for more than five weeks in protest of their unlawful detention. These detainees are starving themselves and risking their lives in peaceful, non-violent protest of their detention without charge and of the massive abuses being perpetrated against them and their fellow prisoners by the occupying Power. Currently, more than 40 Palestinian detainees on hunger strike have been hospitalized owing to deteriorating health conditions and many of their lives are in imminent danger.

We urge the international community to take action to compel Israel, the occupying Power, to cease these deplorable practices and to heed the calls for the release of Palestinian prisoners and detainees and for respect for their human rights. Serious efforts must be made by the international community to compel Israel to comply with international law, including humanitarian law, specifically article 76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which clearly defines the rights of protected persons faced with detention by an occupying Power. The international community must ensure that the occupying Power acts humanely towards peaceful, non-violent hunger-striking prisoners and to release them and all other Palestinians who are being unlawfully and arbitrarily imprisoned and detained.

The international community cannot continue to absolve Israel, the occupying Power, of its responsibility for these violations and of its obligations under international law and the relevant United Nations resolutions. We call on the international community to act with urgency and responsibility to ensure the de-escalation of this perilous situation in Occupied Palestine, including in particular in Occupied East Jerusalem, and to bring a halt to the occupying Power's violations of international law, which are totally unjustifiable, remain the source of grave hardship and suffering of the Palestinian people, and seriously jeopardize the prospects for realizing a peaceful, just settlement on the basis of international law

and relevant United Nations resolutions and in accordance with the two-State solution based on the pre-1967 borders.

The present letter is in follow-up to our 496 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 15 May 2014 (A/ES-10/628-S/2014/347), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Feda **Abdelhady-Nasser**  
Chargé d'affaires a.i.

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**General Assembly  
Security Council**Distr.: General  
14 October 2014

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-ninth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 14 October 2014 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and the  
President of the Security Council**

I write to alert you to the critical situation and continuously rising tensions in the Occupied State of Palestine, including East Jerusalem, as a result of Israel's relentless illegal policy and oppressive actions against the Palestinian people. On a daily basis, the occupying Power persists with its grave violations of international law, including rampant settlement activities, the dispossession of Palestinian civilians, violent military raids, including into schools, daily detentions and arrests of Palestinians, constant provocations, including incitement at holy sites and the destruction of Palestinian property by extremist Israeli settlers, and the illegal blockade of the Gaza Strip. All of these violations are exacerbating already volatile conditions and heightening tensions, which threaten to completely destabilize the situation on the ground.

I first wish to draw your attention to Israel's incitement and provocations against holy sites in Occupied East Jerusalem, namely at Al-Haram Al-Sharif (the Noble Sanctuary, which houses the holy Al-Aqsa Mosque and Qubbat Al-Sakhra (Dome of the Rock)). In yet another dangerous development, yesterday, 13 October, the right-wing Deputy Speaker of the Israeli Knesset and member of the party of the Prime Minister, Moshe Feiglin, protected by hundreds of Israeli occupying forces, entered Al-Aqsa Mosque yet again, which led to violent clashes, with innocent Palestinian worshippers injured by stun grenades and rubber-coated bullets. It should be noted that Feiglin is a controversial figure, whose provocative and racist words and actions against the Palestinian people have been the source of repeated incitement. He is well known for his advocacy for Palestinian displacement and hate-filled speeches openly made against Palestinians and Arabs as a whole.

It should be mentioned that this latest provocation comes on the heels of clashes that occurred last week, when Israeli forces stormed Al-Aqsa Mosque and forcibly removed worshippers, attacking some of them with clubs, and firing tear gas,

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stun grenades and rubber bullets. Some of the stun grenades were fired into Al-Aqsa Mosque itself, causing a fire to break out and damage to the holy site. Moreover, the occupying Power even locked Palestinian worshipers in Al-Aqsa Mosque, preventing them from leaving. It is transparent, as was stated by Dr. Hanan Ashrawi, Member of the Executive Committee of the Palestine Liberation Organization, that Israel is attempting to create a new reality at the expense of the Palestinians, their religious rights, sites and historical identity and are violating the sanctity of religious sites without consequence.

We reiterate the dangers of such continuous provocations and incitement in or near Al-Aqsa Mosque, the first *qibla* and the third holiest site of Islam. Further provocations will only inflame tensions that are already high and anger among the Palestinian people and beyond, with dangerous ramifications. In this regard, we underscore the importance of a clear message of condemnation and rejection of such violations and provocations, such as yours made recently that you are “deeply concerned by repeated provocations at the holy sites in Jerusalem” and that “these only inflame tensions and must stop”. It should be also noted that the occupying Power is carrying out the same illegal actions in relation to Al-Ibrahimi Mosque in Al-Khalil (Hebron), where worshipers are continuously prevented from praying inside by Israeli occupying forces and settlers.

Accordingly, all such acts of incitement against the holy sites in the Occupied Palestinian Territory, including East Jerusalem, as well as acts of provocation against the Palestinian people by the occupying Power, whether by the Government of Israel, its occupying forces or its illegal settlers, warrant the serious and immediate attention of the international community, including the Security Council, in line with its primary Charter duty of the maintenance of international peace and security, and in line with its numerous relevant resolutions calling for a cessation of all Israeli measures aimed at altering the character, the legal status and the demography of the Occupied Palestinian Territory, including East Jerusalem.

In this regard, serious attention must be given to the continuing rampages of terror being perpetrated by Israeli settlers, persisting with attacks on Palestinian civilians, the destruction of property and the theft of land and natural resources. Yesterday, 13 October, several Palestinians were injured when clashes broke out as more than 300 Israeli settlers, escorted by hundreds of Israeli occupying forces, broke into the holy site of Joseph’s tomb in Nablus to perform religious rituals. One Palestinian was shot and injured and many others were seriously hurt, including a 16-year-old boy. In addition, on 9 October, Israeli settlers uprooted and destroyed dozens of Palestinian olive trees near the village of Hosan, west of Bethlehem. Settler lawlessness and the failure of the Israeli Government to rein them in and hold them accountable for their crimes starkly reflects Israel’s complete disinterest in peace based on the two-State solution. I also wish to bring to your attention the fact that the occupying Power continues with its inhumane and illegal policy of evicting Palestinian families. Last week, the occupying Power served eviction orders to 20 families living in Al-Burj and Al-Ras Al-Ahmar in the northern Jordan Valley.

I would like to turn your attention to the humanitarian disaster that still exists in the occupied Gaza Strip following the more than 50-day criminal Israeli military aggression, which wrought massive human devastation and physical destruction in all areas. In this regard, we welcome the successful convening and conclusion of the

international conference on the reconstruction of Gaza, hosted by Egypt and Norway in Cairo, and express our hope that the generous donations pledged will be rapidly disbursed for the urgently needed reconstruction to commence under the supervision of the Palestinian National Consensus Government in collaboration with the United Nations. We also continue to reiterate our calls for the full lifting of the Israeli blockade for reconstruction and rehabilitation without delay and for the Palestinian people in Gaza to truly begin to rebuild their lives and communities.

Given the above, we call on the international community, including the Security Council, to give immediate attention to the rising tensions and the critical situation in the Occupied Palestinian Territory, including East Jerusalem. Serious efforts must be made to demand and ensure Israel's compliance with international law, relevant United Nations resolutions and the will of the international community before the situation further deteriorates. To remain silent in the face of such gross violations is unacceptable and will only bolster Israel's impunity and send the wrong message to the occupying Power — that it can continue to flout international law as it wishes without consequence. The time has to come to bring an end to Israel's occupation of almost five decades and to all of its crimes against the unprotected Palestinian civilian population and their land.

The present letter is in follow-up to our 523 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 2 October 2014 ([A/ES-10/659-S/2014/716](#)), constitute a basic record of the crimes being committed against the Palestinian people. Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer  
of the State of Palestine to the United Nations

**General Assembly  
Security Council**Distr.: General  
31 October 2014

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Sixty-ninth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 30 October 2014 from the Permanent  
Observer of the State of Palestine to the United Nations addressed to  
the Secretary-General, the President of the General Assembly and  
the President of the Security Council**

The Security Council emergency session that was convened yesterday to address the crisis in Occupied East Jerusalem underscored the unanimous international concern and condemnation regarding the provocations and incitement by Israel, the occupying Power, and its extremist settlers at Holy Sites in the City, as well as the illegality of Israeli settlement activities and all other measures aimed at altering the demographic composition, character and status of the City.

All were in agreement about the gravity and many dangers of the continuation of this illegal situation. And all were in agreement about the urgent need to immediately defuse tensions and avert any further aggravation of religious sensitivities by ensuring respect for Holy Sites, with particular focus on Al-Haram Al-Sharif, home to the Al-Aqsa Mosque, which continues to be targeted by Israeli provocation and incitement, and the need to uphold the historic status quo in this regard.

All were in agreement, with the exception of Israel, the occupying Power, which reaffirmed its flagrant disrespect for international law and United Nations resolutions, reaffirmed its rejection of the two-State solution based on the pre-1967 borders, reaffirmed its contempt for the Security Council in particular and crudely dismissed the concerns expressed by the international community and the calls for a cessation of illegal Israeli actions in Occupied East Jerusalem and the rest of Occupied Palestine. In a brazen display of intransigence and arrogance, the Israeli representative mocked the Security Council and rejected the calls to cease the illegal measures and provocations, which have caused a spike in tensions and threaten to completely destabilize the situation, with far-reaching and grave consequences.

The continuation of provocative actions committed by the occupying Power in the immediate wake of the Security Council meeting is therefore extremely alarming and warrants the attention of the international community. In this regard, today, Israel completely sealed off the Al-Aqsa Mosque compound for the first time since 1967, preventing the entry of Palestinian worshippers and of at least 500 students who study in religious schools inside the compound, and even preventing the entry of the Muezzin, who leads the Muslim call to prayer. This unjust, extremely provocative action is inflaming tensions and deepening suspicions regarding Israel's ill intentions towards this Holy Site.

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We urgently appeal to the international community to condemn this reckless action and to demand that Israel, the occupying Power, lift the closure of the compound, respect the freedom of religion and the right to access of Palestinian worshippers and respect the status quo at Al-Haram Al-Sharif. This situation must be immediately redressed to restore calm and to de-escalate tensions, which have risen to dangerous levels.

In this connection, we firmly reject Israeli claims that such an action is justified in response to the shooting of an Israeli extremist yesterday evening in the City. We also condemn the extrajudicial execution of a Palestinian man, Muataz Ibrahim Hijazi, age 32, by the Israeli occupying forces in the dawn hours of today in direct retaliation for yesterday's shooting. The wilful killing of Mr. Hijazi was witnessed by many at the scene at his home, which was raided and ransacked by the occupying forces. Moreover, at least 15 people were injured when they attempted to take Mr. Hijazi to the hospital and were fired upon by the occupying forces, using typically excessive and indiscriminate force against civilians. In this regard, we must also draw attention to the killing of yet another Palestinian child, Orwa Abdelhadi Hammad, age 14, who was killed at close range and in cold blood by Israeli sniper fire on 24 October in the village of Silwad.

The continuation of these Israeli crimes against the Palestinian people and the Holy Sites in Occupied East Jerusalem requires immediate attention by the international community before the escalating tensions further unravel the already volatile situation on the ground. We reiterate our appeals to the international community, in particular the Security Council, to condemn these crimes and ongoing provocations and incitement and to demand that Israel, the occupying Power, desist forthwith from all illegal policies and measures aimed at altering the demographic composition, character and status of Occupied East Jerusalem and the rest of Occupied Palestine.

Urgent measures are required to hold Israel accountable for its violations of international law, including humanitarian and human rights law, with a view to ending its impunity and ultimately bringing an end to this illegal and dangerous situation. Time is critical. While the viability of the two-State solution has been gravely diminished by Israel's illegal actions and schemes, the international community must not forgo the small opportunity that remains to salvage the two-State solution before it is too late. We stress specifically the Security Council's responsibility to act forthwith with all the tools at its disposal, on the basis of its duty under the Charter of the United Nations for the maintenance of international peace and security, to uphold its resolutions, to salvage the prospects for peace and to tangibly contribute to its realization and allow the Palestinian people to realize the freedom, justice and dignity that they have too long been denied.

The present letter is in follow-up to our 526 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 27 October 2014 ([A/ES-10/662-S/2014/765](#)), constitute a basic record of the crimes being committed against the Palestinian people. Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

*(Signed)* **Riyad Mansour**  
Ambassador  
Permanent Observer of the State of Palestine to the United Nations

United Nations

A/ES-10/664-S/2014/791


**General Assembly  
Security Council**

 Distr.: General  
10 November 2014

Original: English

**General Assembly**  
**Tenth emergency special session**  
 Agenda item 5

**Security Council**  
**Sixty-ninth year**
**Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory**
**Identical letters dated 5 November 2014 from the Permanent  
Observer of the State of Palestine to the United Nations addressed  
to the Secretary-General, the President of the General Assembly  
and the President of the Security Council**

I have been instructed to once again draw your urgent attention to the critical situation and dangerously rising tensions in Occupied East Jerusalem due to the continuation of illegal actions, consisting of provocations and incitement by Israel, the occupying Power, including in particular by right-wing Israeli government officials, extremist settlers and religious zealots, against the Palestinian people, their land and their holy places. Provocations and incitement have intensified in both frequency and aggressiveness in recent weeks and continue to aggravate religious sensitivities and the fragile and volatile situation on the ground, threatening to precipitate a religious conflict and to plunge the region into further instability and violence.

For the second time in a week, Israeli occupying forces sealed Al-Aqsa Mosque compound, preventing the entry of Palestinian worshippers. This provocative action set off another round of clashes between Palestinians and Israeli extremists, who continue to agitate at this Holy Site. In what can only be seen as a clear attempt to stoke already-high tensions, early this morning, a group of Israeli extremists, protected by more than 300 Israeli occupying forces, stormed the compound firing stun grenades and rubber-coated bullets at Palestinian worshippers, causing serious injuries to at least 30 people, inflicting serious injuries on two of the worshippers. Moreover, it was reported that Israeli extremists entered Al-Aqsa Mosque with their shoes on in a shameful sign of disrespect and with the purpose of infuriating Palestinian worshippers, while eyewitnesses at the scene reported that occupying forces threw books of the Holy Quran on the floor.

In addition to such repeated violent raids on Al-Aqsa Mosque compound, Israeli actions and restrictions continue to violate the religious rights of the Palestinian people, with the ongoing ban on male Palestinian worshippers under 50 years of age from entering the compound and the demand that Palestinian women

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relinquish their identity cards upon entering. Over the past few days, Israeli government officials have compounded such provocations and incitement by displaying utter disrespect for Israel's obligations under international law and disregard for the countless calls by the international community to calm the situation and defuse tensions in Jerusalem. A few examples occurred only yesterday, 5 November, when Israel's deputy transportation minister Tzipi Hotovely entered the compound escorted by occupying forces, which was preceded by a visit on Sunday, 2 November, by right-wing Member of the Knesset Moshe Feiglin, who again entered Al-Aqsa Mosque compound as entry was restricted for Palestinian worshippers.

Moreover, actions blatantly intended to assert Israeli control over the compound continue unabated despite assurances given by the Israeli Prime Minister to the international community. This has included the facilitation of such incursions by Israeli extremists and government representatives and the continuing rhetoric regarding so-called plans to spatially and temporally divide Al-Aqsa Mosque compound, which must be firmly rejected. In this regard, we reiterate the imperative of respect for the longstanding status quo at this Holy Site, agreed to and respected by all parties for decades. We recall the strong messages conveyed at the recent emergency meeting of the Security Council calling for respect of this historic status quo, and we reiterate the Security Council's determination that all such measures by Israel, the occupying Power, "to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith".

We once again caution of the extreme dangers of these illegal Israeli actions and provocations and incitement at Haram al-Sharif. These actions are inflaming this extremely volatile situation, with grave implications. In this regard, we recall that the Al-Aqsa compound is a holy site for more than 1.6 billion Muslims worldwide and these actions risk provoking anger among the Muslim population.

Furthermore, we must draw attention to Israel's continued pursuit of its illegal settlement campaign, which, in addition to the unabated construction of settlements in the recent period has included the destruction and confiscation of Palestinian lands and properties, as occurred last week in Silwan in Occupied East Jerusalem, as well as the forced displacement of Palestinian families. In this regard, we condemn the latest announcement by the Israeli government, on 3 November, regarding the approval of more illegal settlement construction in Occupied East Jerusalem. The decision was for another 640 units once again in the illegal settlement of "Ramat Shlomo" located in the south of the city. We condemn this announcement and reject the occupying Power's illegal policies, which attempt to change the facts on the ground, undermine the possibility of achieving the ever-retreating two-State solution, and clearly show Israel's lack of commitment to a genuine peaceful solution.

The Security Council must act seriously to uphold its resolutions, including by taking action to ensure respect of those resolutions by Israel, the occupying Power, and compliance with all of its obligations thereunder and in accordance with the relevant provisions of international law, including the Fourth Geneva Convention. We urge the Security Council to act now to defuse this dangerous situation and demand of Israel, the occupying Power, that it cease all illegal actions and provocations and incitement, whether it is the continuation of illegal settlement

building or violent and illegal actions taken at the Al-Aqsa compound. We also call on the Security Council to clearly demand that the Government of Israel cease any and all attempts to alter or change the status quo at these Holy Sites that has been accepted and respected by all for decades.

This letter is in follow-up to our 527 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 30 October 2014 ([A/ES-10/663-S/2014/775](#)) constitute a basic record of the crimes being committed against the Palestinian people. Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of the State of Palestine  
to the United Nations

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وزارة الخارجية وشؤون المغتربين

No. 9185

The Ministry of Foreign Affairs and Expatriates of the Hashemite Kingdom of Jordan presents its compliments to all Diplomatic Missions accredited to the Hashemite Kingdom of Jordan and in reference to the meeting convened by Israel Ministry of Foreign Affairs on 12<sup>th</sup> November 2014 with a number of Diplomatic Missions, in which a note was circulated pertaining to Al-Haram Al-Sharif/Al-Aqsa Mosque by Israel Ministry of Foreign Affairs.

The Ministry of Foreign Affairs and Expatriates of the Hashemite Kingdom of Jordan points to the fact that there are many previous verbal and written communications from the Ministry of Foreign Affairs of the Hashemite Kingdom of Jordan and the Jordanian Government to the Israeli Government relating to Israel's Obligations arising from the Jordan/Israel Treaty of Peace dated 26<sup>th</sup> October 1994 ("the Peace Treaty") and/or Legal Obligations of Israel under International Law and international humanitarian law, especially such obligations stemming from Israel's position and status as the Occupying Power ("the Occupation") of the West Bank including East Jerusalem and the Holy Sites therein, including Al-Haram Al-Sharif/Al-Aqsa Mosque since 1967.

The Government of the Hashemite Kingdom of Jordan reiterates- through this official note verbale- its formal and clear position that;

Pursuant to the recognized status-quo prior to the Occupation (as reflected, inter-alia, in Article 9(2) of the Peace Treaty), and as recognized by International Law, the UN, the UNESCO, and the PLO and Palestinian National Authority, the Hashemite Kingdom of Jordan has the lawful authority over the Holy Sites in East Jerusalem, including Al-Haram Al-Sharif/Al-Aqsa Mosque. After the Occupation of East Jerusalem in 1967, Jordan under the leadership of His Majesty King Hussein and thereafter His Majesty King Abdullah II, has continued to be the Competent National Authority thereon in accordance with the 1954 Hague Convention Article 5, entitled to and exercising custodianship and supervisory authority over the entirety of Al-Haram Al-Sharif/ Al-Aqsa Mosque as an exclusive sacred Holy Site for Muslims consistent with the special role in maintaining it as such.



Israel has, as the Occupying Power, an obligation to ensure the continuity of the functions of the competent Jordanian authorities in this regard in accordance with International Law and international humanitarian law, especially article 5 of the 1954 Hague Convention and article 9(2) of the Peace Treaty. Those functions, this responsibility, authority and jurisdiction of the Hashemite Kingdom of Jordan are exercised largely through the Jordanian Awqaf Ministry and its officials legally operating in Jerusalem ("the Awqaf"), who maintain a permanent presence to carry out these functions on Al-Haram Al-Sharif/ Al-Aqsa Mosque.

The Government of the Hashemite Kingdom of Jordan wishes to underscore Israel's obligations, under International Law, international humanitarian law and in the context of the Peace Treaty to ensure that the entirety of Al-Haram Al-Sharif/Al-Aqsa Mosque (which within its walled 144 dunam /144,000 square meters space includes the mosque of the Dome of the Rock, subterranean structures such as the Marwani Mosque and a lower level for al-Jami'Al-Aqsa mosque structure, as well as structures forming an integral and/or necessary and/or ancillary part thereof—such as the Magharbeh Gate Pathway and pertinent Waqf properties) is maintained and protected as an exclusive sacred Muslim site. This also involves Israel's obligations "the Occupation": to ensure the freedom of access of Muslims to Al-Haram Al-Sharif/Al-Aqsa Mosque; not to interfere with, or hinder, the functions of the Administration Department of Awqaf and Al-Aqsa Mosque Affairs in Jerusalem, including its maintenance and reconstruction activities; to ensure the safety of the Department's personnel; and to take all necessary measures to prevent Israeli governmental and non-governmental interferences or trespasses against Al-Haram Al-Sharif/Al-Aqsa Mosque and the said Department of Awqaf.

The Government of the Hashemite Kingdom of Jordan wishes to remind that the Jordanian authorities do not deny access by non-Muslims to Al-Haram Al-Sharif/ Al-Aqsa Mosque for non-religious touristic purposes, so long as this takes place under the administration of the Awqaf.



The Government of the Hashemite Kingdom of Jordan wishes to point that it welcomes the recent statement in Amman by His Excellency Prime Minister Benjamin Netanyahu on 13<sup>th</sup> November 2014 confirming Israel's obligations referred to above and looks forward to Israel's realization of that statement into actions and actual and full respect for the jurisdiction and functions of the Awqaf and the status, area, structures and components of Al-Haram Al-Sharif/Al-Aqsa Mosque as described in this note verbale.

The Ministry of Foreign Affairs and Expatriates of the Hashemite Kingdom of Jordan avails itself of the opportunity to renew to all Diplomatic Missions accredited to the Hashemite Kingdom of Jordan the assurances of its consideration.



**04 March 2015**

**All Diplomatic Missions accredited to the Hashemite Kingdom of Jordan**

**Historical and Religious Muslim Identification of Al-Aqsa Mosque/Al-Haram Al-Sharif**

Al-Aqsa Mosque is a second name for Al-Haram Al-Sharif in Jerusalem; both expressions have the same meaning and refer to the same Holy Site and its components;<sup>1</sup> it is the place, which Allah, Exalted be He, allocated to be Prophet Muhammad's home of *al-Isra'*, the Holy Journey at Night, and *al-Mi'raj*, from which the Prophet ascended to Heavens. It was during this journey that the Noble Prophet Muhammad, peace be upon him, led all other prophets and messengers in prayer at Al-Aqsa Mosque. Al-Aqsa Mosque is the name of the space and land (inclusive of constructions) that is surrounded by the wall on all its four sides, with a total area of more than 144 dunams (one dunam=1000 m<sup>2</sup>) with lengths of 491m west, 462m east, 310m north, and 281m south. Al-Aqsa Mosque includes the Qibli Mosque (al-Jami' Al-Aqsa), the Marwani Mosque, the Dome of the Rock Mosque, al-Buraq Mosque, the lower Aqsa, Bab al-Rahmah, all grounds, prayer halls, corridors with all the historical buildings built on them, elevated platforms, water cisterns and waterways, all that which exists above and underneath its space, all the roads and ramps that lead to its gates, and the walls themselves, including Al-Buraq Al-Sharif Wall.

Al-Aqsa Mosque is located in the southeastern corner of the walled Old City of Jerusalem, which is a total area of about one square kilometer (1000 dunams), containing tens of Waqf properties, real-estate and structures endowed for the benefit of Al-Aqsa Mosque under the custodianship of the Hashemite King of Jordan in continuation of the status that has existed before the occupation of Jerusalem in 1967. Al-Aqsa Mosque and the pertinent endowments continue to be administered by the organs of the Government of Jordan under Jordanian law. This status has been confirmed in the Hashemite Custodianship of the Holy Sites Agreement signed by His Majesty King Abdulah II and the President of Palestine Mahmoud Abbas in Amman on March 31<sup>st</sup>, 2013.

Al-Aqsa Mosque is an exclusive and sacred holy site for all Muslims; it is associated with their religious creed; it is of equal importance to al-Masjid al-Haram in Mecca and the Prophet Mosque in al-Madinah al-Munawara.

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<sup>1</sup> In fact, the expression "Al-Haram Al-Sharif" can be regarded as a description of the holy site, meaning it is sanctified by Allah as a mosque of a special religious rank, whereas the expression Al-Aqsa Mosque is the distinctive name of the site. Indeed, the expression "Al-Haram Al-Sharif" is equally used to describe Al-Masjid Al-Haram in Mecca, comprising al-Ka'abah, and the Prophet Mosque located in Al-Madinah Al-Munawara. Hence, the expression Al-Haram Alsharif is followed by the location "in Jerusalem", "in Mecca" or "in Madina" to distinguish each holy site from the other two holy sites also described as Al-Haram Al-Sharif.

It is the Mosque that God Himself, Exalted be He, named "Al-Aqsa Mosque" in the first verse of Surat Al-Isra': "*Glory be to Him Who carried His servant by night from Al-Masjid Al-Haram to al-Masjid Al-Aqsa: the environs of which We have blessed, that We might show him some of Our signs. Indeed, He is the Hearing, the Seeing.*" (The Holy Qur'an, Al-Isra' 17:1)

Al-Aqsa is Islam's First Qibla and it is the Mosque to which Prophet Muhammad (Peace be upon him) ordered Muslims to make pilgrimage, as one of the three holiest mosques in Islam. The Prophet Muhammad said: "*Do not set out for pilgrimage except to three mosques; Al-Masjid Al-Haram [in Mecca], my Mosque [in Madina], and Al-Aqsa Mosque [in Jerusalem].*" narrated by Bukhari and Muslim. Throughout Islamic history, Muslims from all over the world have constantly made pilgrimage to pray at Al-Aqsa Mosque and to safeguard it.

The above-set out identification of Al-Aqsa Mosque is established by Islamic religious and historical sources. History bears witness to this identification over fifteen centuries up-to the present, where Muslims strive to fulfill their duty towards Al-Aqsa Mosque and exercise their right to protect it. The Jordanian Ministry of Awqaf, Qadi Al-Qudah (the Supreme Judge), Public Ifta' Department, the Jerusalem Great Mufti, Jerusalem Awqaf Council, Islamic Supreme Commission, the Palestinian Ministry of Awqaf, Palestinian Qadi al-Qudah and the Muslim Scholars' unswerving consensus all around the Muslim World confirm the abovementioned right and identification of Al-Aqsa Mosque. They all reassure their rejection of the attempts to Judaize Al-Aqsa Mosque or any of its components by the Israeli Occupation Authorities, its various organs and the extreme Jewish organizations, which attempt interfering with its administration, preventing or disrupting Muslim worshippers from entering and praying, hampering its maintenance/renovation/repair, and attempts to befog the religious historic Muslim exclusive right and identification by forced use of un-Islamic names such as "The Temple Mount" as part of the Judaization policy enforced by the Israeli Occupying Power of the Occupied West Bank, including East Jerusalem.

United Nations

A/ES-10/685-S/2015/571

**General Assembly  
Security Council**Distr.: General  
29 July 2015

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**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Seventieth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 28 July 2015 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and  
the President of the Security Council**

I write to draw urgent attention to the dangerous and rising tensions in Occupied East Jerusalem and the rest of Occupied Palestine due to the illegal actions, provocations and incitement by Israel, the occupying Power, including in particular by extremist Israeli settlers and religious zealots, against the Palestinian people, their land and their holy places. Civilian casualties continue to be caused by the violence of Israeli occupying forces and extremist settlers, and recent incidents are aggravating religious sensitivities and the fragile situation on the ground, threatening to precipitate a religious conflict and further destabilize the region, which is already experiencing unprecedented turmoil.

For two consecutive days, extremist Israelis escorted by occupying forces broke into the Al-Aqsa Mosque compound (Al-Haram Al-Sharif), the third-holiest site in Islam, in Occupied East Jerusalem. They prevented the entry of Palestinian worshippers and instigated violent confrontations. In this volatile context, on 26 July, an Israeli settler woman shamefully insulted Islam's Prophet Mohammed (PBUH) with the clear aim of provoking Palestinian worshippers. This incident was caught on a cell phone camera and made public, setting off angry reactions resulting in clashes between Palestinians and Israeli extremists at the Holy Site.

In another blatant attempt to ignite tensions, a group of 70 Israeli extremists, protected by occupying forces, stormed the compound via the Moroccan Gate on 27 July. Dozens of Palestinian worshippers, as well as 19 Al-Aqsa Mosque guards, were hit with rubber-coated bullets, rods and rifle butts and suffered pepper spray and tear gas inhalation, and the occupying forces detained several Palestinians. In this regard, it must be noted that over the past two months, Israel has committed at least 184 violations against holy sites in Occupied East Jerusalem and Al-Khalil, displaying utter disrespect for its obligations under international law and disregard

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for the repeated international calls to calm the situation and defuse tensions in and around holy sites.

Concurrently, illegal actions overtly intended to assert Israeli control over the Al-Aqsa Mosque compound continue unabated. Israeli extremists and government officials persist with their provocative rhetoric regarding plans to spatially and temporally divide the compound, which must be firmly rejected. We reiterate the imperative of respect for the long-standing, historic status quo at the Holy Site, agreed to and respected by all parties for decades, and we recall the Security Council's determination that all such measures by Israel, the occupying Power, "to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith".

In the light of the volatile conditions on the ground, we are compelled to again caution of the extreme, far-reaching risks of these illegal Israeli actions, provocations and incitement at Al-Haram Al-Sharif. We underscore in this regard the statement on 27 July by the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov: "Provocative actions and language carry the seed of violence and ultimately undermine the ability of worshippers of all faiths to have access to their respective Holy Sites. Respect for the status quo is in the interest of all and is essential for stability."

Israel's continued use of lethal force against Palestinian civilians is further raising tensions throughout Occupied Palestine. On 24 July, in a heinous crime reflecting the wanton force and disregard for Palestinian life characterizing the behaviour of Israeli occupying forces, soldiers shot and killed a 53-year-old man, Falah Hammad Abu Maria, and injured his two sons in the town of Beit Omar, north of Al-Khalil. Occupying forces and undercover units raided Abu Maria's home and opened live fire inside, injuring his 22-year-old son, Mohammed, with two bullets in the pelvis. When Abu Maria attempted to aid his injured son, soldiers shot him twice in the chest, killing him in cold blood. Abu Maria's other son, Ahmad, age 25, was also injured with bullet shrapnel in the chest. Israeli occupying forces later injured eight mourners as clashes erupted after Abu Maria's funeral.

A day earlier, occupying forces shot and killed 21-year-old Mohammed Ahmad Alawneh with a live bullet in his chest during an Israeli raid in the town of Burqin, west of Jenin. Yesterday, 27 July, another Palestinian teenager lost his life to this depraved Israeli violence when occupying forces executed Mohammed Abu Latifa, age 18, during a so-called arrest raid in the Qalandiya refugee camp. Israeli soldiers detained Mohammed after shooting him in the feet, then shot him in the chest and tied him with electrical cords. Forensic evidence reveals that some of his body parts were also fractured as a result of the assault by soldiers. Abu Latifa was killed by the occupying forces and did not fall from a rooftop, as Israeli soldiers falsely claimed. Abu Latifa is the eighteenth Palestinian to be killed by Israeli occupying forces this year in the West Bank; four civilians have been killed since the start of this month.

We also regret to inform you that Israeli occupying forces also continue to kill and injure Palestinian children, carrying on defiantly with the abuse and violation of child rights in spite of the warnings in the recent report of the Secretary-General on children and armed conflict. On 3 July, Israeli soldiers shot to death a 17-year-old child, Mohammed Hani Al-Kasbah, near Qalandiya checkpoint. Video and forensic evidence concluded that Al-Kasbah had been shot in the back at close range after

throwing a stone and then running away from troops. The killing of Mohammed brought unbearable tragedy to his family, which had already lost two younger sons, Samer, age 15, and Yasser, age 11, to the brutality of this immoral occupation. "Every day there is a martyr, not just in our family, but for all Palestinian families," the boy's father, Sami Kasbah, said, recalling the moment he learned that his son had been killed. "Someone is hurt, someone is killed and someone is arrested. This is what happens; that's the occupation."

In another example of Israel's deliberate and condemnable policy of targeting Palestinian children, occupying forces shot and injured a Palestinian child, Amjad Farouq Abu Khalid, age 17, with a live bullet to the leg as demonstrators were dispersed during the weekly peaceful protest against Israel's illegal settlements and wall in Kafr Qaddum village, near Qalqiliya, on 24 July. A day earlier, a Palestinian child, Yahiya Al-Amudi, age 10, lost an eye after being shot in the head with a rubber-coated steel bullet by an Israeli soldier near a military checkpoint in Shufat refugee camp, in Occupied East Jerusalem. The boy was subsequently hospitalized with a fractured skull, jaw and left ear. He had surgery to remove his left eye and remains in critical condition.

Such Israeli assaults against Palestinian civilians continue with total impunity. Records indicate that since the start of 2014, Israeli occupying forces have injured an average of 35 Palestinians every week. Civilian casualties also continue to be caused by the near-daily terror acts carried out by Israeli settlers. On 1 July, settlers attacked and injured 60-year-old Mahmoud Saleh Nofal from the village of Ras Karkar, west of Ramallah. Nofal was surrounded by a settler mob, who assaulted him with pepper spray and violently beat him with rods, causing bruises over his body. In another incident on 7 July, a group of terrorist settlers attacked the Masri family as they were travelling from Jerusalem to Bethlehem. Their car was attacked by settlers, who threatened them with a knife and assaulted them. Among the people in the car were the elderly Masri father and a pregnant 30-year-old woman, who suffered a state of extreme fear, resulting in a miscarriage. Israeli settlers also continue to routinely intimidate the Palestinian civilian population, especially farmers and herding communities, impeding access to their farms and fields, vandalizing and destroying Palestinian property, especially agricultural land and olive groves, and severely marring the landscape and destroying livelihoods.

Israeli media have also been increasingly inciting violence against Palestinians by publishing advertisements and commissioning articles encouraging occupying forces to kill Palestinians. A racist campaign dubbed "0404 Broadcast" encourages Israeli soldiers to kill Palestinians without question. One poster in the campaign exhorts: "If you feel the slightest danger to your life from stones or a Molotov cocktail, do not think twice; do not hesitate; just kill." We hold the Israeli Government responsible for all of these crimes, provocations and incitement and the rabid culture of impunity in which Israeli soldiers and settlers so abhorrently assault Palestinian civilians and violate their rights and dignity. We continue to call for perpetrators to be held accountable for these crimes against the Palestinian people living under this merciless, illegal foreign occupation.

Here, we must also again raise alarm about Israel's illegal settlement campaign, which is severely destroying the Palestinian Territory's contiguity and fragmenting and isolating Palestinian cities, towns and villages into disconnected Bantustans throughout the Occupied West Bank, including East Jerusalem, which

has been virtually cut off from its natural Palestinian environs. The occupying Power continues unabated its illegal construction of settlements and the annexation wall, confiscation and razing of Palestinian lands, demolition of homes and forced displacement of Palestinian civilians. In contempt of the will of the international community and in blatant rejection of the two-State solution, Israel is entrenching its colonization and occupation of the Palestinian land, in grave breach of international humanitarian law, as well as international criminal law as articulated in the Rome Statute of the International Criminal Court, with total impunity.

In this regard, we recall that 9 July marked the eleventh anniversary of the authoritative advisory opinion of the International Court of Justice on the Wall, in which the Court called on Israel to cease construction of the wall “including in and around East Jerusalem; dismantle the sections already completed; and repeal or render ineffective forthwith all legislative and regulatory acts relating thereto”. Yet, Israel persists with its unlawful construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and continues to carry out and impose countless illegal measures comprising the Wall’s associated regime, in flagrant disrespect of the advisory opinion and grave breach of numerous provisions of international law.

Susiya village symbolizes this long-standing illegitimate colonial policy in Occupied Palestine. The village has been displaced three times in the past 30 years, and its Palestinian residents again faced forced transfer as the occupying Power is advancing plans to demolish the village’s 80 structures, including homes, a clinic, animal shelters and storerooms, many supported by international donors over the years. This illegal action, intended to facilitate further encroachment by the nearby illegal Israeli settlement and settlers on Palestinian land and rights, would displace and dispossess at least 340 Palestinians, already Palestine refugees forcibly expelled from their homes in 1948 and forcibly displaced again in 1986 and 2001, enduring recurrent displacement across generations. Nasser Nawajha, a Palestinian Bedouin of Susiya, has stated: “My father was expelled from his home in 1948; I was expelled from where I was born in 1986. I don’t want to see this happening to my children.”

This destructive and illegal Israeli settlement campaign, especially in so-called “Area C”, which constitutes 60 per cent of the West Bank, has forcibly displaced tens of thousands of Palestinians from their land, in grave breach of the Fourth Geneva Convention. From 2006 until June 2015, Israel demolished at least 876 Palestinian residential units in the West Bank alone, forcibly displacing 4,105 people, including at least 2,011 children. Nearly 500 Palestinian structures, including homes, were demolished in “Area C” over the past year alone, displacing 969 Palestinian residents. On the grim situation of Susiya and other Palestinian villages in “Area C”, the Humanitarian Coordinator for the Occupied Palestinian Territory, Robert Piper, recently stated: “Susiya is emblematic of a pattern of injustice that is repeating itself across many parts of the West Bank. Too many communities are coming under multiple threats and intimidation — by legal process, by bulldozer, by settler violence — to relocate completely or relinquish surrounding agricultural and grazing lands on which their livelihoods depend. The international community cannot stand by and witness these acts in silence.”

In a similar situation, the Israeli Government has delivered dozens of eviction and “stop-work” orders to Palestinian Bedouins in the Abu al-Nawwar village, east

of Jerusalem, in a plan that would affect the homes of 40 families. The Palestinian Bedouin families were notified that they must move to the Bawwabat al-Quds area within a month. The area is on the outskirts of Abu Dis, where the Israeli occupation plans to forcibly transfer Bedouin families currently living in the so-called "E1 zone", which covers some 12,000 dunams (12 square kilometres) north-east of Jerusalem and west of the illegal Israeli settlement of Maale Adumim. The so-called "Maale Adumim Plan" aims to completely separate Occupied East Jerusalem from the rest of the West Bank, in grave breach of the Fourth Geneva Convention, notably articles 49 and 33.

All such actions further prove Israel's deceit about any intent to end its illegal occupation of the State of Palestine. Israel remains unwilling to stop its settlement activities in compliance with international law and the international community's calls for a complete cessation, and remains unwilling to stop Israeli settler violence and terror against Palestinians, instead aiding, abetting and protecting settlers in the perpetration of these crimes. Israeli government officials have compounded such provocations and incitement by displaying total disrespect for Israel's obligations under international law and disregard for the unanimous demands to immediately freeze its illegal settlement campaign and save the two-State solution. Just one example suffices to convey this point: on 23 July, Tzipi Hotovely, Israel's new Deputy Foreign Minister, delivered a defiant message to the international community, stating: "This land is ours. All of it is ours."

Such actions and messages must not remain unheeded or unaddressed. Israeli leaders must be held responsible for their words and deeds that are seriously undermining the efforts to achieve a peaceful solution to this conflict and further destabilizing the situation, to the detriment of both the Palestinian and Israeli peoples and threatening peace and security regionally and globally. It is imperative that the international community take the necessary measures to compel Israel, the occupying Power, to cease all of its illegal policies and practices, including with regard to the sensitive and volatile situation in Occupied East Jerusalem. We appeal to the Security Council in specific to give immediate attention to this dangerous situation and to act now to uphold international law, including as articulated in relevant Security Council and General Assembly resolutions, to salvage the two-State solution on the basis of the pre-1967 borders and to salvage the prospects for peace and security.

This letter is in follow-up to our 547 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 9 July 2015 (A/ES-10/684-S/2015/521), constitute a basic record of the crimes being committed against the Palestinian people by Israel, the occupying Power, for which it must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador

Permanent Observer of the State of Palestine to the United Nations

**General Assembly  
Security Council**Distr.: General  
14 September 2015

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Seventieth year****Illegal Israeli actions in Occupied East Jerusalem and the  
rest of the Occupied Palestinian Territory****Identical letters dated 14 September 2015 from the Permanent  
Observer of the State of Palestine to the United Nations addressed  
to the Secretary-General, the President of the General Assembly  
and the President of the Security Council**

I write to draw your urgent attention to the rising tensions in Occupied East Jerusalem. The illegal actions and constant provocations and incitement by Israel, the occupying Power, including in particular by right-wing Israeli government officials, extremist settlers and religious zealots, against the Palestinian people, their land and their holy places are aggravating already high tensions, religious sensitivities and the fragile situation on the ground, threatening to ignite religious conflict and further destabilize the region, which is already experiencing unprecedented instability and upheaval.

For two consecutive days, extremist Israelis escorted by occupying forces broke into Al-Aqsa Mosque compound (Al-Haram Al-Sharif), the third holiest site in Islam, in Occupied East Jerusalem. Israeli occupying forces injured and detained Palestinian worshippers, prevented the entry of Palestinian worshippers and instigated violent confrontations, using tear gas, stun grenades and rubber-coated steel bullets. At least 110 Palestinian civilians, including worshippers, Mosque guards, reporters and cameramen, have been injured, and occupying forces obstructed ambulances from reaching the injured. Twenty of the injured have been transferred to the hospital, with three in critical condition who suffered injuries to the head and chest areas, including Anas Siyam, a Palestinian boy, who was hit with a rubber-coated steel bullet in the chest. Sheikh Omar Al-Kiswani, director of the compound, was also assaulted by Israeli occupying forces. Reports indicate that an elderly man was shot in the eye with a rubber-coated steel bullet and Tamer Khalaf, age 29, was assaulted and sprayed with toxic gas prior to being detained by occupying forces.

In this volatile context, on Sunday morning, 13 September, in an act of incitement and attempt to breach the sanctity of Al-Haram Al-Sharif, right-wing Israeli Minister of Agriculture Uri Ariel entered Al-Haram Al-Sharif, escorted by

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heavily armed Israeli occupying forces and more than 30 extremist Israeli settlers. Again, today, 145 extremist Israeli settlers broke into Al-Haram Al-Sharif via the Moroccan Gate, provoking worshippers and vandalizing the Mosque. Equally disturbing, Israeli occupying forces damaged Al-Haram Al-Sharif, breaking windows and partially burning prayer rugs due to gun fire inside the Mosque. In addition, Israel, the occupying Power, has imposed restrictions on Palestinians, denying almost all worshippers entry into the Holy Site, including children and women. Moreover, last week, Israeli War Minister Moshe Yaalon denied access to two Palestinian groups who wished to worship at Al-Haram Al-Sharif. Such provocative incidents only intensify and exacerbate religious sensitivities and the extremely fragile situation on the ground.

As we witness the persistent deterioration of conditions on the ground due to Israel's other illegal actions throughout Occupied Palestine and against the Palestinian civilian population, and in the absence of peace prospects, we are compelled again to provide a caution regarding the far-reaching risks of these provocations and incitement at Al-Haram Al-Sharif. We also underscore in this regard the recent statement by the United Nations Special Coordinator for the Middle East Peace Process, Mr. Nickolay Mladenov, who stressed, inter alia, that: "Political and religious leaders have a responsibility to act against extremists, who undermine the rule of law."

At the same time, we regret to inform you that illegal actions overtly intended to assert Israeli control over the Al-Aqsa Mosque compound also continue unabated, despite the calls and appeals against such actions. We firmly reject any provocative plans to spatially and temporally divide the compound. We reiterate the imperative of respect for the long-standing arrangements and historic status quo at Al-Haram Al-Sharif, as has been agreed to and respected by all parties for decades, and we recall the determination of the Security Council that all such measures by Israel, the occupying Power, "to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith".

In this context, we reiterate that all illegal Israeli actions at Al-Haram Al-Sharif and throughout the rest of Occupied East Jerusalem are in violation of the numerous relevant Security Council and General Assembly resolutions calling for a cessation of Israeli policies and measures aimed at altering the character, legal status and demography of the Occupied Palestinian Territory, including East Jerusalem, in violation of international law, particularly the Fourth Geneva Convention, which prohibits such actions. We appeal to the international community to act in word and deed to compel respect by Israel, the occupying Power, for all of its obligations under international law.

The Security Council, in accordance with its primary Charter duty for the maintenance of international peace and security, must give urgent attention to these disturbing developments and must call for an end to all provocations and incitement at Al-Haram Al-Sharif in Occupied East Jerusalem and throughout the rest of Occupied Palestine by Israel, the occupying Power, and its extremist Israeli settlers. It is clear that such actions are aimed at illegally and forcibly further entrenching Israeli control over Al-Haram Al-Sharif in Occupied East Jerusalem and must be rejected unequivocally. Moreover, it is clear that such actions risk the further destabilization of this fragile situation with unforeseen, dangerous consequences

that must be averted and must instead be replaced with serious efforts to calm the situation and revive the prospects for peace on the basis of the relevant United Nations resolutions, the Arab Peace Initiative and the international consensus on the two-State solution on the basis of the pre-1967 borders.

The present letter is in follow-up to our 552 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 11 September 2015 (A/ES-10/689-S/2015/703) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Ambassador  
Permanent Observer of the State of Palestine  
to the United Nations

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**General Assembly  
Security Council**

 Distr.: General  
18 April 2022

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5

**Security Council**  
**Seventy-seventh year**
**Illegal Israeli actions in Occupied East Jerusalem and the  
rest of the Occupied Palestinian Territory**
**Identical letters dated 15 April 2022 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and the  
President of the Security Council**

Once again, following the same aggressive, destructive and deadly pattern as in years past, particularly in the holy month of Ramadan, Israel, the occupying Power, is recklessly inflaming tensions, anger and religious sensitivities with its incursions at the Haram al-Sharif/Aqsa Mosque and violent assaults on Palestinian worshippers.

Once again, we must therefore reiterate our warnings about the far-reaching ramifications of such ongoing and escalating provocations by Israeli occupation forces and extremist Jewish settlers, which are threatening to trigger a religious war in Jerusalem if they are not stopped.

The Palestinian leadership and people condemn in the strongest terms the violent raid by Israeli occupation forces early this morning on the Haram al-Sharif/Aqsa Mosque and the attacks on the Palestinian men, women and children who had gathered there for the dawn prayers.

These attacks constitute grave violations of the rights of our people, including to worship freely, peacefully and without fear, grave violations of the historic and legal status quo at this most sensitive holy site, and grave violations of Israel's obligations as the occupying Power, under international law, including the Fourth Geneva Convention and the numerous relevant United Nations resolutions. For all of these violations, Israel, the occupying Power, must be held fully accountable.

This latest Israeli attack caused injuries to more than 150 people, most of whom were hit by rubber bullets, stun grenades and tear gas fired at them or were beaten by Israeli soldiers, as widely documented in video footage and photographs. Dozens of others were hurt as they tried to flee in the panic that ensued when the occupying forces entered the compound.

More than 60 of the injured were taken to hospitals, as they were struck in the upper parts of their bodies. Israeli occupation forces also obstructed medics from reaching the injured and assaulted journalists and medical personnel. Among the





many injured were elderly men and women who had come to the Aqsa Mosque to pray. Israeli occupation forces also forcibly detained more than 400 Palestinians.

Moreover, the occupying forces' violent and reckless actions caused damage throughout the holy site. Historic glass windows near the roof of the Aqsa Mosque were destroyed in order to shoot grenades and rubber-coated metal bullets at worshippers, significant damage was done to the carpet, and the minbar, where the imam leads the prayers, was also damaged.

The chaos and panic deliberately caused by Israeli occupation forces in occupied East Jerusalem has also marred the observances of Christian worshippers on this Good Friday before Easter, heightening anxieties and fears of further provocations and assaults, including by extremist Jewish settlers, who continue to incite and threaten to breach the Haram al-Sharif/Aqsa Mosque on this eve of Passover. This is in addition to the many restrictions imposed by Israel, the occupying Power, on the access of worshippers to the City.

As warned in our letter yesterday, 14 April, the convergence of the Muslim, Christian and Jewish holidays and the volatility of the situation compel greater vigilance to ensure the protection of civilians and holy sites that continue to come under assault by an occupying Power that is breaching all legal and moral obligations incumbent upon it.

We therefore call once again on the international community, and in particular the Security Council, in light of its duty under the Charter of the United Nations for the maintenance of international peace and security, to act urgently and responsibly to defuse this extremely dangerous situation and to protect civilian lives.

Israel, the occupying Power, must be unequivocally demanded to halt its assaults, provocations and crimes against the Palestinian people and against the holy sites in Jerusalem and to immediately withdraw all of its forces from the Haram al-Sharif/Aqsa Mosque. It must moreover be demanded to fully respect the historic and legal status quo at the Haram al-Sharif/Aqsa Mosque and the authority of the Islamic Waqf and custodianship of the Hashemite Kingdom of Jordan to administer and protect this holy site. Israel must be further demanded to release all Palestinians illegally detained today at the holy compound.

Moreover, the international community must demand that Israel respect its obligations under the Fourth Geneva Convention and the many relevant United Nations resolutions, including Security Council resolutions [476 \(1980\)](#), [478 \(1980\)](#) and [2334 \(2016\)](#). We appeal also to all States and organizations to uphold their responsibilities in this regard under international law. This is vital to ensure protection to the defenceless Palestinian people and ensure accountability to bring pressure to bear on Israel, the occupying Power, in order to bring an end to its crimes and an end to its illegal and inhumane occupation of the Palestinian people, their land and holy sites.

The present letter is in follow-up to our 749 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 14 April 2022 ([A/ES-10/896-S/2022/318](#)) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Minister  
Permanent Observer

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**General Assembly  
Security Council**

Distr.: General  
19 April 2022

Original: English

**General Assembly  
Seventy-sixth session  
Agenda item 39  
Question of Palestine**

**Security Council  
Seventy-seventh year**

**Letter dated 18 April 2022 from the Permanent  
Representative of Algeria to the United Nations addressed to  
the Secretary-General**

Upon instructions of my Government, I have the honour to transmit herewith a letter dated 18 April 2022 from the President of the People's Democratic Republic of Algeria, Abdelmadjid Tebboune, addressed to the Secretary-General (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 39, and of the Security Council.

*(Signed)* Nadir **Larbaoui**  
Permanent Representative of the People's Democratic Republic  
of Algeria to the United Nations

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**1382**

**Annex to the letter dated 18 April 2022 from the Permanent Representative of Algeria addressed to the Secretary-General**

[Original: Arabic]

**Letter from the President of the People's Democratic Republic of Algeria addressed to the Secretary-General**

Attacks being perpetrated by the Israeli occupying forces against the sanctity of the Al-Aqsa Mosque and violence against unarmed crowds of worshippers call to mind yet again systematic violations of human rights and fundamental freedoms.

These dangerous developments, which come in an already tense international context, only serve to exacerbate instability in the Middle East region and further disrupt efforts to reach a just and lasting solution to the Palestinian issue. Unquestionably, these practices, which recur each year on successive occasions during the holy month of Ramadan, bear witness to the repression imposed by the occupation on Palestinian civilians, who deserve respect for their resistance and sacrifice.

At the same time, these tragic circumstances, for which there is no justification, underline the inevitability of a peaceful and just solution, which the international community has consistently affirmed through its support for the need to realize the inalienable national rights of the Palestinian people, first and foremost their right to establish an independent national State with Jerusalem as its capital.

If this situation deteriorates, the international community will bear full responsibility. It is obligated, through the United Nations and the Security Council, to act urgently to ensure necessary protection for Palestinian civilians and their holy places under international law.

That entails warning the occupation of consequences should it take any action that might inflame tensions and perpetuate the cycle of violence.

The credibility of the United Nations has often been challenged by repeated acts of violence and the insistence on imposing facts on the ground, which increases legitimate fears on the part of peoples who believe in an international community based on justice and coexistence. In the face of these abuses suffered by the Palestinian people, the United Nations must respond forcefully to the demand for the right to life and the realization of justice being expressed in peaceful demonstrations. I would appreciate it if you would pay special attention to these developments and urge the Security Council to address this disturbing situation with a view to taking the action it demands.

(Signed) Abdelmadjid **Tebboune**

**Security Council**Distr.: General  
21 April 2022

Original: English

**Identical letters dated 21 April 2022 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council**

I write to you with the utmost urgency regarding the recent escalation in Jerusalem and particularly on the Temple Mount. During these special times, when the three monotheistic religions celebrate their holidays, it is deeply disturbing to watch as Palestinian extremists hijack these celebrations and turn them violent, risking civilian lives as well as further escalation. These recent violent provocations are the direct result of weeks of incitement by Hamas and the Palestinian Authority leading up to the holidays.

In the early hours of Friday, 15 April, Palestinian extremists – wearing face masks, waving flags of the terrorist organization, Hamas, and bearing stones, large rocks, rods and fireworks – ascended the Temple Mount and marched into the compound of the Aqsa Mosque. In the following hours, these extremists damaged and desecrated the compound by barricading it, as well as hurling rocks and lighting fireworks, all for the sole purpose of escalating the situation and creating provocation, at a cost of freedom of worship and the sanctity of the holy sites. One of the main targets of these violent Palestinian extremists are Jewish worshippers at the Wailing Wall, who have also come to pray in the Old City during the Passover holiday.

In order to maintain the freedom of worship for all religions, which was threatened by the actions of the Palestinian extremists described above, Israeli police were forced to enter the grounds to disperse the crowd and remove the stones and rocks, in order to prevent further violence. This was done after efforts by Israeli police vis-à-vis third parties to try to have the extremists removed from the mosque had been exhausted, and Waqf authorities confirmed that attempts to remove those violent actors had proved unsuccessful. Israeli police moved at that point to remove the violent extremists so as not to threaten the safety of the over 50,000 Muslim worshippers. The quick and responsible action taken by Israel restored calm, after which the forces left the area, allowing the immediate resumption of full and free worship to continue unrestricted, with the approximately 50,000 Muslim worshippers carrying on with their Ramadan prayers. I emphasize that the actions taken by Israel in this incident were taken solely in order to stop the extremists who obstructed and threatened the security, safety and freedom of worship of their fellow Muslims, as well as Christians and Jews.

The desecration of the Muslim holy sites by Palestinian extremists is ongoing. Again, both yesterday and today, a number of violent actors arrived at the Temple Mount and entered the Aqsa Mosque with stones, large rocks and Molotov cocktails, which they pelted outside from within the confines of the holy site. One of the



Molotov cocktails fell short of its intended target and set one of the mosque's prayer rugs on fire. Israeli police were forced to respond from outside the mosque in order to protect the peaceful Muslim worshippers and allow for order to be restored.

Israel has guaranteed, and always will guarantee, the freedom of worship for all religions. In recent weeks, and in the face of an escalating wave of terrorism, riots and incitement, Israel has maintained restraint and has facilitated worship by tens of thousands of Muslims on the Temple Mount. In the weeks leading up to the holidays, Israeli authorities took a number of confidence-building measures vis-à-vis the Palestinian population in an effort to ease tensions and were in constant contact with key actors on the ground in an effort to maintain calm and facilitate open communication and effective coordination during the holiday period. The latest actions by Israel on Friday were taken after intensive dialogue with the Waqf, and as a last resort, to restore calm, which then allowed normal prayers to be resumed.

In this context, we must note the uptick in Palestinian incitement in recent weeks. The Governor of Janin and other senior Fatah officials have publicly embraced and praised the perpetrators of the recent bloody terrorist attacks in the Israeli cities of Tel Aviv and Bnei Brak, while Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine and others have also posted messages on social media commending and encouraging the ruthless attacks against Israeli civilians in Tel Aviv and Bnei Brak, as well as in Hadera and Beersheba. This massive disinformation campaign by Palestinian officials and terrorist organizations in the press and on social media is ongoing. While Israel is no stranger to these types of campaign, especially during times of unrest, it is regretful to note statements by Palestinian Authority and Jordanian officials, who failed to condemn these brazen acts of violent extremism in recent days, opting instead to echo distorted narratives regarding the recent developments in Jerusalem, which destabilizes the situation at the holy sites, encourages and incites violent extremism and hatred against Jews and ultimately runs counter to their historic duty. Every responsible partner must recognize this and not take part in spreading completely false information, which only inflames the atmosphere. Statements supporting violent action, including the throwing of rocks on Jewish worshippers at their holiest site on a religious holiday, lead only to further escalation and needless bloodshed. At the same time, we have not seen any Palestinian statements denouncing the violence or calling for calm. It is critical that the international community make clear to the Palestinian side that it is crucial to see responsible leadership in actions and in words and that it expects no less than that, given the precarious situation on the ground.

Inflammatory rhetoric, incitement and hate speech, whether by Palestinian officials, media outlets or non-governmental organizations, have a direct and deadly effect on the ground. On Sunday, 19 April, Palestinians hurled stones at buses carrying Jewish worshippers in the Old City of Jerusalem, wounding several civilians, including a 13-year-old Israeli girl. These and other attacks by Palestinians are the direct result of a culture of incitement and instigation, either promoted willingly by some or silently acquiesced to by others.

We are also gravely concerned about the potential for Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine and other terrorist groups to use these events in Jerusalem as an excuse to escalate the situation in the Gaza Strip. Indeed, we have already witnessed in recent days a number of rocket attacks from Gaza targeting Israeli civilians. Israel responded with great restraint and carried out a targeted response in order to protect its citizens, as is our right. It is crucial that the international community unequivocally condemn such rocket attacks against Israeli civilians by Hamas and other terrorist groups and not excuse or turn a blind eye to these egregious and brazen actions against civilians by terrorists.

Israel will continue to ensure access to the Temple Mount for peaceful worshippers and visitors while maintaining security and public order. As a responsible State, Israel does not wish for escalation and tension. However, Israel remains ready to respond to any threat of violence that undermines the safety and security of worshippers of all religions.

I call upon the international community to support Israel's actions to maintain calm and stability at the holy sites and in Jerusalem by refraining from inflammatory rhetoric and by encouraging dialogue. I further call upon the Security Council to uphold its important responsibility and condemn any act of terrorism and violent extremism, as well as put a stop to the ongoing culture of incitement and hate speech by the Palestinian Authority. As demonstrated, incitement and violence are inseparable. Moreover, the international community must be careful not to adopt or promote the Palestinian narrative of lies, blaming Israel for the current situation when Palestinian extremists are wholly to blame. Any drawing of a moral equivalency between violent Palestinian terrorist groups and Israel – a law-abiding nation – is repugnant and an affront. Israel has done its utmost to maintain law and order and peaceful access to all of the holy sites and will continue to do so, even in the face of Palestinian violence and provocations.

I would be grateful if you would have the present letter distributed as a document of the Security Council.

*(Signed)* Gilad **Erdan**  
Ambassador of Israel to the United Nations



**General Assembly**

Distr.: General  
22 April 2022

Original: English

**Seventy-sixth session**  
Agenda item 39  
**Question of Palestine**

**Letter dated 21 April 2022 from the Permanent Representative of  
Malaysia to the United Nations addressed to the  
Secretary-General**

I have the honour to convey to you a letter from the Minister of Foreign Affairs of Malaysia, Saifuddin Abdullah, concerning the situation in Jerusalem (see annex).

I kindly request that you circulate the present letter and its annex as a document of the General Assembly, under agenda item 39.

*(Signed)* Syed Mohamad Hasrin **Aidid**  
Permanent Representative of Malaysia to the United Nations

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**1387**



**Annex to the letter dated 21 April 2022 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General**

I wish to draw your attention to the recent unjust and inhumane actions of the Israeli occupation forces, who attacked Palestinian Muslims in the holy month of Ramadan at one of the holiest mosques, Al-Aqsa. Targeted aggression against worshippers during prayers, particularly during the holy month, is contemptuous to all Muslims and humanity.

I am outraged by such heinous acts and condemn in the strongest terms the indiscriminate targeting, injuring and killing of hundreds of Palestinians, especially women and children.

I believe that the international community must not look away from these atrocities and allow Israel to continue its unjustified assault on the Palestinians, which clearly violates numerous United Nations resolutions and international law, including humanitarian law.

I urge the United Nations, under your able stewardship, to speak with one voice and act swiftly to de-escalate the situation to avoid more loss of life. The United Nations must act immediately and fulfil its duties as enshrined in the Charter of the United Nations.

I wish to reiterate Malaysia's commitment to the realization of the State of Palestine based on the pre-1967 borders, with East Jerusalem as its capital. Malaysia has lent, and will continue to lend, our unwavering support and solidarity to the Palestinians.

*(Signed)* Saifuddin **Abdullah**

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**General Assembly  
Security Council**Distr.: General  
4 January 2023

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Seventy-eighth year****Illegal Israeli actions in Occupied East Jerusalem and the  
rest of the Occupied Palestinian Territory****Identical letters dated 3 January 2023 from the Permanent  
Observer of the State of Palestine to the United Nations addressed  
to the Secretary-General, the President of the General Assembly  
and the President of the Security Council**

It is with great alarm that we call upon the international community to act urgently to halt the impending explosion of the situation in Occupied Palestine and the grave threats that it poses to international peace and security.

The Security Council must condemn and demand an immediate halt to all aggressions by Israel, the occupying Power, against the Palestinian people and their holy sites, especially in Jerusalem, which has been targeted yet again by Israeli supremacists and extremists, who are not only aided and abetted by the Israeli government but are part and parcel of it and intent on implementing their racist, illegitimate and immoral agenda, regardless of the risks to millions of civilian lives and to regional and international peace and security.

In this regard, I regret to inform you that the new year has begun with yet another invasion of the Aqsa Mosque/Haram al-Sharif by fanatic Jewish supremacists, led by the so-called "Minister of National Security" of Israel, Itamar Ben-Gvir, a blatant fascist who has repeatedly engaged in incitement against the Palestinian people and against this sacred site and repeatedly stoked violence and terror with his inflammatory rhetoric, hateful threats and provocative actions.

Today, 3 January, Ben-Gvir stormed the courtyards of the Aqsa Mosque with a large contingent of occupying forces after repeated public announcements of his intention to forcibly enter the site, in yet another belligerent attempt to assert Israeli sovereignty, in grave breach of international law, which absolutely prohibits the occupying Power from altering the character, status and demography of the occupied territory.

Moreover, Ben-Gvir, a follower of the terrorist Kach movement, has publicly called for Haram al-Sharif to be divided and for Jewish rituals to be performed there, in flagrant violation of the historic and legal status quo that has, for decades upon decades, preserved a semblance of calm and the sanctity of this most sensitive holy site.



The Security Council must unequivocally condemn these illegal and dangerous actions and demand that Israel, the occupying Power, cease its violations and assaults on this holy site and fully comply with its obligations under international law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the relevant United Nations resolutions. Moreover, Israel must be demanded to uphold forthwith, in word and deed, the historic and legal status quo at the Aqsa Mosque/Haram al-Sharif and to respect the sole authority of the Islamic Awqaf at the holy site and the custodianship of the Hashemite Kingdom of Jordan for the Muslim and Christian holy sites in Jerusalem.

A strong message must be sent to this Israeli government – widely acknowledged across the international community, and even by many Israelis, as the most extreme, right-wing Israeli government – that such violations will not be permitted under any pretext and that the consequences for these aggressions and crimes will be severe.

Moreover, the international community is duty-bound to reaffirm its rejection and non-recognition of any Israeli claims of sovereignty in any part of the Occupied Palestinian Territory, including in Jerusalem and at its holy sites. It is incumbent upon the Security Council to remind Israel that it is the occupying Power and has no sovereignty rights whatsoever in Occupied Palestine. It must be reaffirmed, as underscored in Council resolution 2334 (2016), that the Council will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations. Likewise, the obligation of distinction, as called for in resolution 2334 (2016), is of paramount importance for all States to uphold in their actions and relations with regard to the occupying Power.

The Security Council has the opportunity to act now to set the tone for this new year indicating that the violation of international law and human rights will not be tolerated and that there will be accountability and consequences for the perpetrators.

The Security Council has the opportunity to break its paralysis and to act, in letter and spirit, in accordance with its duties under the Charter of the United Nations to confront what is clearly a threat to international peace and security.

The Security Council has the opportunity to shoulder its responsibilities and reaffirm the primacy of the Charter and the rule of law at this moment, when they are in such jeopardy, and to reassert that conflict prevention and conflict resolution are its *raison d'être*.

The Security Council cannot remain a bystander in the face of this perilous situation and must make its voice heard and assert its authority. Only such urgent, serious action can avert the violent explosion and religious war that this Israeli government and its hateful, racist extremists are threatening to provoke and save the lives of the millions of Palestinian men, women and children endangered by this illegal colonial occupation and apartheid regime.

In the face of the extreme dangers posed by Israel's continued assaults, especially on the Aqsa Mosque/Haram al-Sharif and on our civilians – including the killing of more children, among them 15-year-old Adam Ayyad, who was shot in the chest today by Israeli soldiers in a raid of the Dheisheh refugee camp in Bethlehem, and two more youths, Mohammad Samer Houshieh, age 22, and Fuad Mahmoud Abed, age 25, who were shot and killed yesterday in an Israeli military raid on the town of Kafr Dan in the northern West Bank – President Abbas has instructed us to call for the convening of an emergency Security Council meeting for immediate action.

We urge the Security Council and the international community as a whole to respond swiftly to our pleas and to uphold their responsibilities towards bringing a

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halt to the reign of violence and terror that has long been perpetrated by the Israeli government, military and settler militias against the Palestinian people, their holy sites and their very existence. At the forefront of efforts must be tangible actions for accountability – by the Council, by the General Assembly, by all States and in courts of law, including the International Court of Justice and the International Criminal Court. We call upon the international community to act now without delay for the sake of the human lives at risk and for the sake of justice and peace.

The present letter is in follow-up to our 773 letters regarding the ongoing historic injustice against the Palestinian people and the crimes being perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 20 December 2022 (A/ES-10/920-S/2022/985), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the present letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Minister  
Permanent Observer

**General Assembly  
Security Council**Distr.: General  
5 April 2023

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Security Council**  
**Seventy-eighth year****Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Identical letters dated 5 April 2023 from the Permanent Observer  
of the State of Palestine to the United Nations addressed to the  
Secretary-General, the President of the General Assembly and the  
President of the Security Council**

Once again, even on these holiest of days, and despite repeated warnings and appeals, Israel continues to inflame religious sensitivities and risk a destructive implosion during the convergence of Ramadan, Passover and Easter, persisting with its violence on Palestinian civilians, including innocent Muslim worshippers at Al-Aqsa Mosque/Al-Haram Al-Sharif in Jerusalem, dangerous provocations, incitement and assaults at this holy site, the arrest and detention of hundreds of civilians, and military airstrikes on the Gaza Strip.

Israel's occupation of Palestine's territory, driven and sustained by its illegal settler-colonial enterprise and system of apartheid policies against the Palestinian people, is the direct source of the instability and violence and the impediment to a just peace and security.

This is not a so-called "cycle of violence" or "clashes" between two sides, and the recurrent scene of brutality against peaceful Palestinian worshippers at Al-Aqsa Mosque, a site holy for Muslims worldwide and solely for Muslim worship, is not normal, regardless of how often repeated by this illegal occupation. It is condemnable, violates international law and all tenets of moral behaviour and cannot be normalized and met with silence. One can only imagine the outcry across the international community if such horrific scenes were witnessed at any synagogue or church.

Yet, once again, in the pre-dawn hours of today, we are forced to witness Israeli occupying forces raiding Al-Haram Al-Sharif and violently attacking and beating Palestinians worshippers at Al-Aqsa Mosque, many of whom traditionally stay overnight to pray, reflect and recite Qur'an during the Muslim holy month of Ramadan. This aggression was blatantly aimed at forcing them to leave the compound, rather than letting them pray in peace.

Video documentation shows Israeli soldiers viciously assaulting worshippers with batons, stun grenades and tear gas to force them out, and women and children



can be heard crying for help. Several Palestinians were wounded in the attack, and, according to the Palestine Red Crescent Society, Israeli occupying forces also prevented medics from reaching the wounded. Moreover, at least 500 Palestinians were arrested and detained by Israeli occupying forces. A medical clinic inside the compound was also stormed by Israeli soldiers, who ransacked it and destroyed everything inside.

All of this is happening against a backdrop of escalating calls by extremist Jewish settlers intent on breaching the sanctity of Al-Aqsa Mosque/Al-Haram Al-Sharif with ongoing threats to carry out sacrificial rituals, including slaughtering an animal, at the holy site during the Jewish holiday of Passover, which begins today. These dangerous extremists, including members of the so-called “Temple Mount Faithful Movement”, have been inciting the mass storming of Al-Haram during Passover and have repeatedly called for the destruction of Al-Aqsa Mosque, threatening to ignite a catastrophic religious war. It is clear that they have been even more emboldened by the extremists now present and leading in the Israeli government, including the far-right Minister Ben-Gvir, who, persisting in a long-pattern of provocation and racist incitement, recently said: “Jews must ascend to the Temple Mount. The Temple Mount is not just for Arabs.” All such dangerous and criminal actions must be condemned and halted.

We call upon the international community, including the Security Council, to unequivocally condemn these aggressions against the Palestinian people and their holy sites and to demand that Israel, the occupying Power, cease all its illegal and dangerous actions and abide by its obligations under international law, including humanitarian law, and relevant United Nations resolutions, inter alia, Security Council resolutions [476 \(1980\)](#), [478 \(1980\)](#) and [2334 \(2016\)](#), and agreements reached.

Israel must also be demanded to ensure full respect for the historic and legal status quo at Al-Aqsa Mosque/Al-Haram Al-Sharif and for the authority of the Islamic Waqf and custodianship of the Hashemite Kingdom of Jordan. Upholding the status quo at this most sensitive holy site during Ramadan and at all times, as well at all other holy sites in Jerusalem, including its churches and particularly on these days that the Christian faithful will come to the City to celebrate Easter, is essential for ensuring the freedom of worship and safety of all worshippers and averting the outbreak of a religious conflict with grave consequences.

Moreover, we are compelled to also remind once again that Israel is the occupying Power and has no sovereignty rights whatsoever in occupied East Jerusalem, including in the Old City and at its holy sites, regardless of any unilateral claims, declarations, so-called “Basic Law” or otherwise. Palestinian worshippers have the right to freely and safely pray at their holy sites in the City, including at Al-Aqsa Mosque, whenever and at any time, without any obstruction or fear of violence and reprisal by the occupying Power and its extremist military forces and settler militias, whose presence in our land is illegal.

The disturbing and dangerous reality we are facing cannot be ignored and must be addressed with urgency. Israel is proving daily that it has no interest in peace and is intent on persisting with its aggressions against the Palestinian people, violating their human rights, colonizing and annexing their land and destroying all prospects for a just and secure peace. And it is doing this in full view of the international community, confident in its long-held assumption that it will suffer no consequences for its crimes.

It is time to prove this assumption wrong. Swift and serious collective action is required to protect civilian lives and avert further destabilization by the occupying Power and its warmongering military and extremist, radical settlers, who are openly instigating an explosion. Such action must include measures of accountability for all

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Israeli human rights violations and war crimes, including at the International Criminal Court and International Court of Justice, to bring pressure to bear on Israel to end all of its illegal policies and practices.

We will not relent in our efforts to attain justice for the Palestinian people and their inalienable human rights, including to return and to live as a free people in peace and security in their homeland. We thus call again upon all peace- and freedom-loving nations of the world to join our just struggle and to act forthwith to uphold their Charter obligations and all other relevant obligations under international law. It is time for responsible action by all States and organizations to hold Israel accountable and to undertake concrete measures aimed at decolonization and the dismantlement of apartheid, for as long as this illegal colonial occupation and apartheid regime exists, there will never be peace.

This letter is in follow-up to our 783 letters regarding the ongoing historic injustice against the Palestinian people and the crimes being perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 27 March 2023 ([A/ES-10/931-S/2023/228](#)) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**  
Minister  
Permanent Representative

**Security Council**Distr.: General  
11 April 2023

Original: English

**Letter dated 10 April 2023 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council**

Once again, tensions are rising at Jerusalem's holy sites. Israeli actions are violating the sanctity of the holy month of Ramadan and preventing worshippers from freely performing their religious duties. These illegal and provocative actions are fuelling an already explosive situation.

Despite previous commitments that it would respect the historical and legal status quo at the holy sites, including in the Aqaba and Sharm El Sheikh meetings, the Israeli government continues to violate the historical and legal status quo at Al-Aqsa Mosque/Al-Haram Al-Sharif.

The Israeli Police Force has repeatedly stormed Al-Aqsa Mosque/Al-Haram Al-Sharif. The Israeli government continues to prevent Palestinians from the West Bank and Gaza under the age of 40 from performing their religious duties at Al-Aqsa Mosque/Al-Haram Al-Sharif – one of the three most holy sites in Islam.

During the early hours of 5 April 2023, Israeli police brutally stormed Al-Aqsa Mosque/Al-Haram Al-Sharif. They injured hundreds and arrested hundreds more. The Israeli police fired rubber bullets and tear gas at peaceful, unarmed worshippers and vandalized the holy site.

Israel continues to impose limits on Palestinian Muslims' access to Al-Aqsa Mosque/Al-Haram Al-Sharif with the goal of ultimately creating a spatial and temporal division of the holy site. Such actions by Israel are clear and serious violations of its obligations as an occupying Power under the rules of international law and international humanitarian law, including those contained in the 1907 Regulations respecting the Laws and Customs of War on Land and the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

These illegal and provocative actions are taking place against a dangerous environment of despair resulting from the absence of political horizons, and unilateral Israeli measures that undermine the prospects of peace and cause more suffering to the Palestinian people.

Jordan and other partners, including the United States of America and the Arab Republic of Egypt, have worked hard to prevent the eruption of violence and to ensure a period of calm that would allow for confidence-building measures and lead to political engagement to achieve just and lasting peace on the basis of the two-State solution.





Unfortunately, efforts have not achieved their purpose due to Israeli actions on the ground that continuously cause the situation to deteriorate. It is imperative that Israel take all necessary measures to de-escalate. Jordan urges members of the international community to send a clear message to Israel that it should stop all illegal and provocative actions that trigger violence. Jordan, however, will continue to work for calm and peace.

Israeli police must respect the sanctity of the holy sites and stop attacking worshippers. Israel must stop all intrusions into Al-Aqsa Mosque/Al-Haram Al-Sharif, especially during the last 10 days of the holy month of Ramadan, in accordance with the practice implemented for years. It must allow all Muslims and Christians to exercise their right to freedom of worship, a basic obligation of Israel not only as an occupying Power but also under the 1966 International Covenant on Civil and Political Rights. Israel needs to decrease the provocative and overwhelming police presence around the holy sites.

The Jordanian Waqf Department, under international law, has exclusive authority over the holy sites. The Waqf Department is the entity entitled, under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to preserve and safeguard Al-Aqsa Mosque/Al-Haram Al-Sharif. Israel is bound under the Convention to respect the authority of the Waqf Department over the holy sites.

The Jordanian Waqf Department is capable of managing the holy sites and ensuring calm, but Israel continues to compromise its ability to do so. Israel has prevented the Waqf's cadre from doing its job and is putting unlawful limitations on the Waqf's role and resources.

In the face of Israeli attacks on Al-Aqsa Mosque/Al-Haram Al-Sharif, the Waqf cannot do much to maintain calm at the holy sites. Around 150 unarmed Waqf guards cannot control the chaos resulting from the continued Israeli police incursions.

The Jordanian Waqf Department will maintain calm and peace at the holy sites in these sensitive times if Israel, the occupying Power, stops fuelling tensions, stops attacking worshippers and refrains from creating chaotic conditions, in which it cannot operate.

The right to worship is a core human right that is well established in international law. Violating it is a trigger for violence, and violence begets violence.

Again, as the occupying Power, Israel must uphold its legal commitments and desist from such serious violations of international law.

The Hashemite Kingdom of Jordan will continue to work with all members of the international community to restore calm and achieve stability, security and a just peace on the basis of the two-State solution. This just peace is a right for all. It is imperative that all measures that compromise this right be stopped.

I would be grateful if you would arrange to have the present letter distributed as a document of the Security Council.

(Signed) Mahmoud D. **Hmoud**  
Ambassador  
Permanent Representative



**General Assembly  
Security Council**

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**General Assembly**  
**Seventy-seventh session**  
Agenda items 32 and 33

**Security Council**  
**Seventy-eighth year**

**The situation in the Middle East**  
**Question of Palestine**

**Letter dated 6 April 2023 from the Permanent Representative of  
Egypt to the United Nations addressed to the Secretary-General**

In accordance with the rules of procedure of the League of Arab States and in the capacity of Egypt as the current Chair of the Council of the League of Arab States at the ministerial level, I have the honour to transmit herewith the communiqué adopted by the extraordinary session of the Council of the League of Arab States at the permanent representative level on 5 April 2023 concerning the Israeli attacks on the sanctity of Al-Aqsa Mosque (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 32 and 33, and of the Security Council.

*(Signed)* Osama **Abdelkhalek**  
Ambassador  
Permanent Representative



**Annex to the letter dated 6 April 2023 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General**

[Original: Arabic]

**Communiqué issued by the Council of the League of Arab States at the level of permanent representatives at its extraordinary session concerning Israeli attacks against the sanctity of the Aqsa Mosque, which constitute flagrant and reprehensible violations of international law and international humanitarian law**

The Council of the League of Arab States met in extraordinary session at the level of permanent representatives on 5 April 2023. The session was chaired by the Arab Republic of Egypt and held at the request of the Hashemite Kingdom of Jordan in coordination with the State of Palestine and the Arab Republic of Egypt (chair of the Ministerial Council) to discuss Arab and international action to address the brutal Israeli crimes and attacks on the lives and holy places of the Palestinian people in the occupied city of Jerusalem, the capital of the State of Palestine.

The Council affirmed that it:

1. Strongly condemns the crimes being committed by the Israeli occupation forces against unarmed Muslim worshippers at the Aqsa Mosque, which have escalated dangerously during the past few days of the holy month of Ramadan and led to hundreds of injuries and arrests of persons practicing ritual seclusion at the mosque, and incursions and deliberate desecration of the Aqsa Mosque by Israeli officials and extremist settlers under the protection of the Israeli occupation forces;

2. Rejects and condemns all Israeli violations of Islamic and Christian holy sites and, in particular, attempts to alter the historical and legal status quo at the Aqsa Mosque, divide it spatially and temporally, turn away Muslim worshippers, or undermine their freedom to pray there; to take control of Jordanian Islamic Waqf Administration in occupied Jerusalem, attack staff members and prevent them from doing their jobs; and to impose Israeli law on the Aqsa Mosque/Haram al-Sharif; and reaffirms the right of Muslims and Christians to safe and unrestricted access to their places of worship to perform their religious obligations freely in the Aqsa Mosque and churches in occupied Jerusalem;

3. Holds accountable Israel, the occupying Power, for the consequences of these crimes and measures, which undermine freedom of worship at Islamic and Christian holy sites in the city of Jerusalem, above all at the Aqsa Mosque, and which constitute flagrant violations of United Nations resolutions, international law and international humanitarian law; and warns that these attacks and crimes are a blatant provocation against the sensibilities of believers everywhere that risks igniting a spiral of violence that could threaten security and stability in the region and the world;

4. Reaffirms the importance of the historical Hashemite Jordanian custodianship of Islamic and Christian holy sites in the city of Jerusalem, which plays a major role in protecting those sites and maintaining their historical and legal status; and reiterates that the Jerusalem Waqf and Aqsa Mosque Affairs Administration of Jordan is the sole authority entrusted with administering the affairs of the Aqsa Mosque/Haram al-Sharif;

5. Salutes, hails and pays tribute to the Palestinian people of Jerusalem, who stand steadfast in the occupied city of Jerusalem as they defend, unarmed, the Aqsa

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Mosque and Islamic and Christian holy sites against the brutal and systematic crimes and acts of aggression committed by the occupying Israeli forces in the Holy City;

6. Calls on the United Nations, including the Security Council, to shoulder its legal, moral and humanitarian responsibilities to bring an immediate halt to this Israeli aggression, provide international protection to the Palestinian people, and protect their right to freedom of worship;

7. Demands implementation of resolutions on the Palestinian question issued by the Executive Council of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which stress that the Aqsa Mosque/Haram Al-Sharif, over its entire 144-dunum area, is a dedicated place of worship for Muslims only and an integral part of the world's cultural heritage sites;

8. Stresses that member States are determined to take the necessary steps and measures at all levels, including by engaging in intensive diplomatic action, such as writing letters, reaching out to contacts and holding bilateral meetings, in order to protect the city of Jerusalem, defend its Islamic and Christian holy sites, and support the political, social, economic and humanitarian rights of its people;

9. Calls for coordination between the League of Arab States and the Organization of Islamic Cooperation to protect the occupied city of Jerusalem from the policies and systematic attacks of Israel;

10. Calls on the councils of Arab ambassadors and the missions of the League to launch an intensive diplomatic effort to convey the substance of the present communiqué to the capitals of influential countries around the world;

11. Calls on the Arab groups at the United Nations, the Human Rights Council and UNESCO to initiate consultations and the necessary measures to confront and put a stop to systematic Israeli attacks in the occupied city of Jerusalem;

12. Calls for the Council to remain in permanent session to follow up developments on the aggressive plans of Israel.

(Statement No. 251 – 5 April 2023)



THE QUESTION OF PALESTINE

# Final Communique Adopted by the Open-ended Extraordinary Meeting of the OIC Executive Committee to Discuss the Ongoing Israeli Aggression against the Al-Aqsa Mosque – Communique

**This is a non-United Nations document. The United Nations provides these documents only as a convenience for reference purposes, and the inclusion of a document does not imply the endorsement of its content by the United Nations.**

Date: 25/04/2022

Arabic: العربية

Français

Final Communique Adopted by the Open-ended Extraordinary Meeting of the OIC Executive Committee at the Level of Permanent Representatives to Discuss the Ongoing Israeli Aggression against the Blessed Al-aqsa Mosque

OIC General Secretariat, Jeddah, Kingdom of Saudi Arabia

24 Ramadan 1443h (25 April 2022)

The open-ended Extraordinary Meeting of the OIC Executive Committee at the level of Permanent Representatives, held on Monday 25 April 2022 to discuss the ongoing Israeli aggression against the blessed Al-Aqsa Mosque, at the request of the Republic of Indonesia and in coordination and consultation with the Kingdom of Saudi Arabia, in its capacity as current chair of the Islamic Summit and chair of the Executive Committee;

Proceeding from the principles and objectives of the charter of the Organization of Islamic Cooperation (OIC) and the historical, moral and legal responsibility of the Islamic ummah and the obligation of full solidarity with Palestine and its people,

Pursuant to the resolutions of the Islamic Summit affirming that the cause of Palestine at the core of which is Al-

**1400**

Quds Al-Shareef, is the *raison d'être* of the OIC and that comprehensive and just peace can be achieved only with the ending of occupation and with independence of the State of Palestine with Al-Quds Al-Shareef as its capital,

**HP EXHIBIT 148**

Reaffirming all resolutions adopted by sessions of the OIC Islamic Summit, conferences and relevant extraordinary meetings,

Recalling all relevant United Nations resolutions – 242 (1967), 252 (1973), 338 (1973), 465, 476 and 478 (1980), 1073 (1996) and the resolutions of the 10th emergency extraordinary meeting of the United Nations General Assembly 2/10 adopted on 24/2/1997 and 3/10 adopted on 15/7/1997 on the illegal Israeli practices in occupied East Jerusalem and the rest of the occupied Palestinian territories and Security Council resolution 2334 (2016),

Reaffirming all relevant international resolutions, including the legal opinion of the International Court of Justice of 9 July 2004 and the Conferences of the High Contracting Parties to the 1949 Geneva Convention to Enforce the Convention on the Occupied Palestinian Territories, including Jerusalem,

Rejecting all attempts by the occupation to change the historical and legal status of the occupied Al-Quds and condemning statements, positions and decisions aimed at changing the status of the occupied Al-Quds,

Commending the resilience of the Palestinians and their legitimate and heroic struggle to defend their holy sites for the sake of their freedom and inalienable national rights,

Reiterating that all legal and administrative actions and measures taken by Israel, the illegal occupation authority, to impose its laws and administrative measures on the occupied Al-Quds are illegal, null, void and illegitimate, and calls on states, institutions, organizations and companies strictly not to recognize or deal in any form with these measures,

Reiterating the centrality of the cause of Palestine for the entire Islamic ummah at the core of which is Al-Quds Al-Shareef, and affirming the Arab and Islamic identity of the occupied East Jerusalem as the capital of the State of Palestine and rejecting any form of prejudice thereto,

Affirms that Al-Quds Al-Shareef and the blessed Al-Aqsa Mosque, Islam's first qibla and third holiest mosque, is a red line for the Islamic ummah; that there can be no security and stability without its full liberation from occupation and return to its Palestinian people and Islamic ummah; calls on Member States to make concerted and individual efforts and rally round and defend Al-Quds and its holy sites, and address Israel's crimes, provide support for the Palestinian people and the wherewithal for their resilience in the face of barbaric Israeli attacks; and requests them to respect and implement the OIC resolutions on the Palestinian cause as the central cause of the Islamic ummah and *raison d'être* of the OIC.

Condemns the criminal Israeli aggression against the Palestinians, particularly in Al-Quds and rejects all illegal measures in the city aimed at enforcing Israeli colonial control on it and altering its historical and legal status, demographic composition and Arab and Islamic character; condemns the continuous cruel attack by the occupation army and extremists on worshipers in the blessed Al-Aqsa Mosque/ Al-Quds Al-Shareef Haram the Palestinian people, which have escalated in a dangerous manner in recent days in the blessed month of Ramadan and led to hundreds of innocent Muslims being injured and arrested, causing serious damage to the facilities of Al-Aqsa Mosque, in a repeated desecration of its sanctity and the religious rites of the worshipers, a serious provocation of Muslims' sensibilities and continued violation against the Palestinians, Al-Quds and its holy sites, and holds Israel responsible for the fallouts of these escalations, rejects all illegal measures in the city, including attempts at temporal and spatial division of the blessed Al-Aqsa Mosque/ Al-Quds Al-Shareef Haram and demands their immediate stop; also affirms that there is no legal, religious or historical legitimacy for these dangerous steps that prejudice the sanctity of the blessed Al-Aqsa Mosque.

Reiterates the sovereignty of the State of Palestine over all Palestinian lands occupied in 1967, including East Jerusalem and its borders with neighboring states and opposes any steps that can prejudice such; underscores its rejection and condemnation of any misleading designation of Al-Aqsa Mosque/ Al-Quds Al-Shareef Haram; calls for refrain from using religious names on the Al-Aqsa that falsify the Mosque's history and existing legal and

**1401**

historical status, affirming that such contributes to stoking and perpetuation of the conflict. **HP EXHIBIT 148**

Supports the steadfastness and legitimate rights of the brotherly Palestinian people, notably their right to freedom and a sovereign independent state, with East Jerusalem as its capital, on the basis of the two-state solution, in accordance with international law, the Arab peace initiative and accredited international terms of reference. Calls on Israel to stop all escalations and aggression in the entire occupied Palestinian territory and to stop all actions that threaten security and peace and undermine the two-state solution and the chances of achieving just and comprehensive peace, which is the Arab and Islamic strategic choice and a regional and international necessity. Also calls for the provision of urgent humanitarian assistance to alleviate the plight of the Palestinians and strengthen their resilience.

Calls on all Member States and their permanent representatives at international organizations on the need to act and confront this escalation at all levels including by writing to the United Nations Secretary General and the Security Council about the illegal steps taken by Israel, the illegal occupation authority, to create a new reality in Al-Quds Al-Shareef and to divide the Mosque temporally and spatially, requesting them to assume their responsibility with this escalation.

Affirms its rejection of selective implementation of international law, including international human rights law and the continued exemption of the Palestinian people who have suffered more than fifty-five years of injustice under military occupation; stresses that the Palestinian people cannot be left to the mercy of harsh and illegal military occupation embodying all forms of violence, tyranny and racial segregation; and demands the application of all rights and protections which are guaranteed under international law and granted to all peoples of the world.

Emphasizes its absolute rejection of attempts at justifying ongoing Israeli aggression against the Palestinian people and calls for an end to the exemption enjoyed by Israel, the colonial occupation authority, in relation to its obligations under international law and demands of the international community to subject Israel to accountability over all its crimes against the Palestinian people.

Emphasizes the role of the historical Hashemite custodianship of His Majesty King Abdullah II Ibn Al-Hussein, King of the Hashemite Kingdom of Jordan, for the protection of Islamic and Christian holy sites in Al-Quds and the existing historical and legal status in the city; also emphasizes the need to remove all restrictions encumbrances hampering the work of the Waqf Department in managing the affairs of the blessed Al-Aqsa Mosque/ Al-Quds Haram and to preserve its facilities.

Calls for more effective measures to overcome obstacles to the exercise by the Palestinian people of the right to self-determination, by ensuring provision of protection against the tyranny and aggression of the colonial occupation authorities and hold it accountable for its crimes, including racial segregation apartheid policies, and calls for intensified efforts to achieve a just solution based on law and international legitimacy and to end colonial occupation of the land of the State of Palestine.

Calls on the Member States and their permanent representatives at international forums to provide international protection for the Palestinian people and end their plight by halting the colonial Israeli occupation established on the land of the State of Palestine in defiance of all legal, moral and humanitarian principles and demands an end to the ongoing injustice that has deprived generations of Palestinians the enjoyment of their basic rights, including their right to self-determination and national independence.

Affirms the centrality of the role of the Al-Quds Committee under the leadership of His Majesty King Mohamed VI, King of the Kingdom of Morocco, in challenging the dangerous measures taken by the Israeli occupation authorities in Al-Quds Al-Shareef, and commends the role of Bayt Mal Al-Quds Agency.

Calls on the international community to respect the United Nations resolutions on Al-Quds to intensify pressure on Israel to end its illegal occupation of the land of the State of Palestine occupied since 1967 and compel it to abide by the charter of the United Nations, the principles of international law and relevant United Nations resolutions on the Palestinian cause, including resolutions adopted by the United Nations Educational, Scientific

and Cultural Organization (UNESCO), which affirmed that the Al-Aqsa Mosque/Al-Quds Haram is an Islamic location for Muslim worship and integral part of the World Heritage Sites locations.

Affirms the need for Israel to respect the existing historical and legal status in the Al-Quds Haram and return to the pre-2000 condition in order to respect the fact that the 144 Dounem wide Al-Aqsa Mosque is the exclusive place of worship of Muslims, and that visits by non-Muslims to the place be organized by the Islamic waqf department under the Jordanian Ministry of Islamic Waqf and Holy Sites in its capacity as legal entity with exclusive prerogative to manage the Haram affairs and organize access to it.

Affirms that the time has come for the international community to assume its responsibilities towards fifty-five years of occupation by the colonial occupation authorities and stand up to this illegal system of continued aggression and colonialism at all levels by taking further serious measures and steps to ensure accountability for all violations perpetrated and to ensure justice for the long-suffering Palestinian people.

Requests the international community to compel Israel, the illegal occupation authority, to rescind its illegal decision to annex Al-Quds, and recalls the Islamic position calling for the deployment of all capabilities to confront this decision, and invites them to respect all relevant, United Nations resolutions, in particular Security Council resolutions 465 (1980) and 478 (1980).

Affirms that the road to realize peace and security in the Middle East regions starts with ending the Israeli occupation and the withdrawal of the occupation army and colonialists from the land of the State of Palestine, notably the City of Al-Quds, in implementation of relevant international resolutions. Welcomes the outcomes of the fourth meeting of the Arab ministerial committee tasked with international action to challenge the illegal Israeli actions and policies in the occupied Al-Quds, held in Amman on 21 April 2022.

Calls for intensified coordination and cooperation between the OIC and the League of Arab States, the United Nations and other relevant international organizations where Member States have representatives to respond to any step capable of prejudicing the legal and historical status of the City of Al-Quds.

Entrusts the Secretary General to follow up the developments in this regard and to convey the position of the OIC to international bodies and report thereon to the next session of the Council of Foreign Ministers.

**Document Type:** Communiqué  
**Document Sources:** Organization of Islamic Cooperation (OIC)  
**Subject:** Holy places, Jerusalem, Security issues, Violence  
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RESOLUTIONS ON PALESTINE

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Monthly Bulletin (Action by UN System and IGOs Relevant to Question of Palestine)  
NGO Action News  
Origins and Evolution of the Palestine Problem  
The Status of Jerusalem  
Studies prepared for and under the guidance of the Committee

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Final Communique Adopted by the Open-ended Extraordinary Meeting of the Executive Committee of the Organization of Islamic Cooperation (OIC) to Discuss the Ongoing Israeli Attacks on Al-Aqsa Mosque 24 May 2023

Date: 24/05/2023

**1405**



The Executive Committee of the Organization of Islamic Cooperation (OIC), in its extraordinary, open-ended meeting, held on Wednesday, 24th May 2023, at the headquarters of the OIC General Secretariat in Jeddah, Kingdom of Saudi Arabia, at the request of the State of Palestine and the Hashemite Kingdom of Jordan, and in coordination and consultation with the Kingdom of Saudi Arabia, the current Chair of the Islamic Summit and the Executive Committee, to discuss the dangerous developments in the occupied city of AL-Quds, following storming of the blessed Al-Aqsa Mosque / Al-Haram Al-Qudsi Al-Sharif by a minister in the Israeli government, guarded and protected by the Israeli occupation forces, Proceeding from the principles and objectives of the Charter of the Organization of Islamic Cooperation,

Affirming all relevant resolutions of the Islamic Summits, Councils of Foreign Ministers and extraordinary meetings of the Organization of Islamic Cooperation;

Reiterating the centrality of the Cause of Palestine, on top of which is Al-Quds Al-Sharif, for the entire Muslim Ummah:

1. Affirms that the Israeli minister's storming of the blessed Al-Aqsa Mosque and violating its sanctity is a provocative step that is condemned in the strongest terms and represents a flagrant and unacceptable violation of international law and the existing historical and legal status in AL-Quds and its holy sites, and that it is a dangerous escalation that requires the international community, including the Security Council, to work immediately to stop it through effective steps that would compel Israel, the occupying power, to stop its attacks on the Palestinian people and its violations of international law and international humanitarian law, and not to take any provocative steps in Al-Quds Al-Sharif that would prejudice the feelings of millions of Muslims around the world and threaten security and stability in the region, stressing that there is no sovereignty for Israel over AL-Quds and the holy sites, and that East Jerusalem

**1406**

is an occupied Palestinian land.

## **HP EXHIBIT 149**

2. Confirms that the blessed Al-Aqsa Mosque / Al-Haram Al-Sharif, with its entire area of 144 dunums, is a pure place of worship for Muslims, and that AL-Quds Endowments and the Blessed Al-Aqsa Mosque Affairs Department affiliated to the Jordanian Ministry of Awqaf, Islamic Affairs and Holy Sites is the legal authority with exclusive jurisdiction to manage all affairs of Al-Quds Al-Sharif and organize access to it, and further affirms the right of the State of Palestine to sovereignty over the occupied city of East Jerusalem, and that Israel, the occupying power, has no right nor sovereignty over the occupied city of AL-Quds and its Islamic and Christian holy sites.
3. Condemns in the strongest terms the Israeli occupation government's setting a dangerous precedent by holding its meeting in a tunnel, one of the illegal Israeli excavations and tunnels network, located adjacent to the Western Wall of the blessed Al-Aqsa Mosque, a few days after it approved its sponsorship of the so-called condemned flags march that stormed the neighborhoods of the Old City of AL-Quds under the protection of the occupation forces. It also affirms that such provocative and illegal actions are null and void and have no legal effect.
4. Underlines the importance of the continuation of concerted efforts of the Member States to protect the blessed Al-Aqsa Mosque and the Islamic and Christian holy sites in the occupied city of AL-Quds, the capital of the State of Palestine, and to support the steadfastness of the Palestinian citizens of Al-Quds in the face of aggressive Israeli policies and practices aimed at controlling the city, changing its original Arab character and identity, changing its existing historical and legal status, and imposing the temporal and spatial division on the blessed Al-Aqsa Mosque / Al-Qudsi Al-Sharif. It further affirms support for the Hashemite Custodianship over the Islamic and Christian holy sites in AL-Quds and its role in protecting its Arab, Islamic and Christian identity.
5. Reaffirms the important role of Al-Quds Committee under the leadership of His Majesty King Mohamed VI, of Morocco, in challenging the detrimental policies implemented by the Israeli occupation authorities in Al-Quds Al-Sharif to change the character and legal status of the city as well as its demographic, cultural and historical composition; and values the role of Bayt Mal Al-Quds Agency.
6. Calls upon the international community and the Security Council to put pressure on Israel, the occupying power, to stop these Israeli violations, including settlement expansion and all measures aimed at changing the legal and historical status quo in the blessed Al-Aqsa Mosque, which would push the situation in the region to further deterioration, holding Israel fully responsible for the results of its provocative and illegal actions.
7. Stresses the need to activate efforts aimed at achieving a comprehensive, just and lasting peace on the basis of international law and relevant United Nations resolutions and the two-state solution that guarantees the establishment of an independent, sovereign, geographically contiguous and viable Palestinian state on the lines of 04 June 1967 with East Jerusalem as its capital, and to stop all illegal Israeli measures that undermine this solution.

**1407**

8. Appreciates the positions of the countries that expressed their rejection and condemnation of the provocative and aggressive Israeli storming of the blessed Al-Aqsa Mosque, and which affirmed their positions refusing to change the existing legal and historical status of the Islamic and Christian holy sites in AL-Quds, foremost of which is the blessed Al-Aqsa Mosque.

**HP EXHIBIT 149**

## Other Press

- OIC ASG for Humanitarian, Social and Cultural Affairs holds a virtual meeting with IOM Delegation
- On the Occasion of the Eid Al-Adha: OIC Secretary-General Calls for Comprehensive Ceasefire in the Sudan
- OIC Strongly Condemns Organized Terrorism by Israeli Occupation and Extremist Settler Gangs, Calls on the International Community for Immediate Action
- OIC Celebrates World Refugee Day
- OIC General Secretariat Welcomes Decision on Restoration of Diplomatic Ties between UAE and Qatar
- OIC Assistant Secretary-General Addresses the UN High-Level Conference on Counter-Terrorism
- OIC Strongly Condemns the Storming of the Tunisian Ambassador's Residence in Khartoum
- OIC Strongly Condemns the Storming of the Somalian Ambassador's Residence in Khartoum
- Secretary-General Receives the Acting Permanent Representative of the Islamic Republic of Iran to the OIC
- OIC Condemns Israel's Storming of Jenin and Accelerating Settlements



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Publications

At its 1508th meeting, on 10 September 1969, the Council decided to invite the representatives of India and Somalia to participate, without vote, in the discussion of the question.

At its 1509th meeting, on 11 September 1969, the Council decided to invite the representatives of Jordan and Saudi Arabia to participate, without vote, in the discussion of the question.

At its 1510th meeting, on 12 September 1969, the Council decided to invite the representatives of Ceylon and Malaysia to participate, without vote, in the discussion of the question.

At its 1511th meeting, on 15 September 1969, the Council decided to invite the representatives of Lebanon and Tunisia to participate, without vote, in the discussion of the question.

**Resolution 271 (1969)  
of 15 September 1969**

*The Security Council,*

*Grieved* at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

*Mindful* of the consequent loss to human culture,

*Having heard* the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

*Recalling* its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

*Reaffirming* the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

3. *Determines* that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions<sup>13</sup> and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

6. *Reiterates* the determination in paragraph 7 of resolution 267 (1969) that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date.

*Adopted at the 1512th meeting by 11 votes to none, with 4 abstentions (Colombia, Finland, Paraguay, United States of America).*

<sup>13</sup> Geneva Conventions of 12 August 1949 (United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973).

**THE CYPRUS QUESTION<sup>14</sup>**

**Decision**

At its 1474th meeting, on 10 June 1969, the Council decided to invite the representatives of Cyprus, Turkey and Greece to participate, without vote, in the discussion of the item entitled "Letter dated 26 December

<sup>14</sup> Resolutions or decisions on this question were also adopted in 1963, 1964, 1965, 1966, 1967 and 1968.

1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488):<sup>15</sup> report of the Secretary-General on the United Nations Operation in Cyprus (S/9233)".<sup>16</sup>

<sup>15</sup> See *Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963*.

<sup>16</sup> *Ibid.*, *Twenty-fourth Year, Supplement for April, May and June 1969*.

participate, without vote, in the discussion of the question.

At its 2241st meeting, on 30 June 1980, the Council decided to invite the representatives of Algeria, Chad, Democratic Yemen, Djibouti, Gabon, Guinea, Guinea-Bissau, Iran, the Libyan Arab Jamahiriya, Maldives, Mali, Oman, Uganda, the United Republic of Cameroon and the Upper Volta to participate, without vote, in the discussion of the question.

At its 2242nd meeting, on 30 June 1980, the Council decided to invite the representative of the Gambia to participate, without vote, in the discussion of the question.

**Resolution 476 (1980)**

of 30 June 1980

*The Security Council,*

*Having considered* the letter of 28 May 1980 from the representative of Pakistan, the current Chairman of the Organization of the Islamic Conference, contained in document S/13966,<sup>25</sup>

*Reaffirming* that the acquisition of territory by force is inadmissible,

*Bearing in mind* the specific status of Jerusalem and, in particular, the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in the city,

*Reaffirming* its resolutions relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968), 267 (1969), 271 (1969), 298 (1971) and 465 (1980),

*Recalling* the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>22</sup>

*Deploring* the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

*Gravely concerned* about the legislative steps initiated in the Israeli Knesset with the aim of changing the character and status of the Holy City of Jerusalem,

1. *Reaffirms* the overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Strongly deplores* the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council and the General Assembly;

3. *Reconfirms* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

4. *Reiterates* that all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council;

5. *Urgently calls* on Israel, the occupying Power, to abide by the present and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem;

6. *Reaffirms* its determination, in the event of non-compliance by Israel with the present resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of the present resolution.

*Adopted at the 2242nd meeting by 14 votes to none, with 1 abstention (United States of America).*

**Decisions**

At its 2245th meeting, on 20 August 1980, the Council decided to invite the representatives of Algeria, Bahrain, Chad, Democratic Yemen, Djibouti, Egypt, the Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, the Syrian Arab Republic, Turkey, the United Arab Emirates, the Upper Volta and Yemen to participate, without vote, in the discussion of the item entitled "The situation in the Middle East: letter dated 1 August 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/14084)".<sup>48</sup>

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative of the Palestine Liberation Organization to participate in the debate and that that invitation would confer upon it the same rights of participation as those

<sup>48</sup> See *Official Records of the Security Council, Thirty-fifth Year, Supplement for July, August and September 1980.*

conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

*Adopted by 10 votes to 1 (United States of America), with 4 abstentions (France, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland).*

**Resolution 478 (1980)**

**of 20 August 1980**

*The Security Council,*

*Recalling its resolution 476 (1980),*

*Reaffirming again that the acquisition of territory by force is inadmissible,*

*Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,*

*Noting that Israel has not complied with resolution 476 (1980),*

*Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,*

1. *Censures* in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;

2. *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>22</sup> in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:

(a) All Member States to accept this decision;

(b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980;

7. *Decides* to remain seized of this serious situation.

*Adopted at the 2245th meeting by 14 votes to none, with 1 abstention (United States of America).*

**Decisions**

In a note dated 20 August 1980,<sup>49</sup> the President of the Council stated that the Chairman of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, had informed him on behalf of the Commission that, in accordance with the decision taken by the Security Council to maintain its original composition, the Commission had resumed its work and that it would, however, be difficult for it to report to the Council before 1 September 1980, as called for in paragraph 9 of resolution 465 (1980), and that the Commission requested an extension of the date of submission of its report to 25 November. The President added that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request of the Commission.

At its 2256th meeting, on 26 November 1980, the Council proceeded with the discussion of the item entitled "The situation in the Middle East: report of the Secretary-General on the United Nations Disengagement Observer Force (S/14263)".<sup>50</sup>

**Resolution 481 (1980)**

**of 26 November 1980**

*The Security Council,*

*Having considered* the report of the Secretary-General on the United Nations Disengagement Observer Force,<sup>51</sup>

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1981;

<sup>49</sup> *Ibid.*, document S/14116.

<sup>50</sup> *Ibid.*, Supplement for October, November and December 1980.

<sup>51</sup> *Ibid.*, document S/14263.



**Resolution 672 (1990)**  
of 12 October 1990

*The Security Council,*

*Recalling* its resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

*Reaffirming* that a just and lasting solution to the Arab-Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process which takes into account the right to security for all States in the region, including Israel, as well as the legitimate political rights of the Palestinian people,

*Taking into consideration* the statement of the Secretary-General relative to the purpose of the mission he is sending to the region and conveyed to the Council by the President on 12 October 1990,<sup>43</sup>

1. *Expresses alarm* at the violence which took place on 8 October at the Haram al-Sharif and other Holy Places of Jerusalem resulting in over twenty Palestinian deaths and the injury of more than one hundred and fifty people, including Palestinian civilians and innocent worshippers;

2. *Condemns* especially the acts of violence committed by the Israeli security forces resulting in injuries and loss of human life;

3. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>40</sup> which is applicable to all the territories occupied by Israel since 1967;

4. *Requests*, in connection with the decision of the Secretary-General to send a mission to the region, which the Council welcomes, that he submit a report to the Security Council, before the end of October 1990, containing his findings and conclusions and that he use as appropriate all of the resources of the United Nations in the region in carrying out the mission.

*Adopted unanimously at the 2948th meeting.*

**Decision**

At its 2949th meeting, on 24 October 1990, the Council invited the representative of the Sudan to participate, without vote, in the discussion of the item entitled: "The situation in the occupied Arab territories: letter dated 26 September 1990 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/21830)".<sup>20</sup>

**Resolution 673 (1990)**  
of 24 October 1990

*The Security Council,*

*Reaffirming* the obligations of Member States under the Charter of the United Nations,

<sup>43</sup> See 2948th meeting.

*Reaffirming also* its resolution 672 (1990) of 12 October 1990,

*Having been briefed* by the Secretary-General on 19 October 1990,

*Expressing alarm* at the rejection of resolution 672 (1990) by the Israeli Government, and its refusal to accept the mission of the Secretary-General,

*Taking into consideration* the statement of the Secretary-General relative to the purpose of the mission he is sending to the region and conveyed to the Council by the President on 12 October 1990,<sup>43</sup>

*Gravely concerned* at the continued deterioration of the situation in the occupied territories,

1. *Deplores* the refusal of the Israeli Government to receive the mission of the Secretary-General to the region;

2. *Urges* the Israeli Government to reconsider its decision and insists that it comply fully with resolution 672 (1990) and permit the mission to proceed in keeping with its purpose;

3. *Requests* the Secretary-General to submit to the Security Council the report requested in resolution 672 (1990);

4. *Affirms* its determination to give full and expeditious consideration to the report.

*Adopted unanimously at the 2949th meeting.*

**Decisions**

At its 2953rd meeting, on 7 November 1990, the Council decided to invite the representative of Lebanon to participate, without vote, in the discussion of the item entitled:

"The situation in the occupied Arab territories:

"Letter dated 26 September 1990 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/21830);<sup>20</sup>

"Report submitted to the Security Council by the Secretary-General in accordance with resolution 672 (1990) (S/21919 and Corr.1 and Add.1-3)".<sup>26</sup>

At its 2957th meeting, on 16 November 1990, the Council decided, at the request of the representative of Egypt,<sup>44</sup> to extend an invitation to Mr. Engin Ansay under rule 39 of the provisional rules of procedure.

At its 2966th meeting, on 8 December 1990, the Council continued its consideration of the question.

In response to a motion by the representative of the Union of Soviet Socialist Republics in accordance with rule 33, paragraph 3, of the provisional rules of procedure, the Council decided, by a vote, to adjourn the meeting to Monday, 10 December 1990, at 3 p.m.

*Adopted at the 2966th meeting by 9 votes to 4 (Colombia, Cuba, Malaysia, Yemen) with 2 abstentions (China, France).*

<sup>44</sup> Document S/21944, incorporated in the record of the 2957th meeting.



**Security Council**

Distr.  
GENERAL

S/RES/1073 (1996)  
28 September 1996

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RESOLUTION 1073 (1996)

Adopted by the Security Council at its 3698th meeting,  
on 28 September 1996

The Security Council,

Having considered the letter dated 26 September 1996 from the representative of Saudi Arabia on behalf of the States Members of the League of Arab States, contained in document S/1996/790, that referred to the action by the Government of Israel to open an entrance to a tunnel in the vicinity of Al Aqsa Mosque and its consequent results,

Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among the Palestinian civilians, and concerned also about the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Having discussed the situation at its formal meeting on 27 September 1996, with the participation of Ministers of Foreign Affairs of a number of countries,

Concerned about the difficulties facing the Middle East peace process and the deterioration of the situation, including inter alia its impact on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including the agreements already reached,

Concerned about developments at the Holy Places of Jerusalem,

1. Calls for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process;

2. Calls for the safety and protection of Palestinian civilians to be ensured;

96-25724 (E)

/...

S/RES/1073 (1996)  
Page 2

3. Calls for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;

4. Decides to follow closely the situation and to remain seized of the matter.

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**Security Council**

Distr.: General  
7 October 2000

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**Resolution 1322 (2000)**

**Adopted by the Security Council at its 4205th meeting on  
7 October 2000**

*The Security Council,*

*Recalling* its resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, and 1073 (1996) of 28 September 1996, and all its other relevant resolutions,

*Deeply concerned* by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

*Reaffirming* that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process,

*Expressing* its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and *urging* the two sides to cooperate in these efforts,

*Reaffirming* the need for full respect by all of the Holy Places of the City of Jerusalem, and *condemning* any behaviour to the contrary,

1. *Deplores* the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;

2. *Condemns* acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life;

3. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. *Calls for* the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process;

S/RES/1322 (2000)

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5. *Stresses* the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and *welcomes* any efforts in this regard;

6. *Calls for* the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides;

7. *Invites* the Secretary-General to continue to follow the situation and to keep the Council informed;

8. *Decides* to follow closely the situation and to remain seized of the matter.

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**UNITED  
NATIONS**

**MEETINGS COVERAGE AND PRESS  
RELEASES**

17 SEPTEMBER 2015

SC/12052-PAL/2196

## Security Council Press Statement on Situation in Jerusalem

SECURITY COUNCIL | PRESS RELEASE

The following Security Council press statement was issued today by Council President Vitaly I. Churkin (Russian Federation):

The members of the Security Council expressed their grave concern regarding escalating tensions in Jerusalem, especially surrounding the Haram al-Sharif compound, including recent clashes in and around the site.

The members of the Security Council called for the exercise of restraint, refraining from provocative actions and rhetoric and upholding unchanged the historic status quo at the Haram al-Sharif — in word and in practice. The members of the Security Council called for full respect for international law, including international human rights law and international humanitarian law, as may be applicable in Jerusalem.

The members of the Security Council urged all sides to work cooperatively together to lower tensions and discourage violence at holy sites in Jerusalem.

The members of the Security Council appealed for the restoration of calm and called for full respect for the sanctity of the Haram al-Sharif, noting the importance of the special role of Jordan, as confirmed in the 1994 peace treaty between Jordan and Israel, and encouraged increased coordination between Israel and Jordan's Awqaf department. The members of the Security Council underscored that Muslim worshippers at the Haram al-Sharif must be allowed to worship in peace, free from violence, threats and provocations. The members of the Security Council further

**HP EXHIBIT 156**

underscored that visitors and worshippers must demonstrate restraint and respect for the sanctity of the area and for maintaining the historic status quo at the holy sites. The members of the Security Council urged that the status quo of the Haram al-Sharif should be maintained and visitors should be without fear of violence or intimidation.

The members of the Security Council called for the immediate cessation of violence and for all appropriate steps to be taken to ensure that violence ceases, that provocative actions are avoided and that the situation returns to normality in a way which promotes the prospects for Middle East peace between the Israelis and the Palestinians.

**PALESTINIAN ISSUES**

**! For information media. Not an official record.**

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United Nations

S/PV.7540 (Resumption 1)



**Security Council**

Seventieth year

*Provisional*

**7540**<sup>th</sup> meeting

Thursday, 22 October 2015, 3 p.m.

New York

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*President:* Mr. García Margallo . . . . . (Spain)

*Members:*

|                                                                |                     |
|----------------------------------------------------------------|---------------------|
| Angola . . . . .                                               | Ms. Jorge           |
| Chad . . . . .                                                 | Mr. Mahamat Zene    |
| Chile . . . . .                                                | Mr. Barros Melet    |
| China . . . . .                                                | Mr. Liu Song        |
| France . . . . .                                               | Ms. Bergeon-Dars    |
| Jordan . . . . .                                               | Mr. Omaish          |
| Lithuania . . . . .                                            | Ms. Gleveckaitė     |
| Malaysia . . . . .                                             | Mrs. Adnin          |
| New Zealand . . . . .                                          | Mr. Van Bohemen     |
| Nigeria . . . . .                                              | Mr. Aliyu           |
| Russian Federation . . . . .                                   | Mr. Safronkov       |
| United Kingdom of Great Britain and Northern Ireland . . . . . | Mr. Hickey          |
| United States of America . . . . .                             | Mr. Wagner          |
| Venezuela (Bolivarian Republic of) . . . . .                   | Ms. Rodríguez Gómez |

**Agenda**

The situation in the Middle East, including the Palestinian question

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15-33018 (E)



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*The meeting resumed at 3.05 p.m.*

**The President** (*spoke in Spanish*): I wish to remind all speakers to kindly limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing, and to deliver a condensed version when speaking in the Chamber in order for us to work more efficiently. I would also like to appeal to speakers to deliver their statements at a normal speed so that the interpretation can be provided accurately.

I now give the floor to Mr. Børge Brende, Minister of Foreign Affairs of Norway.

**Mr. Brende** (Norway): Mr. President, I thank you for this initiative. It is a very important meeting. With the ongoing war in Syria and its escalating humanitarian consequences both in the region and in Europe, it is with deep concern that we have witnessed the vicious cycle of escalating violence and tensions in Israel and Palestine during the past weeks. The process of finding a negotiated end to the conflict by establishing two States living side by side in peace and security is stuck. The two peoples now live side by side in fear, anger and distress.

I would like to make three observations.

First, I welcome all efforts to promote calm, encourage restraint and prevent actions that further exacerbate tensions, in particular around the holy sites in Jerusalem. But more needs to be done. I call on every politician, community elder and religious leader to refrain from reckless and inflammatory statements and actions; reject the extremists who pursue a political agenda to turn the current situation into a religious conflict; condemn all acts of terror; and show respect for the sanctity and the dignity of the holy sites. I welcome commitments to maintaining the status quo at the holy esplanade. Security coordination between Israelis and Palestinians must continue. Like every other State, Israel has the right to take necessary measures to protect its citizens against violence and unprovoked killings. At the same time, measures construed as collective punishments, such as house demolitions, should stop immediately, both in Jerusalem and on the West Bank, as they feed violence.

Secondly, I call for a return to a credible political process. While tensions at the holy sites in Jerusalem instigated the current crisis, lack of hope for a better

political future contributes to increased frustration and anger among the Palestinian youth. No amount of frustration justifies violence. Still, the crisis cannot be resolved through de-escalation and security measures alone. The current tensions call for immediate and coordinated political steps by both sides. Israel should stop building new settlements on occupied land and expanding existing ones. Such building undermines any political process and turns hope into frustration, anger and rage. Palestine needs to reform and strengthen its political institutions and governance structures. In particular, the West Bank and Gaza need to be reintegrated into one authority that fully respects the parameters of the security agreements between Israel and the Palestine Liberation Organization.

Thirdly, cooperation on tangible measures to strengthen the Palestinian economy and the reconstruction of Gaza can pave the way for the political process. Last month, I chaired the meeting of the donors group, the Ad Hoc Liaison Committee, here in New York. The donors reiterated their continued commitment to supporting the establishment of capable and robust Palestinian institutions and a viable economy. Measures need to be undertaken in the West Bank, Gaza and Area C. Unresolved issues related to the Paris Protocol need to be resolved without delay. Donors cannot be expected to compensate for unresolved economic issues between the two parties. I urge the donors to increase their support.

It is clear, however, that no donor support can substitute or compensate for inadequate measures by the Palestinian Authority or by Israel themselves. Also, achieving the full potential of a Palestinian State with well-functioning political and governmental institutions, including a sustainable economy, requires a political resolution of the conflict. I therefore welcome the interest expressed by both sides in doing more and in working harder together to improve the Palestinian economy and reconstruct Gaza.

Direct economic cooperation is no substitute for a political process, but may help to build stability and establish better grounds for the political process. While the parties themselves hold the keys to resuming talks, the international community needs to engage and support them in a concerted manner that can bring the conflict to a resolution. Business as usual cannot continue.

I started my statement by referring to Syria. To facilitate a more coherent and better funded response to

the humanitarian needs, Norway, Germany, the United Kingdom and Kuwait are cooperating to convene a donor conference next year. We hope that, while we struggle to find a political solution to the conflict, we can develop ways and means to better face the humanitarian challenges.

**The President** (*spoke in Spanish*): I now give the floor to the Minister for Foreign Affairs of Qatar.

**Mr. Al-Attiyah** (Qatar) (*spoke in Arabic*): We congratulate you, Sir, on your country's accession to the presidency of the Security Council and thank you for presiding personally over today's meeting and for the invitation to participate in this debate at a time when the Middle East region is heading into an extremely grave situation. We also wish to thank Spain for its role in promoting peace in the region and Mr. Jan Eliasson for his briefing.

The Council is meeting today to consider the situation that is unfolding as a result of the serious escalation in the activities of the Israeli Defense Forces against the Palestinian people. Anyone who has followed the situation knows that the situation is the result of the occupation, with its illegal settlements, its discrimination against the Palestinian people, its violation of their rights and basic freedoms, its denial of access to natural resources and its stifling economic blockade. The Palestinians are currently the object of crimes committed by Israeli extremists, who act with impunity.

The Palestinian people have taken to the streets yet again in order to express their rage for reasons that are perfectly understandable. They are a people whose land has been occupied and who are subjected to humiliation daily. Their land is constantly being usurped and confiscated in order to build settlements. We can all bear witness to that, and today we are here to discuss a question of major importance that weighs heavily not only on the shoulders of the Arab and Muslim peoples but that unites all the world's democracies. It has been impossible to resolve the dispute, because the international community is not prepared to impose a just solution. The Palestinian people are being held hostage to the balance of power between the occupying Power and the occupied people.

Negotiations have therefore lost their value. Talks have not been held on a continuing basis, and Israel has adopted the practice of annexing forcibly occupied land in Jerusalem and in the Golan. The Gaza Strip has been

under siege for years, and wars have been unleashed against anyone who resisted. Finally, there are those who are bent on blocking access to the holy sites in Jerusalem, which could even lead to the division of the space. Those groups are an integral part of the Israeli Government.

The Palestinian people take to the street to be heard, not because they seek mercy or pity. The Palestinian people have dignity. They are the original population. They take to the street to say that they reject humiliation and occupation and that they do not accept the international indifference that has allowed a just cause to go without response for decades. Apartheid is over, but in Palestine, for all intents and purposes, it is on the verge of being restored. Here, I would like to point out that the generation that has taken to the streets and that is being subjected to summary executions is demanding a solution based on the 1967 borders before it is too late. The elements on the ground presage terrible results.

The people of the region are facing a new tragedy that risks exacerbating the question of Syria, which is an international question. Despite the suffering of the Syrian people, the international community has not attempted to resolve it. The international community has proof of the use of chemical weapons and barrel bombs, and there has been a mass exodus of people, yet the regime remains in place, because no one has put an end to its excesses.

We have discussed the matter many times but no one has replied to the question of why we have not provided protection to Syrian civilians or why we have not succeeded in protecting them. I do not think there is a convincing answer to that question. We continue to speak about combating terrorism. We all face that danger, and we must all work to combat it, but the Syrians believe that the main problem is State terrorism. Unfortunately, opposition to the Syrian regime no longer rests simply on the fact that it is a criminal regime that commits crimes against humanity. Now it is a matter of seeing whether or not there is a point in combating terrorism. That is exactly what the Syrian people were afraid of. What we need to do today is to agree again to implement the Final Communiqué of the Action Group for Syria of 30 June 2012 (S/2012/523, annex), establishing a transitional authority with the executive power to address the demands of the Syrian revolution while preserving that country's sovereignty, territorial integrity and unity. Such a solution would spare the world the dangers of terrorism.

Now we must seriously address the task of finding a solution to the destructive mechanism that has led to the total destruction of Syria and turned its people into refugees in our countries and all over the world. We can testify to the gravity of the situation just by counting the number of victims. The situation in Syria is a tragedy that will remain etched in human memory. Unfortunately, the international community has chosen to respond based on self-interest. We used to believe that the solution for Syria should, above all, be a political one, but have we asked ourselves what we have done to improve the situation and whether we have acted with courage to protect those who need our protection? By that, I mean the Syrian people and none other.

**The President** (*spoke in Spanish*): I now give the floor to the Minister for Foreign Affairs of Sweden.

**Ms. Wallström** (Sweden): I thank Spain for organizing this timely meeting and Foreign Minister García Margallo for presiding over it. I would also like to thank Deputy Secretary-General Jan Eliasson for his strong remarks and strong message to us this morning.

I welcome the Secretary-General's visit to the region, and, as he said in Jerusalem earlier this week, the terror attacks against civilians are deplorable. Such random attacks make every place unsafe and every person a potential victim. We are, of course, deeply concerned about the deaths on both sides, with nearly 2,000 injured so far in October, a vast majority of whom were Palestinians. The Israeli response must be proportionate. All perpetrators must be brought to justice and excessive use of force must not be used. There is an urgent need for leadership, responsibility and restraint.

One year ago, Sweden decided to recognize the State of Palestine. Our recognition aimed at making the parties to the conflict less unequal. It aimed at supporting moderate Palestinians and Israelis alike, providing a positive input into the dynamics of the dormant Middle East peace process and at sending a clear and convincing message of hope to younger generations that there is an alternative to violence and to the so-called status quo. As we have seen in recent weeks, the absence of hope is one of the greatest challenges facing the prospect of peace and the vision of a two-State solution.

But we believe that it is not too late for initiatives for de-escalation, confidence-building and peace in the region. It is time to create conditions for a results-

oriented peace process, including confidence-building measures such as settlement freezes. Now it is time for the full implementation of agreements reached between Palestine and Israel. Now is time to end the isolation of Gaza and for all factions in Palestine to cooperate. Now it is time to remove obstacles to economic development in all of Palestine, including that of limited access to Area C and Gaza. Now it is time for an international recommitment regarding clear parameters and realistic time frames for negotiations and an end to the occupation. We must not lose track of the real goal: a negotiated two-State solution and an end of the occupation where both Palestine and Israel can live side by side in peace and security, and the Council should lead the way.

The recent escalation of the violence in Syria is deeply concerning, and the present situation, more than ever, calls for the complete, genuine and concrete support of Special Envoy Staffan de Mistura and a political solution. That humanitarian crisis is the world's largest in modern times, and my country, Sweden, shoulders its responsibility in three ways.

First, we are currently receiving 3,000 Syrian refugees every week, and to date we have received 100,000, although I know it is a small number compared to the neighbouring countries of Lebanon, Jordan and Turkey. Secondly, Sweden has so far contributed over \$213 million in humanitarian assistance. Thirdly, in addition to our humanitarian assistance, Sweden will allocate another \$220 million over the coming five years, through a new Syrian crisis strategy. I want to encourage all others present here to also step up their engagement. I know that many are already doing a lot.

Throughout the conflict in Syria, women and girls have been targeted on the basis of their gender. Sexual violence is systematic and widespread among many warring parties, including its use as a tactic of terror by the Islamic State in Iraq and the Levant. But Syrian women are not only victims; they are also actors. That is why I am hosting a meeting on Syrian women peacebuilders tomorrow morning. It is important to look upon women as actors of change who want to be given a voice in any discussions about the future of Syria.

Lebanon is one of the countries most affected by the conflict in Syria. Domestic stability in Lebanon is key, and Lebanese leaders need to set their differences aside and elect a new President without any further delay. But Lebanon also needs and deserves more international

support. Lebanon, led ably by Prime Minister Tammam Salam, is hosting more than 1.2 million refugees who have fled the war in Syria. Our substantial humanitarian assistance and our contribution to the Trust Fund for Lebanon, managed by the World Bank, will soon be complemented by increased development assistance. I strongly encourage others to follow suit.

As already mentioned, the vicious cycle of direct and indirect violence has to be broken. Security cannot be achieved through bombs or rockets, war or violence, humiliation or threats. Genuine security can be achieved only through peace. We need to take our responsibility. We owe that to the children and future generations in Israel, Palestine, Lebanon, Syria and other countries in the region. We need to restore the hope of a better future.

**The President** (*spoke in Spanish*): I now give the floor to the Secretary for Foreign Affairs of Maldives.

**Mr. Mohamed** (Maldives): It is an honour to speak before the Council today on the question of Palestine. It is an issue of profound importance to the Government and people of the Maldives. I would like to extend my thanks to Mr. José Manuel García Margallo, Minister for Foreign Affairs of Spain and President of the Security Council for the month of October, for convening this timely debate on the question of Palestine. My delegation wishes to further express our sincere appreciation to Secretary-General Ban Ki-Moon for his recent visit to the region, which is yet another in a series of visits, in continuation of his tireless efforts in search of peace.

In two days' time, we will be marking the seventieth anniversary of the establishment of the United Nations. The United Nations has been a force for good for all humankind. It has helped in ending conflicts and in making peace. It has saved millions of people from oppression, colonialism and military occupation. Yet the United Nations has been helpless in ending Israel's subjugation of Palestinians. Israel's continued illegal occupation of Palestine epitomizes a deep malaise in the international system that we have to address.

For decades, the international community has sought the realization of a two-State solution, reaffirmed by United Nations resolutions, the Madrid Principles, the Oslo accords, the Arab Peace Initiative and the Quartet Road Map. Those efforts attempt to succeed against a system of institutionalized occupation and apartheid that tries to alter the mindsets of generations who have grown up under occupation and whose reality is one of

fear, hatred and violence. Those efforts have failed a people, a nation, a region and the entire international community.

The recent violence that has broken out in Jerusalem and across the occupied territories paints a bleak picture. In the past weeks, we have seen violence and counter-reprisals escalate sharply. That the Old City of Jerusalem has been shut to Palestinians is a clear illustration of the gravity of the current situation. The sanctity of the Haram Al-Sharif must be restored. Granting Palestinians their rightful access is a first step to further the peace process. Israel must stop altering the Islamic and Arabic character of the city.

Every year, thousands of Israeli settlers move into the occupied territories illegally. The combination of increasingly belligerent political rhetoric and the enforced physical and demographic changes to the occupied Palestinian territories continually reduces the chances for peace. That window is steadily closing. The Secretary-General, on his latest trip to the occupied Palestine, highlighted that, when he said: "What is missing is the resolve to restore a political horizon for talks and a political process that delivers real results and hope".

It is a sad reality that today there is an absence of hope and that despair has grabbed hold of a people who have nothing left to lose, and that conditions for further violence are being fermented. It is no coincidence that the second Intifada broke out six weeks after the collapse of the Camp David summit, nor is it an accident that violence broke out last summer following the collapse of the United States-led peace effort. In the absence of hope and in the face of oppression, there is only violence and hatred. Such hatred has bred extremism, fostered radicalism and consumed the entire region.

The Maldives has repeatedly called for the community of nations to be more vigilant in addressing the issues of borders, refugees, settlements and Jerusalem in the quest for a comprehensive and sustained peace. The Maldives reiterates its support for full recognition of an independent State of Palestine within its pre-1967 borders, with East Jerusalem as its capital. We have underscored the importance of greater involvement on the part of the international community, particularly the Council, in the settlement of a negotiated peace.

The Maldives urges the Security Council to fulfil its primary responsibility for maintaining international

peace and security. We urge it to take the firm measures that are needed to end Israel's illegal occupation of Palestine and its apartheid practices there. It is time that the Council demanded an end to the illegal occupation and to the oppression of the Palestinian people. The United Nations must take the lead in steering the peace process from passive rhetoric to pragmatic action. The right to live life in peace is as much one for each and every Palestinian as it is for each of us here today.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Guatemala.

**Ms. Rodríguez Pineda** (Guatemala): My delegation appreciates the presence of Mr. José Manuel García Margallo, Minister for Foreign Affairs of Spain, in today's debate, and is grateful for the Deputy Secretary-General's informative briefing.

Guatemala is extremely concerned about the current situation of violence in the occupied Palestinian territory, Israel and, especially, Jerusalem. The situation has been complicated by the increase in direct clashes between Palestinians and Israel's security forces, together with the expansion of settlements and the forced displacement of Palestinians. Such violence undermines the possibility for finding a political horizon that meets the legitimate needs of both peoples and can enable them to reach a just and final settlement. We believe that that can be achieved only through the establishment of a Palestinian State coexisting in peace with Israel, and not through the commission of violent acts. It is essential that any measure designed to maintain peace and security in the region take that ultimate goal into account. The walls and checkpoints, the violent responses from the security forces and the demolition of homes, along with violent attacks by individuals and groups and rocket fire, are not things that will help to solve this conflict.

The most urgent challenge we are facing is to halt the spiral of violence and preventing any further loss of life. We are particularly concerned about the repeated provocations that have occurred in the holy sites of Jerusalem, as well as the disproportionate actions that have been taken in that context. It is vital that political, community and religious Palestinian and Israeli leaders stand firm against terrorism, violence and incitement. In that regard, we welcome the Secretary-General's the rapid response and his visit to the region to ask the parties to stop the violence.

Whatever happens, the current crisis cannot be resolved by adopting security measures. The unending occupation and Palestinians' reduced prospects for their aspirations to establish a State also increase frustration and despair, while the severe economic situation, including the high unemployment in the area, exacerbates such feelings. Similarly, the continued and increasing expansion of settlements diminishes hope and the potential for a viable Palestinian State. This loss of any political prospects is the single most detrimental factor contributing to the violence we are seeing.

The only thing that can break this cycle of violence and fear is the establishment of a political horizon. We hope that the Security Council can redouble its efforts to create conditions conducive to a resumption of meaningful negotiations. In that regard, we join with the various calls that have been made to find mechanisms that will enable us to relaunch the political process. Similarly, we recognize the value of the principle of shared responsibility, and in that regard, we believe that the active diplomatic participation of the Quartet in the Middle East peace process can generate new momentum for the parties to take responsible steps towards a comprehensive, just and lasting peace. We also see the benefits that could result from an expanded Quartet that includes other key actors in the region.

This is a good moment for us to rethink how we can make progress and conclude the peace talks that can enable us to work on measures aimed at confidence-building and promoting Palestinian reconciliation, issues that are critical to ensuring that the parties commit to peace. We cannot stand idly by. However, it must be the parties themselves, those with a principal interest in reaching a mutually satisfactory solution, who must commit to making a real and renewed effort. It is they who must strengthen their confidence and commitment to the option of peace and coexistence of two States, Israel and Palestine, side by side in peace and security.

In conclusion, Guatemala acknowledges the enormous challenges that lie ahead, but it is our political and historical responsibility as members of the international community to support every possible means and effort to overcome them.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Lebanon.

**Mr. Salam** (Lebanon): The situation in the occupied Palestinian territories is indeed alarming. According

to the United Nations Office for the Coordination of Humanitarian Affairs, the past two weeks have witnessed the highest number of fatalities and injuries in the West Bank since 2005. That in itself not only justifies the call for this high-level debate, which we would like to thank Spain for organizing, it also calls for swift action by the Security Council.

Since the beginning of this month, on average two Palestinians have been killed every day, and more than 1,000 have been injured, not to mention the increasing number of attacks by settlers on Palestinian property. Israeli provocations and assaults at the Haram Al-Sharif have continued, in an obvious attempt to change the agreed status quo by establishing a temporal if not geographical division of the holy site, contrary to the claims of Mr. Netanyahu.

Israel, the occupying Power, is once again acting in total disregard of its obligations under international law and international humanitarian law to protect civilian Palestinians. That is why we are once again calling on the Council to use all possible ways and means at its disposal to ensure the protection of the endangered lives and property of Palestinians living under Israeli occupation, pending its assumption of its full duty and responsibility to end the Israeli occupation and help the Palestinian State to achieve its independence.

The events of the past month are only the tip of the iceberg of the occupation, which has now lasted almost 50 years. In fact, the need to provide international protection for the Palestinians who are under Israeli occupation is self-evident when we recall the fate of the most vulnerable Palestinians, the children living under occupation. We have only to note that, between 2000 and 2013, one Palestinian child was killed by the Israeli occupying forces every three days, and that 62 per cent of the 95,000 Palestinian children detained by the Israelis since 1967 have probably been subjected to some form of physical violence. And how can one omit to mention the case of the two Palestinian children who were recently burned to death by extremist Israeli settlers — 18-month-old Ali Dawabsheh, who was killed in July in an arson attack in Douma, and Mohammed Abu Khdeir, a 16-year-old Palestinian, who was kidnapped, beaten and burned alive by Israeli settlers in East Jerusalem in August 2014.

Notwithstanding such acts of appalling savagery, Benjamin Netanyahu, in total contempt for our intelligence, dared to claim in his latest speech before the General Assembly that “Israel is civilization’s front

line in the battle against barbarism” (A/70/PV.22). Moreover, instead of facing the reality of the occupation and its inherently oppressive structure and repressive methods, Israeli officials and their propaganda endeavour to represent the mounting violence in the West Bank and Gaza as an eruption of so-called terrorist hatred, motivated by nothing else but pure anti-Semitism and bloodthirsty Islamic fanaticism.

I am sure that we all recognize a familiar situation here — that of blaming the victim. We are reminded of William Ryan’s famous book, *Blaming the Victim*, a 1971 classic that shows how victim-blaming functions as an ideology that is used to divert responsibility and to justify racism and social injustice. In fact, blaming the victim is so odious that it was rightly depicted by one of the great twentieth century thinkers as “one of the most sinister features of the fascist character”.

In Israel, like elsewhere, racism is not only blind, it is also deadly. We only have to consider how on Monday, Haftom Zarhum, an innocent Eritrean asylum seeker fleeing the scene of acts of violence, was shot, then lynched. That dismaying attack is documented in videos in which an angry Israeli mob is shown hurling benches and chairs and kicking him in the head, assuming he was an Arab terrorist just because he was dark-skinned, all the while screaming things like “Death to Arabs!” It is worth asking Mr. Netanyahu whether that is another example of Israel as “civilization’s front line in the battle against barbarism”. Obviously, we do not have the same lexicon as Mr. Netanyahu, because, in our lexicon, racism and xenophobia, let alone acts of burning people alive and lynching, are examples of barbarism and not of civilization.

In conclusion, let me reiterate that the situation in the occupied Palestinian territories is very alarming. Not only can the Council prevent the situation from deteriorating, it can also unlock the path to a just and lasting peace in the Middle East, provided that it resolves to act on the basis of the principles and rules of international law and international humanitarian law. Here, to seek balance, where no balance exists or can exist between the occupier and the occupied, is not justice. It is not even a travesty of justice, it is injustice, plain and simple. Conversely, pending the end of the Israeli occupation, the Council can and must move now to provide international protection for the Palestinian people, the sooner the better, for the relevance of the Council and, above all, for the just cause of peace in our part of the world.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Egypt.

**Mr. Aboulatta** (Egypt) (*spoke in Arabic*): Allow me to congratulate Minister José Manuel García Margallo on his delegation's assumption of the presidency during this month of October. We are confident that the work of the Council will be successful in this period of escalating developments that are having a serious and negative effect on the Middle East.

Since the beginning of this month, the situation in holy Jerusalem, in the occupied Palestinian territories, particularly around the Al-Aqsa Mosque and Haram Al-Sharif, has deteriorated quickly and is threatening to worsen. After decades of occupation and suffering and the frustration of their hopes to establish an independent Palestinian State with Al-Quds Al-Sharif as its capital, the Palestinian people find themselves in a painful situation. They are still under Israeli occupation and have to deal with the shortsighted security policies of the longest occupation in history, with no prospects for a decent life in the near future. Statistics indicate that the unemployment rate among the young people in Jerusalem is approximately 68 per cent, and 44,000 housing units are in danger of collapsing.

In addition to the violence committed by the settlers and their attacks on the dignity and physical safety of the Palestinian people and the confiscation of Palestinian land, particularly the holy sites, which are extremely important to more than 1 billion Muslims around the world, there are ongoing attempts to change the spatial and temporal character of all Islamic holy sites. That is an extremely dangerous attack, not only on the occupied Palestinian territories but also on the Middle East as a whole. It kills hope and removes any prospects for settling this issue.

Egypt strongly condemns all violence committed in the occupied Palestinian territories, including in Jerusalem, by the Israeli side and its use of incommensurate and oppressive means in dealing with the situation, which has led to deaths and injuries, including among children and women. It considers the actions committed by the settlers against Palestinians to be crimes that can only fuel feelings of hatred and dissension. The situation requires serious consideration by the Council. The international community as a whole, and the Security Council in particular, are under a serious obligation to take the necessary action as soon as possible to address those threats to peace and security in the Middle East. The Security Council should uphold

its responsibilities, in accordance with the Charter of the United Nations, given the many important resolutions that have not been adopted so far. The reasons for that failure to act are known to all and include attempts by certain parties to protect the Israeli occupation, even though it is morally and politically unjustifiable. The failure to act prevents the Palestinians from receiving protection, and that threatens further escalation of tensions in the near future.

In order to safeguard its credibility, the Security Council must to adopt the necessary resolutions and adopt a firm approach in applying principled diplomacy, so as to reach the desired objective of settling the Palestinian question. That should be carried out within the context of a peaceful process that takes into account all important aspects, including the approaches to a final solution, which have been under consideration for more than two decades. There is no need to reinvent the wheel, and the Council should tackle the situation immediately, so that Israel does not have more time to continue devouring Palestinian territories despite the condemnation of the international community. Egypt believes that the Palestinian people have the right to establish an independent State with East Jerusalem as its capital, and that is the only way to achieve stability in the Middle East.

We therefore support all efforts, particularly those of Jordan, aimed at addressing the Palestinian question, in particular efforts to contain the current crisis at the holy sites, stop the fighting and discourage any provocative incitement to violence. We call upon the Israeli Government to take history into account, particularly in Jerusalem, and put an end to all attacks on Islamic holy sites and give priority to resuming negotiations, the freezing of which has led to the current serious escalation.

The Palestinian question is the most important issue for the Arab world. Any additional procrastination will further complicate the crisis; the time to deal with it is now.

**The President** (*spoke in Spanish*): I now give the floor to the representative of the Islamic Republic of Iran.

**Mr. Khoshroo** (Islamic Republic of Iran): I have the honour to speak on behalf of the Non-Aligned Movement (NAM). I wish to convey the Movement's appreciation to the Spanish presidency and to the Minister for Foreign Affairs of Spain, Mr. José Manuel

García Margallo, for convening today's open debate. I also wish to thank the Deputy Secretary-General, Mr. Jan Eliasson, for his briefing.

In these days of tragedy that starkly remind us of the continuing plight of the Palestinian people resulting from the denial of their rights and the grave injustices inflicted upon them for decades, the Non-Aligned Movement takes this opportunity to reaffirm its long-standing solidarity with the Palestinian people and reiterates its support for the realization of their legitimate national aspirations and inalienable rights, including their right to self-determination and freedom in their independent State of Palestine, with East Jerusalem as its capital, together with a just solution for the plight of the Palestine refugees pursuant to General Assembly resolution 194 (III) of 11 December 1948.

Today, the situation in occupied Palestine, including East Jerusalem, continues to deteriorate at an alarming rate, as a result of Israel's crimes and violations against the Palestinian people. More than 49 Palestinians, including children, have been killed by the Israeli occupying forces, and more than 1,800 Palestinians have been injured, many severely, by the live ammunition and other weaponry used excessively and indiscriminately by the occupying Power against the defenceless civilian population under its occupation. That situation requires immediate attention by the international community, in particular the Security Council, which must act to bring a halt to all such violations of international law, including humanitarian and human rights law, committed by the occupying Power, which is further destabilizing the situation and threatening international peace and security.

The Movement strongly condemns all acts of violence and the provocations and incitement committed by the Israeli occupying forces and extremists at the sensitive holy site, which threaten to further destabilize the already fragile situation with far-reaching consequences for the region and beyond. NAM believes that the continuation of Israel's illegal settlement campaign, which is at the core of the 48-year foreign occupation, remains the major obstacle to peace, undermining all efforts to resume a credible peace process and casting serious doubts on Israel's alleged commitment to ending its foreign occupation of Palestinian land and achieving the two-State solution on the basis of the pre-1967 borders and a just, lasting and comprehensive peace.

NAM calls once again upon the international community to act collectively and forthwith to compel Israel, the occupying Power, to cease its destructive and illegal practices and abide by all its obligations under international law, including humanitarian and human rights law, in the occupied Palestinian territory, including East Jerusalem. The Security Council, in particular, must uphold the duties assigned to it by the Charter to address the situation and act with urgency to implement its own resolutions, respond to those critical developments and advance a peaceful solution based on United Nations resolutions, the principle of land for peace and the Arab Peace Initiative.

The current dangerous situation, including in occupied East Jerusalem, cannot abide further delay or aggravation. The time to act is now to save innocent civilian lives, including by providing protection to the Palestinian people, in accordance with the relevant provisions of international humanitarian law, and to revive the gravely diminished prospects for peace.

The Security Council cannot remain on the sidelines in the quest for a just and peaceful solution to the question of Palestine. NAM again urges the Security Council to act resolutely and forthwith to end the plight of the Palestinian people and the Israeli occupation, support the realization of the inalienable rights of the Palestinian people, and establish peace and security by resolving this prolonged conflict, which has so severely destabilized the region and undermined international law and the international system as a whole.

Lebanon continues to suffer from continuing Israeli violations of its borders and incursions against its territory, along with years of occupation and aggression. Unfortunately, Israel continues to violate Lebanese airspace and has been intensifying its incursions over Lebanon. Such activities are a blatant violation of Lebanese sovereignty and the relevant international resolutions, in particular resolution 1701 (2006). The provisions of that resolution should be implemented in a manner that ensures the strengthening of the foundations of stability and security in Lebanon and prevents Israel from undertaking its daily violations of Lebanese sovereignty.

With regard to the occupied Syrian Golan, the Movement condemns all measures taken by Israel, the occupying Power, to alter the legal, physical and demographic status of the occupied Syrian Golan, which have intensified since the outbreak of the Syrian crisis.



The Non-Aligned Movement demands once again that Israel abide by resolution 497 (1981) and withdraw fully from the occupied Syrian Golan to the borders of 4 June 1967, in implementation of resolutions 242 (1967) and 338 (1973).

**The President** (*spoke in Spanish*): I now give the floor to the representative of Brazil.

**Mr. De Aguiar de Patriota** (Brazil) (*spoke in Spanish*): I thank the presidency of Spain for having organized today's debate.

(*spoke in English*)

I also thank Deputy Secretary-General Jan Eliasson for his briefing. Brazil wishes to acknowledge the statements made by the Minister for Foreign Affairs of the State of Palestine, Mr. Riad Malki, and by the Permanent Representative of Israel. The Secretary-General's trip to the Middle East was timely and underlined the sense of urgency that the issue at hand deserves.

Brazil is seriously concerned about the severe upsurge in violence in Palestine and Israel. We call upon the authorities of both countries to do their utmost to halt the current escalation. It is about time for the Security Council fully to assume its responsibilities under the United Nations Charter and actively support and steer the peace process towards a two-State solution.

Unfortunately, we cannot say that this tragic deterioration was unexpected. Many delegations, including Brazil, have repeatedly called for an end to illegal and provocative actions, in particular the expansion of Israeli settlement activities. The spontaneous and mostly uncoordinated nature of the many violent incidents does not render them justifiable.

Taking into account the present disturbing state of affairs, Brazil deems it important that the international community respond to the request made by President Mahmoud Abbas by carefully examining different modalities for international protection. We also believe that the United Nations membership at large should discuss alternative approaches to engage the parties in negotiations and support avenues leading to a peaceful solution to the conflict that is based on international law and the relevant United Nations resolutions.

Brazil remains convinced that effective prospects for peace require the establishment of a Palestinian State that is sovereign, economically viable and territorially contiguous, side by side with Israel within

internationally recognized borders based on the 1967 lines.

The spiral of violence and destruction in Syria continues to worsen, leading to a continuous deterioration in the humanitarian situation, despite the general recognition that there is no military solution to the conflict. A genuine and inclusive dialogue based on full respect for human rights and the independence, sovereignty, unity and territorial integrity of Syria is as urgent as ever. We reiterate our support for the work of Special Envoy Staffan de Mistura as well as the Human Rights Council's international Independent Commission of Inquiry on Syria, headed by Professor Paulo Sérgio Pinheiro.

Brazil condemns in the strongest terms the use of any toxic chemical as a weapon and firmly supports the establishment of the joint investigative mechanism by the Security Council. The attacks against the civilian population, including the use of barrel bombs, are inhumane and intolerable. Brazil urges all parties to the conflict to comply with their obligations under international humanitarian law.

We applaud the work done by the United Nations agencies to help the millions of people in need and the generosity of many countries in the region which have been receiving the bulk of Syrian refugees. Brazil is contributing to these humanitarian efforts. We have issued more than 8,000 entry visas for Syrian residents affected by the crisis and provided food and medicine through United Nations agencies to help alleviate the dire situation faced by refugees and displaced persons in the region. We will continue to welcome, within our capacity and resources, those who have had to flee their home country and need a place to restart their lives.

We are glad that in Yemen the Government of President Hadi Mansour has agreed to participate in a new round of consultations, under the auspices of the United Nations, in order to seek understanding on how to put an end to the conflict. Brazil supports United Nations efforts to bring the parties to the negotiating table and engage them in the process of seeking a diplomatic solution without any further delay.

Brazil is united by both historical and cultural ties with Lebanon, where peace and stability must be firmly upheld by the international community. We underscore the instrumental role played by the United Nations Interim Force in Lebanon, whose Maritime Task Force has been led by a Brazilian navy admiral since 2011.

We urge all Lebanese political actors to embrace the path of understanding and end the presidential vacuum without further delay.

The dire humanitarian situation in Libya and the negative impact of the Libyan crisis on regional stability requires our continued attention. We call on all parties to the Libyan conflict to cease hostilities and favour dialogue by remaining engaged in constructive political negotiations, under the auspices of the United Nations, with a view to achieving a Government of national accord.

**The President** (*spoke in Spanish*): I now give the floor to the Secretary-General of the League of Arab States.

**Mr. Elaraby** (*spoke in Arabic*): I should like to thank you, Sir, and the Spanish presidency for having convened this very important meeting, which is taking place at a time when the Middle East is facing serious challenges and threats of all kinds, for which the Security Council is responsible at the political, legal and moral levels, given current developments and their serious impact on the peoples of the region.

However, the Council is not adopting any resolutions to tackle these very serious crises in the region, either in Palestine or in Syria. It must also face the threat of terrorist groups, which have turned the region into a breeding ground from which to spread their influence, while threatening both the region and the independence and sovereignty of States. This requires a review of the Council's mechanisms and of the resolutions it has adopted, as well as their follow-up and the commitment of States to abide by them.

Given the explosive situation in the region, the Palestinian question remains the central issue on which peace and security in the Middle East hinge. For decades now, the Council has continuously considered the deteriorating situation in the occupied Palestinian territories, given the ongoing escalation and the serious violations committed by the Israeli occupying forces against the Palestinian people and their rights and against the holy sites of both Islam and Christianity, in particular Al-Quds and the Al-Aqsa Mosque. Unarmed Palestinians are the victims of massacres, lynchings and collective punishment. All of this represents a violation of international law, the will of the international community and the inalienable legal rights of the Palestinian people. The Israeli Government is solely responsible for the impact of these actions, which have

jeopardized international peace and security in the Middle East throughout the occupation.

I am speaking today on behalf of the League of Arab States, which adopted a decision on 13 October asking for the protection of the Palestinian people and the holy Christian and Muslim sites. This is not the first time that the League has asked the Security Council to take urgent steps to implement resolutions on the occupied Palestinian territories and guarantee international protection for the Palestinian people and the holy sites.

I ask, how long will the Israeli occupation last? Until when will the international community, represented by the Security Council, stand idly by, unable to put an end to the occupation or achieve a lasting and permanent settlement on the basis of the Security Council and General Assembly resolutions on this issue?

The lack of effectiveness and efficiency of the Council given current developments only aggravates the deterioration of the situation, taking it ever further away from international legality. The Council of the League of Arab States has repeatedly warned against the situation and the non-respect by Israel of United Nations resolutions on the issue. A great many of these have been adopted over the past 50 years, such as, for example, resolution 181 (II), 242 (1967), 267 (1969), 338 (1973) and many others asking Israel to withdraw from the occupied Palestinian and Arab territories in order to resolve the conflict.

The Security Council has never witnessed such a precedent, in which manipulation and blackmail by a State that disregards international law and commits war crimes is allowed. Ensuring international protection has now become the most urgent question, as this is a legal requirement given the situation and the need to achieve the peace to which we aspire. The need for international protection for Palestinian civilians is stipulated in the provisions of international legality and resolutions on Palestine.

Since the emergence of the Palestinian question, in the days of the League of Nations when the territory was under a mandate, the situation has been the responsibility of the international community.

The International Court of Justice, in a well-known Advisory Opinion issued in 1950, stipulated the following:

*(spoke in English)*

“Two principles were considered to be of paramount importance: the principle of non-annexation and the principle that the well-being and development of such peoples, those under the mandate, formed a sacred trust of civilization.”

*(spoke in Arabic)*

The legal study of the Secretary-General adopted yesterday refers to this, for which I thank him.

*(spoke in English)*

The International Court of Justice confirmed that the mandate remained valid after the determination of the Covenant of the League of Nations.

*(spoke in Arabic)*

This international protection through the United Nations can be easily carried out. In that connection, I recall the United Nations Truce Supervision Organization (UNTSO), established pursuant to resolution 73 (1949), which stipulates that the Secretary-General could take all necessary steps to use as many United Nations staff members as necessary to ensure that the truce is respected. UNTSO remains in Jerusalem to this day. That body can play a role in protecting the holy sites.

In that regard, I recall resolution 904 (1994), which was adopted following the massacre in the Mosque of Ibrahim to guarantee the safety and security of all Palestinian civilians throughout the occupied territories and which stipulates that there should be a temporary international presence. That is why I thank the Secretary-General for having distributed and published this important legal study, which stresses the need for international protection through a direct presence in the occupied Palestinian territories, given the recent developments.

I would also like to state that the first article of the Geneva Accord stipulates the shared legal commitment of all States, which have the collective responsibility to guarantee the compliance and implementation of the provisions of that Accord. In addition, the International Committee of the Red Cross, among other bodies, can guarantee international protection by elaborating on this concept.

Finally, measures aimed at protecting Palestinian civilians faced with the violations perpetrated by the Israeli occupying forces and the settlers are essential

to addressing the current situation. However, the crux of the problem is the Israeli occupation of Palestinian territories. As long as this occupation continues, the Israeli violations will continue, be it in Jerusalem or any other part of the occupied territories. It is high time that this method of managing the conflict be brought to an end. The Security Council must act quickly to end the conflict by halting the Israeli occupation of the occupied Palestinian territories. We ask the Council to consider the Quartet to be a Council mechanism and to consider the mandate it gave the Quartet, in accordance to resolution 1515 (2003), to achieve a two-State solution based on the borders of 4 June 1967, to be a mandatory step on the path to security and stability in the Middle East.

**The President** *(spoke in Spanish)*: I now give the floor to the observer of the European Union.

**Mr. Vrailas**: I have the honour to speak on behalf of the European Union (EU). The candidate countries Montenegro and Albania, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

While the Middle East faces multiple challenges today, including the crisis in Syria, the Middle East peace process cannot be allowed to slip from our agenda. It is crucial for the Israelis and the Palestinians, but also for regional peace and security. The increased deadly violence in October, not least in East Jerusalem, the West Bank, Gaza and Israel, claiming many lives and injuring over a thousand, is a tragic reminder of this. We deeply regret the loss of lives and our thoughts are with the victims and their families. The risk of escalation is a source of great concern. We therefore urge political leaders on both sides to promote calm, encourage restraint and avoid actions which could further fuel tensions.

Violence or acts of terror against any innocent civilian are simply unacceptable. The response of security forces needs to be proportionate and consistent regardless of who is the perpetrator. The continued cooperation between Israel and the Palestinian Authority to ensure de-escalation and the restoration of order is crucially important. However, current developments on the ground provide the evidence that the status quo is not an option. They prove the need for a political horizon. The best way of halting the violence is an immediate return to a credible political process. The immediate priority for the parties is to agree on substantial steps, which would improve the situation

on the ground and build a path back to final status negotiations.

The EU position has been clear and consistent. A negotiated two-State solution, which ends the occupation and fulfils the aspirations of both sides, is the only way of bringing the lasting peace and security that both Israelis and Palestinians deserve. By the same token, actions by either side that call into question their stated commitment to a negotiated solution must be avoided. This includes demolitions and the expansion of Israeli settlements in the West Bank, which are illegal under international law, and of projects funded by the EU and EU member States.

The two-State solution will also require Palestinian factions to work together to address the needs of the Palestinian population. We therefore continue to urge them to make reconciliation a top priority. The Palestinian Authority must take greater responsibility in this regard and assume its Government functions in the Gaza Strip. The dire situation in Gaza must be fundamentally changed to allow for improved socioeconomic conditions for the local population and security for all.

Let us also not forget Jerusalem, a city sacred to three religions. The historical status quo at the holy sites, a matter of great sensitivity, must not be altered. Therefore, all relevant parties must open a serious dialogue to ensure the status quo at the holy sites is upheld.

A renewed peace process will require a common international effort. The EU remains determined to play its part, not least through the EU Special Representative for the Middle East Peace Process, Fernando Gentilini. We will work with all sides, through the implementation of existing agreements, to allow Palestinian socioeconomic development and to empower Palestinian institutions in preparation for statehood.

The EU warmly welcomes the statement issued by representatives of the Quartet, dated 30 September, and their consultations with the Foreign Ministers of Egypt, Jordan and Saudi Arabia, as well as with the Secretary-General of the League of Arab States and other interested member States. Outreach to regional partners will remain essential, as the Arab Peace Initiative is of key strategic importance for any future comprehensive peace agreement.

The EU offers its full support to the Secretary-General's Special Coordinator for the Middle East Peace Process, Mr. Mladenov. The Security Council, with primary responsibility for the maintenance of international peace and security, continues to have a crucial role in regard to the Israeli-Palestinian conflict. However, ultimately sustainable peace will require courageous decisions by the parties to the conflict. We urge them to carefully consider the high price of a continued unresolved conflict, which will continue to be paid by local populations.

The EU continues to follow developments on the ground very closely. It remains determined to do its utmost to preserve the viability of the two-State solution in the interest of both Palestinians and Israelis.

Turning to the conflict in Syria, there is an increasingly urgent need to find a lasting solution that will end this conflict. Only a Syrian-led political process leading to a peaceful and inclusive transition, based on the principles of the Geneva communiqué (S/2012/522, annex) of 30 June 2012, will bring back stability to Syria, enable peace and reconciliation, create the necessary environment for efficient counter-terrorism efforts and maintain the sovereignty, independence, unity and territorial integrity of the Syrian State.

There cannot be a lasting peace in Syria under the present leadership and until the legitimate grievances and aspirations of all components of Syrian society are addressed. The international community has to unite around two complementary and interlinked tracks: a political one aimed at ending the civil war by addressing all the root causes of the conflict and establishing an inclusive political transition process that will restore peace to the country; and a security one focused on the fight against the regional and global threat of Daesh.

The European Union reiterates its full support to the United Nations-led efforts and the work of United Nations Special Envoy Staffan de Mistura. We call on all Syrian parties to show a clear and concrete commitment to the United Nations-led process and to participate actively in the working groups proposed by the Special Envoy. The moderate political opposition and associated armed groups urgently need to unite behind a common approach in order to present an alternative to the Syrian people.

We urge all those with influence on the parties, including on the Syrian regime, to use that influence to encourage a constructive role in the process, leading to a

political transition and to end the cycle of violence. The EU will proactively engage with key regional actors, such as Saudi Arabia, Turkey, Iran, Iraq, Jordan, Egypt and international partners within the United Nations framework, to build the conditions for a peaceful and inclusive transition.

We condemn the excessive, disproportionate and indiscriminate attacks that the Syrian regime continues to commit against its own people. The Al-Assad regime bears the greatest responsibility for the 250,000 deaths in the conflict and the displacement of millions of people. International humanitarian law applies to all parties, and human rights need to be fully respected. We call on all parties to stop all forms of indiscriminate shelling and bombardment against civilian areas and structures and, in particular, on the Syrian regime to cease all aerial bombardments, including the use of barrel bombs in line with resolution 2139 (2014). We also call for the immediate cessation of the use of chemical weapons, which is a violation of resolutions 2118 (2013) and 2209 (2015). In that light, we welcome the unanimous adoption of Security Council resolution 2235 (2015) to identify those responsible for the use of chemical weapons, and stress that those individuals, entities, groups or Governments must be held accountable. The systematic targeting of civilians by the regime has led to mass displacements and encouraged recruitment to and the flourishing of terrorist groups in Syria. This calls for urgent attention and action.

We strongly condemn the indiscriminate attacks, atrocities, killings, conflict-related sexual violence, abuses of human rights and serious violations of international humanitarian law perpetrated by Daesh and other terrorist groups. We support international efforts and initiatives to address those issues. We condemn Daesh's deliberate destruction of cultural heritage in Syria and Iraq, which amounts to a war crime under international law. Those responsible for war crimes and crimes against humanity in Syria must be held accountable. We reiterate our call on the Security Council to refer the situation in Syria to the International Criminal Court.

The EU supports the efforts of the Global Coalition to Counter Islamic State in Iraq and the Levant. As a consequence of its policies and actions, the Al-Assad regime cannot be a partner in the fight against Daesh. Action against Daesh needs to be closely coordinated among all partners, and needs clearly to target Daesh,

Jabhat Al-Nusra and the other United Nations-designated terrorist groups.

The recent Russian military attacks that go beyond Daesh and other United Nations-designated terrorist groups, as well as on the moderate opposition, are of deep concern and must cease immediately; so too must the Russian violations of the sovereign airspace of neighbouring countries. That military escalation risks prolonging the conflict, undermining a political process, aggravating the humanitarian situation and increasing radicalization. Our aim should be to de-escalate the conflict. The EU calls on Russia to focus its efforts on the common objective of achieving a political solution to the conflict. In that context, it urges Russia to push for a reduction of violence and the implementation of confidence-building measures by the Syrian regime, pursuant to the provisions of resolution 2139 (2014).

The EU will reinforce its efforts to scale up the implementation of the Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014) to deliver cross-border and cross-line assistance in order to help those Syrians most desperately in need, intensify humanitarian diplomacy, seek ways to improve access and protection and promote humanitarian principles and local consensus with regard to guidelines for aid delivery.

**The President** (*spoke in Spanish*): I now give the floor to the Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

**Mrs. Rubiales de Chamorro** (*spoke in Spanish*): First and foremost, I should like to thank Spain and Foreign Minister José Manuel García Margallo for convening this timely open debate. Coming as we celebrate the seventieth anniversary of our Organization, it should serve as a basis to commit ourselves as an Organization to one of the most important pending issues before us — making the Palestinian State a reality and allowing its people to live in peace and security.

At the most recent Council debate on the situation in the Middle East, including the Palestinian question (see S/PV.7490), we marked the first anniversary of the latest war on Gaza. At that time three months ago, we noted the continued construction of illegal Israeli settlements, the confiscation of Palestinian land and the demolition of Palestinian houses and orchards, and called on the Council to meet and take action to

ensure implementation of its resolutions regarding the question of Palestine. We also warned that ongoing violence in a land so sacred to many peoples and faiths was particularly troublesome.

Today, the situation in Jerusalem is reverberating throughout the occupied Palestinian territory and Israel, and has reached a point of conflagration that, sadly, validates our darkest fears and predictions. The despairing Palestinian youth in Jerusalem and the West Bank are desperate and being driven to acts of violence, as the only way they feel they will be heard. Israeli communities are acting out of fear, engendering a mob mentality that is adding a dangerous dimension to this current upsurge in violence.

The construction of walls between ethnically different neighbourhoods will not solve any of the problems that led to the current situation. In fact, cementing the borders of illegal Israeli settlements in East Jerusalem will only exacerbate the conflict. The only sustainable way out is to seek a comprehensive solution to the Palestinian question, based on the implementation of the relevant resolutions of the Security Council. That will require an end of the Israeli occupation in all its facets and the emergence of a sovereign and independent State of Palestine, based on the 1967 borders, with East Jerusalem as its capital.

Unless we, the United Nations, and the Council can provide both peoples with a blueprint of hope for a just solution and an end to this seemingly endless battle — for a future where both can live in peace and dignity — we will be complicit in the further deterioration of the conflict, which month after month, year after year, becomes increasingly difficult to resolve.

Three months ago, we spoke of a new international awareness that 20 years of bilateral negotiations, plagued by interruptions, had not yielded the expected result, and that a comprehensive solution to the Palestinian question might need multilateral efforts. The Committee on the Exercise of the Inalienable Rights of the Palestinian people therefore salutes the Quartet's efforts to provide such a multilateral framework. We likewise reiterate our position that the initiative of the League of Arab States, which proposes a comprehensive peace agreement that would include the normalization of relations between Israel and the entire region, remains a historic opportunity to bring peace to the Israeli and Palestinian peoples, as well as to their neighbours near and far. We urge Israel to

seriously weigh that initiative before events on the ground sweep it aside.

This year, which marks 70 years since the founding of our Organization and the fortieth year of our Committee, the Security Council should urgently assume its responsibility for ensuring that the Palestinian people are able to exercise their inalienable rights. Failure to do so would have severe consequences far beyond Jerusalem, Israel and Palestine. If the nations of the world, united through our Organization and in the Council, wish to win the fight against violent extremism in the Middle East and elsewhere, the Council must find and implement a solution to the question of Palestine, with the formula of two States living side by side in peace and security.

Meanwhile, as an immediate priority, the Council should urgently act to guarantee the status quo with respect to the holy sites in Jerusalem. The proposal to station international observers is promising as a first step towards relieving tensions and re-establishing stability. The Committee on the Exercise of the Inalienable Rights of the Palestinian people reaffirms its commitment to the principle of a peaceful solution to the conflict on the basis of those premises.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Saudi Arabia.

**Mr. Al Saad** (Saudi Arabia) (*spoke in Arabic*): Allow me at the outset to thank you, Sir, for convening this open debate on the situation in the Middle East. I would like to express particular thanks to the Minister for Foreign Affairs of Spain for the attention and importance he attaches to this question.

We meet today as young Palestinians are being killed by bullets fired by the Israeli occupation forces, and while blood continues to flow in the courtyards of Al-Haram Al-Sharif, in its vicinity and at its gates. Israeli soldiers and terrorist settlers rush out to kill, destroy and burn. One of them even proudly posted a video of a bleeding Palestinian boy he had shot, while cursing the boy and wishing him dead.

Let us recall the reasons behind the acts of violence that began with repeated acts of aggression by the Israelis against Al-Haram Al-Sharif, when settlers and soldiers stormed the precincts of the Mosque without even taking off their shoes. The Israeli Government tried to impose a new pattern of spatial division and restricts access based on time slots to one of the sites

most revered by Muslims everywhere. Let us not forget that Israel has failed to protect the Islamic holy sites. The Al-Aqsa Mosque was set on fire by Israeli extremists shortly after the Israelis occupied Jerusalem. There were also repeated attempts to demolish Al-Haram Al-Sharif and to excavate beneath it with the aim of destabilizing the building or causing its collapse. Nor should we forget that Israel demolished the gates of Al-Haram Al-Sharif and the protective fences around the courtyard and turned them into places of prayer for Jews without taking their sanctity for Muslims into account. Let us not forget that Israeli extremists set fire to the Cave of the Patriarchs in Hebron and attacked people at their prayers, and built a temple and a memorial to glorify the base acts of those killers.

Therefore, who can really blame the Palestinians if they mistrust the intentions of Israel and its Government with respect to the preservation and security of the Al-Aqsa Mosque or with respect to changing its historic status quo? Who can blame the Palestinians for reacting in the face of the Israeli occupation when its officials call for Israeli settlers and occupiers to fight to the death? Who can blame the Palestinians for feeling that settlers can walk into their villages and neighbourhoods like criminals and stalk their children, families and property? Who can blame the Palestinians for trying to defend themselves in their occupied towns and cities, in Jerusalem and other Palestinian territories? And who can deny Palestinians the right to seek international protection to defend their land, their sons and their holy sites?

The Kingdom of Saudi Arabia calls on the international community once again to say no to Israeli occupation, injustice and arrogance, to end to the bloodshed and to hold the Government of the Israeli occupation legally and criminally accountable for its flagrant crimes and violations against the Palestinian people, which can truly be considered war crimes and crimes against humanity. Of that there can be no doubt. Israel must respond immediately to and abide by international decisions and the Arab Peace Initiative.

The Kingdom of Saudi Arabia also calls on the Security Council to intervene immediately to protect our children in Palestine. We appeal to the Council to demonstrate a reaction commensurate with the gravity of the situation and with the seriousness of its responsibility. The Council should not be content with issuing repeated statements. It must act courageously to grant the Palestinian people the right

to self-determination leading to the establishment of an independent State, with Al-Quds Al-Sharif as its capital, on the basis of the borders of June 1967, and to end tragedy that has afflicted Palestine ever since.

The Kingdom of Saudi Arabia views with grave concern the ongoing suffering of its brothers, the Syrian people, who continue to face an oppressive regime that bombards their villages and cities with barrel bombs and uses chemical weapons against its own people. In abdicating its own sovereignty, it has granted foreign Powers and militias, which are equally criminal, the opportunity to participate in a genocide that the regime has waged against its own people in a grave escalation that will have serious consequences in the region.

We call on all active parties to cooperate immediately in implementing the Geneva Communiqué (see resolution 2118 (2013), annex II), including the call for a transitional governing body with wide executive powers that seeks to establish a future Syria that will embrace all well-intentioned Syrians, regardless of their religious, political or ethnic affiliations. It will be a Syria that rejects terrorism, violence, fanaticism and extremism and not a Syria for those who have killed their own people.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Kuwait.

**Mr. AlJarallah** (Kuwait) (*spoke in Arabic*): I have the honour to address the Security Council today on behalf of the States members of the Organization of Islamic Cooperation (OIC). At the outset, allow me to congratulate the Kingdom of Spain on its presidency of the Security Council and the fact that its Foreign Minister is chairing today's meeting.

We meet once again in this open debate on the situation in the Middle East, at a time when the occupied Palestinian territory and, in particular, the occupied city of Jerusalem have been witnessing a dramatically deteriorating situation as a result of the escalation of Israeli military aggression against the unarmed, defenceless Palestinian people and their holy places. Israel's arrogance, disregard for international law and disrespect for agreements with the Palestinian side, as well as the total impunity that it enjoys for its violations and crimes, have brought the situation to a dangerous juncture.

On more than one occasion, the OIC — most recently on 1 October at an extraordinary meeting of the OIC Council of Foreign Ministers, held in New

York in the margins of the general debate of the General Assembly at its seventieth session — has warned of the consequences of the continued Israeli provocations, incitement and attacks on the Al-Aqsa Mosque and has condemned those attacks as an unprecedented assault against the inalienable religious rights of Muslims all over the world. They also constitute a violation of the freedom of worship and the sanctity of holy places. If they are not halted, they will further fuel extremism, violence and racism and contribute to igniting religious strife, endangering the prospects of peace and stability in the region.

We renew our warning once again — as the Palestinian President stated before the General Assembly three weeks ago (see A/70/PV.19)— that the continuation of Israeli aggression against Islamic and Christian holy sites in Jerusalem risks setting off a religious war, for which only Israel would bear the responsibility. The international community, and the Security Council in particular, cannot ignore those dire warnings.

We cannot talk about the recent escalation separately from its context. It follows decades of occupation, oppression and the denial of the fundamental rights of the Palestinian people. Furthermore, the current escalation is continuing within the context of unprecedented levels of Israeli aggression against the Palestinian people, Israel's attempts to change the historical status quo at Haram Al-Sharif, and the unparalleled increase in the levels of terrorist attacks and crimes perpetrated by Israeli settlers with the protection and encouragement of Israeli forces. The Organization of Islamic Cooperation reiterates the importance of preserving the Jordanian Hashemite custodianship of the Islamic and Christian holy sites in Jerusalem, including Haram Al-Sharif, as has been exercised by His Majesty King Abdullah II ibn Al Hussein.

One example of Israeli crimes was that committed against the Dawabsha family. A young boy, barely two years of age, was burned alive two months ago by Israeli settlers. That reminds us of similar crimes perpetrated by the Islamic State in Iraq and the Levant. Furthermore, Israel's repeated attacks on the Al-Aqsa Mosque represent only one aspect of the terrorism that has been fuelled and protected by the Israeli occupation. Recent legislation adopted by the Israeli Knesset allows the occupation forces to shoot at Palestinian demonstrators in the occupied city of Jerusalem, which represents an official cover and endorsement of the criminal operations and an explicit

provision of impunity for the killing and oppression of the Palestinian people, ensuring the further loss of innocent lives and worsening the injustices committed against the Palestinian people.

The Organization of Islamic Cooperation strongly condemns the policy of execution and deliberate murder carried out by the Israeli occupation forces against the Palestinian demonstrators in the occupied Palestinian territory, particularly in occupied East Jerusalem. Some of those acts, in which children have been targeted, were captured by media cameras. Furthermore, the Organization of Islamic Cooperation condemns the unprecedented escalation in the acts of violence and terrorism by extremist settlers against Palestinian civilians. Only this past month, Israeli violence has claimed the lives of more than 45 Palestinians and wounded more than 1,800 people, including women and children.

Those crimes and violations show the horrible reality of the occupation and the racist nature of Israeli policies, targeting the Palestinian people, their land and holy places. Moreover, the recent Israeli crimes and practices have exposed and revealed Israel's lies regarding its army's ethical code of conduct. How can one leave an injured child to bleed after having shot him? How is it possible that a teenager is shot only because his smile provoked an armed and fanatical Israeli settler? There is no definition for such acts other than that of shameful war crimes. The perpetrators of those crimes must be held accountable, and justice must be done. The International Criminal Court was established for such a purpose.

While the Organization of Islamic Cooperation warns against the dangers posed by the Israeli aggression to regional and international security and stability, we call on the Security Council to shoulder its responsibility by taking measures to stop the crimes and violations committed by the Israeli occupation. There is no doubt that the Israeli authorities consider the silence of the international community in response to its crimes to be an encouragement to continue with acts of State terrorism. That silence encourages them to commit further violations against the unarmed and defenceless Palestinian people throughout the occupied Palestinian territory, including East Jerusalem.

We renew our support for achieving peace based on the two-State solution in accordance with the Arab Peace Initiative and international norms, but we underscore that it is not acceptable to remain silent or



merely to express indignation and concern about the unspeakable Israeli war crimes, genocide and atrocities that have been committed against the Palestinian people. It is no longer possible to continue tolerating the occupation while treating Israel as a State above the law that practices terrorism and arrogance with impunity. The perpetrators of those heinous crimes should be prosecuted and brought to justice, and the foreign occupation must end.

The current serious developments affirm the call issued at the recent meeting of the Organization of Islamic Cooperation's Council of Foreign Ministers for the Security Council to intervene earnestly and immediately with a view to providing international protection for the Palestinian people. The Council must take a decision that establishes a political path to preserve the two-State solution, based on the relevant United Nations resolutions, and set a time frame for ending the Israeli occupation, with international guarantees and binding implementation mechanisms. We expect the Council to do its best to restore security, stability and peace, based on right and justice for the peoples of the region rather than violence, occupation and conflict, and to work towards enforcing its many resolutions that seek to ensure the Palestinian people's exercise of their inalienable and legitimate national rights, particularly the right to self-determination in their independent State of Palestine with East Jerusalem as its capital.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Japan.

**Mr. Yoshikawa** (Japan) (*spoke in Spanish*): It is a great pleasure for me to see my friend, the Ambassador of Spain, presiding over the Security Council of the United Nations.

(*spoke in English*)

In reference to the Middle East peace process, nowhere is a political solution more overdue than in Palestine. Japan is concerned by the latest surge of violence, in particular the conflict at the holy sites, because of its potentially inflammatory implications. We welcome Israeli Prime Minister Netanyahu's vow to maintain the status quo at Al-Haram Al-Sharif/Temple Mount, and Palestinian President Abbas's swift condemnation of the arson attacks against Joseph's Tomb. We call for the cessation of violence and condemn all forms of incitement, including those from Hamas.

In the light of the daily onslaught of violence, we reiterate the importance of maintaining security cooperation between the Israeli and Palestinian authorities. Furthermore, while we recognize the necessity to maintain order, we call on Israel to exercise its law enforcement with proportionate measures and to refrain from collective punishment, including the demolition of homes, which may exacerbate an already volatile situation.

The current situation did not arise in a vacuum. Grim economic prospects, social marginalization, illegal settlements and the stagnation of the peace process have all served as fodder for discontent. Too often, the international community, including the Council, has remained silent. We have offered neither tangible advances towards peace nor concrete visions of a viable economy in a future State of Palestine.

The stagnation and difficulties in the peace process must not stop us from making progress when possible. Firm in our belief that a viable economy underpins the feasibility of a two-State solution, Japan has contributed \$1.6 billion in support since 1993. Through such projects as the Jericho Agro-Industrial Park, which can provide up to 7,000 jobs with annual economic benefits totalling \$40 million, Japan hopes to offer real prospects for a viable Palestinian economy.

Countries with the will and capacity to provide concrete contributions to the political process and on the ground can strengthen rather than dilute the traditional framework of the peace process. We therefore value the initiative taken by the Middle East Quartet to convene a high-level outreach meeting as a side event at the seventieth session of the General Assembly. At that meeting, the Minister for Foreign Affairs of Japan, Mr. Kishida, offered additional aid totalling \$12 million and reaffirmed our commitment to play a more proactive role in the peace process.

With regard to the situation in Syria, the Syrian crisis has, over the past five years, taken more than 250,000 lives and uprooted approximately 12 million citizens. In the face of one of the worst humanitarian crises of our generation, Japan will spare no efforts to address both the immediate challenges and the underlying factors of the instability. This year, Japan will provide approximately \$810 million in assistance to refugees and internally displaced persons from Iraq and Syria. With particular attention to the Syrian crisis, Japan has already extended more than \$1.1 billion in such

assistance as relief and vocational training, with a view to empowering individuals and building communities that are resilient to the allures of extremism.

Japan condemns the rampant acts of terrorism that have taken countless lives and destroyed cultural heritages throughout the region. Such heinous acts of terror have also taken Japanese victims. We note that the situation in Syria has taken on a new dimension with the military involvement of Russia. In that regard, Japan looks to Russia to strictly limit its air strikes to those against the Islamic State in Iraq and the Levant (ISIL) in Syria. Any actions against non-ISIL forces could worsen an already volatile situation in Syria and would be a cause for concern.

We reiterate that there can be no military solution to the Syrian crisis. We therefore underline our support for the United Nations Special Envoy of the Secretary-General in his efforts to work towards a political solution, based on the implementation of the Geneva communiqué (S/2012/523, annex).

The increasing volatility in the Middle East calls for concerted effort by the international community, including the Security Council, to facilitate the return of peace and stability to the region. I would like to conclude my statement by assuring the Council that Japan will continue to play a proactive role, both on the ground and in the Council, in contributing to the peace and stability of the region.

**The President** (*spoke in Spanish*): I now give the floor to the representative of India.

**Mr. Paswan** (India): I thank you, Mr. President, for convening this quarterly open debate at the ministerial level on the situation in the Middle East, including the Palestinian question. I also thank the Deputy Secretary-General for his briefing.

Our position on the Middle East peace process is very clear. India supports a negotiated solution resulting in a sovereign, independent, viable and united State of Palestine with East Jerusalem as its capital, living within secure and recognized borders, side by side and at peace with Israel, as endorsed in the Quartet road map and the relevant Council resolutions. India has always played a proactive role in garnering support for the Palestinian cause in multilateral forums. We supported the recent adoption of General Assembly resolution 69/320, on raising the flags of non-member observer States at the United Nations.

Recently, the President of India concluded a State visit to Palestine, where he met with the Palestinian leadership and discussed a whole range of bilateral, multilateral and regional issues. That visit reinforced India's strong commitment to the Palestinian cause and renewed our political and diplomatic support for the State of Palestine in its endeavours to realize an independent and sovereign State of Palestine.

Apart from giving political support to the Palestinian cause, India continues to support Palestine's development and nation-building efforts with ongoing technical and financial assistance. During a visit to Ramallah, the President of India inaugurated the India-Palestine Centre for Excellence in information and communications technology at the Al-Quds University, and handed over a cheque for \$5 million as budgetary support to the Palestinian Authority. We have announced several other new projects, in addition to the important bilateral development projects in health, education, skill development and vocational training that we are currently undertaking. India contributes \$1 million annually to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, and has pledged and contributed \$4 million to the Palestinian National Early Recovery and Reconstruction Plan for Gaza. We are also implementing development projects in Palestine jointly with Brazil and South Africa within the India-Brazil-South Africa framework.

We are holding today's debate at yet another unfortunate time, when violent incidents and military responses to them, regardless of the reasons for them, are once again taking a toll on people's lives on both sides. We are distressed and saddened by the ongoing situation and the loss of life. We welcome efforts to mitigate the situation and urge both sides to exercise restraint, in order to reduce the levels of tension and create an environment conducive to the resumption of peace talks. India remains firmly convinced that dialogue is the only viable option for effectively addressing the issue. Restraint is imperative if provocation and unilateral actions are to be avoided and a return to the peace process achieved. We remain hopeful and urge both sides to resume the peace process as soon as possible in order to work towards a comprehensive, just and lasting resolution of the Palestinian issue.

India remains deeply concerned about the worsening political and security situation in Yemen. We have urged all the parties concerned in Yemen to resolve their differences amicably, and we hope that the mediation

efforts of the United Nations can help the people of Yemen to find a consensus-based solution.

Turning to Syria, we continue to be very concerned about the ongoing violence and loss of human life in Syria. India has consistently called for a comprehensive and peaceful resolution of the crisis that can bring all the parties to the conflict to the negotiating table. This must be a Syrian-led process that takes into account the legitimate aspirations of the Syrian people. We also derive hope from and support the efforts of the Special Envoy of the Secretary-General for Syria, Mr. Staffan de Mistura, to advance the political process by conducting parallel negotiations with four sub-groups focusing on various issues.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Kazakhstan.

**Mr. Abdrakhmanov** (Kazakhstan): We would like to thank the Spanish presidency for convening today's open debate on the current, unprecedented and extremely grave crisis in the Middle East, which we hope is compelling Member States to act with a sense of responsibility and urgency. If it is not speedily addressed, the current situation in the region will destabilize security globally.

The prevailing tensions in the Middle East are primarily concentrated on the Palestinian issue, and which should begin to ease once the problems there are resolved. Kazakhstan therefore recognizes the Palestinian people's legitimate right to self-determination and strongly supports the creation of an independent State of Palestine, coexisting peacefully with Israel within the 1967 borders. We also support full-fledged membership in the United Nations for Palestine and welcome the raising of the Palestinian flag on the grounds of the United Nations Headquarters. We see a two-State solution as the only viable option for lasting peace, and we call on Israeli and Palestinian leaders to demonstrate the political accountability and goodwill they need to reach a historic peace agreement. We also urge calm over the situation around Haram al-Sharif.

The devastating situation in Syria, which has now spread beyond the region, is one of great concern to the rest of the world. Kazakhstan has continued to support the steps taken by members of the international community, including the United Nations, the League of Arab States, the United States and the Russian Federation, as well as the actions of the Syrian Government and the opposition that are aimed at

deciding Syria's political future through dialogue and reconciliation and bringing a speedy end to the violence and bloodshed. We hope that negotiations will continue between the Government and the opposition in the effort to solve the Syrian conflict within the framework of the Geneva II process. Kazakhstan believes firmly that the crisis can be resolved only by peaceful means.

We believe it is critical to establish a counter-terrorism coalition led by the United Nations, with a unified mechanism designed to defeat this scourge and bring its perpetrators and their supporters to justice. The current United Nations mechanisms aimed at countering terrorism, including the United Nations Global Counter-Terrorism Strategy, should be made legally binding through appropriate Security Council resolutions. During his address to the General Assembly last month (see A/70/PV.13), my President, Nursultan Nazarbayev of Kazakhstan, called for strengthening the global anti-terrorist network by bringing together existing measures under the auspices of the United Nations. We call for the speedy adoption of a comprehensive document on international terrorism, which has challenged our efforts for the past 20 years. We call on all delegations to support this bold and forward-looking approach.

The growing speculation about issues between the two major denominations of Islam has little basis in reality, but tension is nonetheless increasing over the spread of extremist ideology. In that regard, my country proposes to establish an international forum entitled "Islam against Terrorism", with the aim of demonstrating religious unity in the face of the destructive nature of terrorism and violent extremism. We must recognize that the activities of terrorist groups undermine the foundations of the existing world order far beyond the conflict zones of the Middle East. The escalation of violence has resulted in more victims among the civilian population, mainly women and children, as well as the forced migration of civilians from the Middle East and North Africa to Europe. This is the largest exodus of populations since the Second World War, and is of great concern not only to the European Union but also to all of us, the United Nations community.

Finally, we reiterate our robust commitment to ensuring peace in the Middle East, based on freedom and justice for all.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Indonesia.

**Mr. Percaya** (Indonesia): I would like to begin by expressing Indonesia's appreciation to the presidency of Spain for convening this open debate. Our thanks also go to the Deputy Secretary-General for his briefing earlier today.

I would also like to align my statement with those made earlier by the representatives of Iran and Kuwait on behalf of the Non-Aligned Movement and the Organization of Islamic Cooperation, respectively.

This debate is very timely, being held as it is amid the increasingly worrying escalation of violence in the occupied Palestinian territory. The international community, especially the Council, must therefore do its utmost to ensure that all sides exercise restraint and defuse tension. We welcome the Secretary-General's recent visit to Israel and Palestine and hope that it will help to end the spiraling violence in the occupied Palestinian territory.

That spiral of violence has worsened the hatred and mutual suspicion among the people of Palestine and Israel that has the potential to further complicate efforts to restart the political process. With that in mind, Indonesia underlines once again that there is no feasible solution to the situation in the occupied Palestinian territory other than an immediate start to a meaningful and credible peace process with a view to ending the Israeli occupation. To delay is to permit those feelings of hatred and suspicion to make the prospects of peace more intractable.

Indonesia firmly believes that a just and lasting peace will be sustainable only through a political process and when the peoples of Palestine are allowed to exercise their long-overdue right of self-determination. On that account, we stress the need of the Security Council to create a climate favourable to the resumption of the peace process. The Council must ensure that Israel remains true to its commitment to a two-State solution. In this regard, all Israel's illegal activities in the occupied Palestinian territory must come to an end. The air strike on Gaza on October 11, for example, as well as continued provocation in East Jerusalem, notably in the areas of the holy sites, not only are contrary to international law but also generate more tension and anger on the ground.

Certainly, the Security Council cannot continue to sit idly by and retire to its routine activities of convening briefings and debates. We again call upon the Council to assert its Charter mandate and act

as a matter of urgency to bring an end to the Israeli occupation. The raising of the Palestinian flag at the United Nations weeks ago was, in our view, not only a symbolic act but also a strategic one. It was a natural consequence of the growing international recognition of the State of Palestine and its rightful place among the community of nations. It was also a necessary building block towards the eventual two-State solution.

On a different matter, Security Council must also uphold the principle of the protection of civilians in times of international armed conflict. The continued violence committed against the Palestinian people and their properties clearly underlines the urgency of securing international United Nations protection for Palestine. We therefore encourage the Council to work together with the relevant United Nations bodies to respond favourably to that urgent need.

Let me now turn to the situation in Syria. Indonesia wishes to register its outright discontent at the lack of unity of Security Council members in ending the violence and address the humanitarian crisis there, which have spread beyond the region. This organ's lack of political will to even deliberate the Syrian issue, let alone find a resolution to the conflict, demonstrates the dysfunctional nature of the Council. How many more innocent people must die before the Council decides that the time is ripe for it to act?

Indonesia therefore reminds and calls upon Council members to honour their Charter responsibilities in the maintenance of international peace and security, to act immediately and decisively, to end unilateral actions that only complicate the situation, and bring the relevant parties back to the negotiation table to find a comprehensive and inclusive political solution. Indonesia firmly believes that this is the only way to resolve the conflict once and for all.

**The President** (*spoke in Spanish*): I give the floor to the observer of the Holy See.

**Reverend Monsignor Kassas** (Holy See) (*spoke in Arabic*): My delegation wishes to thank the Spanish presidency of the Security Council for convening this open debate on the situation in the Middle East, including the question of Palestine, which could not be more timely as the region is literally on fire.

As the entire world counts the dead, we must not obscure the plight of the wounded, the displaced and the refugees who are continually subject to great fear and apprehension, even as they flee the senseless violence in

the Middle East, which completely disregards the most elementary terms of international humanitarian law and, indeed, of humanity. This horrific picture plays out daily in the media as migrants and refugees flood the European continent, seeking some small measure of peace and security, but who are not always welcome. What of the children and the women? What of the elderly, the maimed and the handicapped? Where is the distinction between combatants and non-combatants?

My delegation believes that it has a solemn duty to remind the international community once again that extremists are seeking to eradicate religions, ethnic groups and cultures that have been in the Middle East for millennia. My delegation is deeply concerned over the plight of Christians and other groups in territories controlled by the Islamic State in Iraq and the Levant, in particular those who are held captive for ransom and in conditions of enslavement. The Holy See also highlights with sadness the wanton destruction of the priceless cultural patrimony of humankind in the region. Pope Francis, in his address to the General Assembly on September 25, renewed his

“repeated appeals concerning the painful situation in the entire Middle East, North Africa and other African countries where Christians, along with other cultural and ethnic groups, and including those adherents of the majority religion who have no desire to be caught up in the hatred and madness, have been forced to witness the destruction of their places of worship, their cultural and religious heritage and their homes and property, and are faced with the alternatives either of fleeing or of paying with their lives or with enslavement” (A/70/PV.3, p. 5).

Grave conflicts have been waged in the Middle East, including in Palestine, ever since the birth of the United Nations. The violence that characterizes the present situation proves that not only have these problems not been solved or gone away, but that they seem to be increasingly intractable. In recent years, other very serious conflicts, in particular the Syrian crisis, have added to the complexity of the problems in the region.

It is deeply regrettable that the Middle East — a cradle of great civilizations and the birthplace of the three main monotheistic religions of Judaism, Christianity and Islam — should be immersed in a situation that combines every form of conflict and every possible actor: State and non-State combatants, ethnic and

cultural groups, fundamentalist terrorism and organized criminality, religious and ethnic hatred, regional and international geopolitical rivalries. In such a context, flooding the region with more and more destructive weapons will not end the conflicts. Instead of arms and munitions, the international community needs to endow the region with more courageous, impartial and persevering negotiations and mediations.

My delegation takes this opportunity to reiterate the Holy See’s profound gratitude to those countries of the region that, in spite of their own difficult situations and limited resources, have welcomed and taken care of millions of refugees. On its part, the Catholic Church remains active at the forefront in providing, to all those in need and with all the means at its disposal, humanitarian aid through churches, schools, medical facilities, rehabilitation centers and pastoral care institutions.

My delegation calls on the international community to assist and support the countries of the region in maintaining their political stability and to mobilize the economic resources necessary to enable them to deal appropriately with the ever-increasing number of displaced persons and migrants. We also call on the international community to take action with regard to the situation in Lebanon, with a view to restoring political stability through a revitalization of the country’s constitutional institutions through presidential elections.

Let me conclude by citing the words of Pope Francis in his letter to the Secretary-General of 9 August 2014:

“The most basic understanding of human dignity compels the international community, particularly to the norms and mechanisms of international law, to do all that it can to stop and prevent further systematic violence against ethnic and religious minorities and to protect innocent peoples”.

**The President** (*spoke in Spanish*): I now give the floor to the representative of the Syrian Arab Republic.

**Mr. Ja’afari** (Syrian Arab Republic) (*spoke in Arabic*): I wish to thank you, Mr. President, for having convened this important meeting. Permit me to address the Council today as a main party in the context of this item.

On 24 October, the United Nations will celebrate its seventieth anniversary. However, the question should be: do we have the right to celebrate, and what

are we celebrating? Perhaps we do not, in fact, have that right, given that we are seeing that the aspirations of the founding fathers of the United Nations in the area of peace, security and development have come to naught because of the policies of certain influential States that disregard the principles of the Charter and of international law.

How can we celebrate when we are witnessing mass violations of the provisions of the Charter, leading to acts of aggression, instability and threats to the peace that hinder the development of relations between nations based on respect, the rights of peoples and the principles of non-intervention and of the inadmissibility of the threat or use of force against the sovereignty and independence of States? Perhaps some would say that we do not have the right to celebrate after 70 years of suffering on the part of the Palestinian people.

How can we celebrate the vision of our peoples, particularly the Palestinian people, who have a completely just case that is being undermined because the power of the law is giving way to the law of power? How can we celebrate when we see States using the United Nations as a pretext for invading other countries, toppling their legitimate Governments, killing their leaders and turning them into failed States that have become breeding grounds for international terrorism? How can we celebrate when they are changing the very definitions of concepts — for example, a certain degree of terrorism is termed “moderate terrorism”?

Perhaps we should not celebrate that some have caused the United Nations to fail to uphold its mandate with regard to the Israeli occupation of Arab territories in Palestine, Syria and Lebanon. How can we celebrate half a century of occupation, of turning Palestine into a mass prison, and of apartheid against the Palestinians, the legitimate owners of the land, in Jerusalem and other occupied territories? How can we celebrate the escalating violence and barbarism of settlers, under the protection of the Israeli Government? How can we celebrate the cancerous settlement policy that allows building on any part of the Palestinian territories?

How can we accept that some members of the Security Council have irresponsibly provided support and protection to Israel so that it can continue its provocative policies, in violation of all international instruments? How can we not deal with the question of Palestine in its factual context? Can we really be trying to project the image that this is reciprocal violence and that our differences are only over the degree of that

violence? How can we ignore the main reason for this: the Israeli occupation of the Palestinian territories?

Yes, in two days we will celebrate the seventieth anniversary of the United Nations. But on that occasion, what will the United Nations do to help displaced Syrians and those who have been living under Israeli occupation for over half a century? Indeed, the Organization has failed to take any real action aimed at making Israel implement United Nations resolutions on this issue, primarily resolution 497 (1981).

The displaced Syrian citizens in the occupied Golan have legitimate questions about the effectiveness and credibility of the United Nations vis-à-vis their just cause. How could they not ask those questions, given Israel’s incessant settlement activities and policies of oppression, suppression and racial discrimination? How could they not when they see Israel supporting terrorist groups, including Al-Qaida’s Al-Nusra Front in the Golan region, even as the United Nations does nothing? How could they not, when they see Israel arresting the Syrian Mandela, who spent 27 years in their prison for one reason only: exposing Israeli support for terrorists?

We want to celebrate the seventieth anniversary of the United Nations, but we want the celebration to be meaningful, a celebration of real accomplishments, not one of words, statements or interventions. We want to realize the aspirations of the founding fathers and their dream of a world of peace, stability and prosperity, based on respect for the sovereignty of States and non-interference in their affairs — a world that is free of occupation and colonization and in which there is no manipulation of the fate of peoples or changing their governing regimes through foreign intervention. That is what we want; that is the one thing towards which we should work collectively, so that we can hold a celebration that is truly meaningful and satisfies our consciences and the conscience of our peoples.

In conclusion, I would like to denounce in the strongest terms the desperate attempts made by certain delegations, whose names I will not mention, to defend Israel and try to cover up its crimes, particularly through desperate, Don Quixote-like attempts to bring causes before the Security Council that have no relation to the situation in the Middle East. Every time Israel escalates its aggression against the Palestinian people, we find those delegations making misleading statements that escalate the situation, with the aim of diverting attention from the crimes committed by Israel and alleviating international pressure.

For that reason, I am not going to respond to the empty claims made against Syria by those delegations, in spite of the fact that we could say much to refute their claims, as they support and arm terrorists — the artificially created moderate terrorists who are waging destruction in Syria and oppose any peaceful settlement. Those countries are intervening in the internal affairs of Syria and using the Syrian diaspora as a weapon to bring pressure to bear on the Syrian Government to force it change its positions and independent political choices.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Costa Rica.

**Mr. Mendoza-García** (Costa Rica) (*spoke in Spanish*): We congratulate the Spanish delegation on assuming the presidency for the month of October. We thank Deputy Secretary-General Jan Eliasson for his briefing and the Minister for Foreign Affairs of Spain, Mr. José Manuel García Margallo, for his statement.

Costa Rica has decided to participate in this open debate because of the importance it attaches to the situation in the Middle East. As a peace-loving country that has not had a standing army by its own volition for more than 65 years, Costa Rica is a firm believer in the peaceful settlement of conflicts between peoples and States in the context of international law and multilateral diplomacy. As stated by His Holiness Pope Francis, war brings destruction and multiplies the sufferings of peoples.

My delegation is deeply concerned about the Israeli-Palestinian conflict, and especially the escalation of violence in recent months, which we vigorously condemn and in which civilians, including women and children, continue to pay a high price. During the emergency meeting convened by the Security Council on 16 October (see S/PV.7536), it became clear that it was necessary for the international community to take action because it can no longer stand by and bear witness without doing anything about this conflict. As the Assistant Secretary-General for Political Affairs, Mr. Tayé-Brook Zerihoun, warned, we should ponder the serious consequences of turning this conflict into one of a religious nature. He also underscored that the Israeli occupation and the dwindling prospects for a Palestinian State have contributed to worsening the situation.

My country will never cease to urge that parties resume negotiations on the core issues of the conflict

that still exist, based on the obligations already acquired and the agreements previously agreed among the parties and supported by international law and the decisions of the Security Council and the General Assembly.

For Costa Rica, it is crucial to bring an end to the armed conflict in Syria and to seek an early political solution, especially with regard to the humanitarian crisis. We hope that it will be possible to explore the real and tangible options, as was recently stated by the United States, to achieve a political transition in Syria, whose civil war has intensified with Russia's intervention on 30 September in support of the Damascus Government against the insurgents. The extension and deepening of the conflict is causing unprecedented humanitarian effects. Every day that tensions increase, there is an exponential increase in the violations of rights and the suffering of the Syrian people.

We are pleased that, due to the ceasefire agreements, the United Nations system, together with its partners the International Committee of the Red Cross and the Syrian Arab Red Crescent, has managed to deliver medical supplies in several cities in Syria. However, many people in need are still trapped without access to humanitarian assistance. That is why we urge that assistance be allowed to reach its destination and that humanitarian issues remain outside of conflicts.

One might think that at this point, and given the developments in the conflict, it would be resolved by one or two Powers. On the contrary, we believe that the Security Council is called upon to play a role in order to diversify the conversations and bring about interactions and dialogues that are different from those that have occurred around the crisis in recent weeks.

With regard to the current situation in Yemen, my delegation looks favourably on the statements made by the officials of the Yemeni Government expressing the willingness to participate in peace talks. We welcome the work Special Envoy Cheikh Ahmed has planned with Government representatives and with the Houthis and their allies to complete the preparations for the negotiations, the aim of which is to lay the foundations for a lasting peace that will benefit the Yemeni people.

For all these reasons, we hope the Security Council can fully carry out its mandate in the Middle East to maintain international peace and security and fulfil its duty to promote the full implementation of international justice and the rule of law. As reaffirmed by the President of the Republic of Costa Rica, Mr. Luis

Guillermo Solís Rivera, in his statement in the general debate (see A/70/PV.19) at the opening of the seventieth session of the General Assembly, to strengthen the United Nations at the epicentre of global governance, the Security Council must assume its responsibilities in the maintenance of international peace and security, take into account human rights considerations in its operations and improve its work on conflict prevention.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Bangladesh.

**Mr. Mahmuduzzaman** (Bangladesh): I congratulate Spain on assuming the presidency of the Security Council and thank it for arranging this debate, which shows its sense of responsibility and commitment with regard to the issue of the situation in the Middle East, including the Palestinian question. The Palestinian issue is now the number one long-standing issue in the field of international peace and security and its resolution deserves the utmost priority. The people of Palestine cannot live with this uncertainty of life and livelihood forever.

We regret the appalling human rights and humanitarian situation in the occupied Palestinian territories and that the repeated appeal of the international community to improve the deteriorating conditions of the Palestinian people remains unheeded. Furthermore, the slaughter of innocent Palestinian children, women and men; the wanton destruction of homes, schools, hospitals and vital civilian infrastructure; and the terrorizing and traumatizing of the entire civilian population in the Gaza Strip in Palestine have become very frequent. The people in the occupied territories continue to suffer due to Israeli blockades, closures, the confiscation of land and the demolition of houses. The illegal separation wall continues to divide and isolate communities, destroying livelihoods and preventing access to their jobs, families, markets, schools and hospitals.

Gaza's borders have been subject to a regime of closure that is without precedent anywhere. The closure is tantamount to the strangulation of an entire population in the form of collective punishment. The quality of life of the Palestinians had already diminished to subsistence level. The periodic escalation of violence only leads to further despair and destitution. Israel is doing so purposefully to generate fear, fury and distress among Palestinians.

We deplore the Israeli policy of collective punishment, forcing Palestinian people off their land, detaining people for a long time without charge, restricting the freedom of movement of and property ownership by Palestinian people, the deportation of Palestinian inhabitants and depriving people from their legitimate claim to natural resources, including scarce water resources. The Government of Israel has continued its settlement campaign in the occupied Palestinian territory, with a particularly aggressive settlement expansion in East Jerusalem. Those measures have been soundly rejected by the international community and their illegality unanimously confirmed.

Having monitored the situation closely, we would like to register our concern about the grave crisis, in which not a single day passes when civilians are not intimidated, arrested, detained in inhuman conditions and subjected to constant abuse and torture. As a result, the humanitarian and security situations continue in a downward spiral and tensions continue to rise, destabilizing the total peace initiative.

We urge Israel to fulfil its legal obligation, as the occupying Power, to ensure that all inhabitants are safeguarded against all acts of violence or threats; to cease the illegal detention of Palestinian people, including children; to stop the destruction of homes and land confiscation; to allow Palestinian people access to their lands, employment and natural resources; to desist from transferring its population to the territories it has occupied; and to lift its embargo against Palestinians and immediately open all border crossings to allow free movement of goods, persons and humanitarian aid.

We express our total solidarity with the Palestinian people and reiterate our full and unwavering support for their legitimate and inalienable rights to a sovereign and independent State. At this juncture, we demand an end to the Israeli occupation that began in 1967, the establishment of a two-State solution on the basis of the pre-1967 borders, the just resolution of all final-status issues and the mobilization of international support for assistance to the Palestinian people without delay.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Morocco.

**Mr. Atlassi** (Morocco) (*spoke in Arabic*): I would like to start by congratulating you, Mr. President, on your assumption of the presidency of the Security Council this month and on your presiding over this very important meeting at a time when the situation in



Palestine is deteriorating in an unprecedented manner. I would also like to thank the Deputy Secretary-General for his comprehensive briefing, which covered all of the developments in the Middle East region, including the question of Palestine. We also back the Secretary-General's good offices aimed at finding a fair, lasting solution to spare the Palestinian people more bloodshed, which has, however, reached such a scale that the international system bears an unprecedented responsibility for finding a rapid, fair and lasting solution to the Palestinian question in order to extricate the Palestinian people from the current horrendous situation, including that in occupied East Jerusalem.

The situation in Palestine more generally speaking, and in Jerusalem more specifically, which is the third holy site of Islam, has experienced some very alarming developments. There have been brazen violations of international law. Moreover, the sensibilities of Muslims throughout the world have been offended as a result of the actions of the Israeli army and settlers, who have killed innocent people and demolished buildings and homes, and who are systematically attempting to Judaize the city and change the facts on the ground. Such acts are fraught with the risk of igniting a religious war, which will do nothing more than fuel obscurantism and terrorism, which will, in turn, threaten international peace and security.

My delegation thanks Spain for responding to the request by Jordan, the Arab member of the Council, to convene a meeting to consider the question of Palestine and to examine the very serious consequences of Israeli arrogance and its misguided policies, which we entirely reject because they simply disregard international law as they attempt to Judaize Jerusalem and change the status quo through the lynching and massacring of innocents. His Majesty Mohammed VI of Morocco, who is the president of the Al-Quds Committee of the Organization of Islamic Cooperation, has warned against the very situation that we are witnessing today. He rang the alarm bell, and the international community should have taken up its responsibilities vis-à-vis the Palestinian people and Jerusalem more specifically.

His Majesty has repeatedly stressed through all the means available to him, including bilateral meetings and international forums, the need to put an end to the settlements and the Judaization of Al-Quds. He warned against any unilateral actions that could undermine, even harm, Muslim monuments in Jerusalem. His Majesty exchanged letters and correspondence with

the relevant international stakeholders regarding the very serious actions in Jerusalem being carried out by the Israeli authorities as part of a plan to change the legal, historical, spiritual and demographic status of Jerusalem. His Majesty has forged many contacts with leaders, including President Abbas, aimed at addressing the very alarming situation in Jerusalem. During the inauguration of the Al-Quds Committee under his current chairmanship in Marrakesh in January 2014, His Majesty stated that we needed to stress that Jerusalem lies at the very heart of the Palestinian question and the Palestinian cause, and that there can be no peace without clarifying the final status and situation of East Jerusalem as the capital of an independent Palestinian State.

We need to focus on the statement that resulted from that meeting, given the fact that the issue of Jerusalem is crucial for the Umma. It lies at the very heart of any political solution, and any harm brought to the Al-Aqsa Mosque will inevitably exacerbate tensions. In following the instructions of His Majesty, the Minister for Foreign Affairs and Cooperation organized a meeting of a ministerial contact group on 26 September to consider the international measures that could be introduced in East Jerusalem and Palestine. At that meeting the aggression against Jerusalem and the Al-Aqsa Mosque were both condemned.

A request was addressed to the Security Council that it assume its responsibilities to ensure that the Israeli authorities put an end to their practices and provide security for the Al-Aqsa Mosque, so as to ensure that those violations are not repeated. The only solution to the question of Palestine lies through diplomacy, not war, not the killing of civilians and not or bloodshed. We need negotiations within the established frameworks to forge two States, living side by side in peace and security, two States that cooperate and that we respect. And we insist on the respect of the June 1967 borders.

**The President** (*spoke in Spanish*): I now give the floor to the representative of South Africa.

**Mr. Mminele** (South Africa): My delegation is grateful to be able to participate in this debate, and we thank the Secretary-General for his report (S/2015/677). South Africa appreciates the statements made by the Foreign Minister of the State of Palestine and the Permanent Representative of Israel.

We also align ourselves with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We meet at a critical moment of great concern. The escalation of violence and inflammatory rhetoric in the occupied Palestinian territories and East Jerusalem, especially around the holy sites of the Temple Mount — the Haram Al-Sharif compound — including the Al-Aqsa Mosque and Joseph's Tomb, are a source of great concern. South Africa denounces all attempts to change the decades-long status quo in the Holy Land, which has preserved mutual respect for the holy sites of the world's three major monotheistic religions. It is especially disconcerting that the reverence for those sites has been exploited politically and used to incite violence.

South Africa reiterates, in the strongest terms, its condemnation of violence in all its forms, regardless by whom it is perpetrated. We convey our sincere condolences to the families and friends of the victims on all sides who have been killed or injured. We support calls for both the Government of Israel and the State of Palestine to conduct investigations into the latest killings and to ensure that the perpetrators are held accountable for their actions.

We call upon the authorities in Israel and Palestine to respond to the current developments with restraint and in a measured manner. South Africa agrees with the assessment by the Assistant Secretary-General for Political Affairs on Friday, 16 October, when he stated that the collective punishments carried out by the Israeli Defence Forces are in contravention of international law and should be terminated without delay.

Israel and the international community must understand that the outrage among Palestinians has been created by developments on the ground, which have rendered a viable Palestinian State nearly unattainable. In addition, the depressed economic situation in the occupied Palestinian territories, especially in Gaza, and the illegal settlement activities that continue unabated have compounded the rage of the Palestinians, who believe that violence is the only option left to them.

Statements and debates in the Security Council over the past years have proved ineffective to address the deteriorating situation in Palestine. We keep meeting in this Chamber to no effect, and it is depressing to realize that the Council has become unable to address major crises, mainly because the narrow interest of

a few member States has rendered it toothless. The Council's unwillingness to take meaningful action to move the peace process forward has led directly to the complete breakdown of the negotiation process and to the resulting escalation of tension and violence in Israel and Palestine.

South Africa calls on the Security Council to urgently respond to the situation in Israel. Unified and impartial action by the Council is long overdue. As a first step, we believe that the Council should urgently pave the way for the cessation of violence and create the opportunity for the parties to be able to meet. It is clear that there is no trust between the parties and that the restoration of some degree of trust is required to begin the long road back to the negotiations on a two-State solution. The Council should also adopt measures for the cessation of collective punishment and settlement activities, which are illegal, as well as for lifting the blockade against Gaza. Urgent measures are required to alleviate the suffering on the ground. We believe that only then can a timeline be set for the resumption of the peace process.

My delegation has taken note with interest of the report of the Secretary-General submitted to the Council on 21 October, which provides ample examples of the deployment of international protection forces, and we look forward to further discussions on those options in the Council as well as in the General Assembly.

South Africa views developments in the Middle East as intrinsically connected and believes that the only way to achieve sustainable peace in the region is for the international community to work on multiple fronts to bring about the resolution of conflicts. We remain deeply concerned by the civil war in Syria, which has wreaked havoc in that country and beyond for four years. The instability in Syria has affected the entire region and has created ample breeding ground for extremists and terrorism. However, we do not believe that continued or increasing military activity by major Powers can resolve the situation in a satisfactory manner. We believe that concerted and unified action by the Security Council is required to restore peace and stability in the entire Middle East, with due respect for the principles and purposes of the Charter of the United Nations.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Turkey.

**Mr. Çevik** (Turkey): The Middle East is confronted with an alarming situation. Sectarian and divisive policies, brutal oppression of legitimate demands for democracy, terrorism, and unresolved conflicts result in humanitarian crises, mass displacements and feelings of resentment.

The Israeli-Palestine conflict remains the core challenge and undermines the prospects for lasting regional and global peace. The increasing number of crises in the wider region must not distract us from the urgent need to relaunch the peace process. On the contrary, failing to address that issue will only destabilize the region further, deepen the despair and suffering and lead to more extremism.

The tragedy of Palestinians continues unabated. As tensions recently escalated in the occupied Palestinian territory, particularly in East Jerusalem, we were reminded once again of how dramatic the situation is in the absence of any real hope for peace. We are very concerned about the latest developments although we are slightly relieved to see that what has been going on for the last months is finally receiving the attention it merits.

Our immediate priority should be a rapid de-escalation of tension. We should not see the current situation as another in a perennial round of skirmishes and wait for the situation to calm down. However, at the same time, we should all be very clear about the root cause of the problem, which is the illegal occupation of East Jerusalem and other Palestinian territories by Israel.

The current escalation began following the entry of Israeli security forces into Al-Haram Al-Sharif. The ban preventing Palestinians from entering the Old City of Jerusalem for two days caused great outrage. It then spread to Gaza when Israeli soldiers opened fire on demonstrators and Israeli air strikes once again took civilian lives. Casualties have been mounting ever since. We strongly condemn the disproportionate use of force by Israeli security forces, which inflames the situation.

Needless to say, at the epicentre of the Palestine cause lies Jerusalem. Jerusalem matters to all humankind. A city that is sacred to Islam, Judaism and Christianity should be treated with utmost respect. The expansion of illegal settlements, violations targeting holy sites, and all other provocative activities aimed at undermining the status and sanctity of Al-Haram

Al-Sharif must immediately and unconditionally stop. We consider the Jordanian role as the custodian of the holy sites in Jerusalem crucial for the preservation of the historical status of Al-Haram Al-Sharif as an Islamic sanctuary in all respects.

The situation in Gaza also remains worrying. In addition to eight years of illegal blockade, Gaza has endured three Israeli military operations in the past six years. The humanitarian conditions are so disastrous that, according to the United Nations Conference on Trade and Development, Gaza could become inhabitable in less than five years if current trends persist. People who live in tremendous despair and insecurity lose their belief in the possibility of a solution and peaceful coexistence. The international community cannot afford to stand idle in the face of that tragedy and allow 2 million people to continue living in such isolation. While the immediate priority must be to address the grave situation and growing frustration in Gaza, only long-term solutions can turn the tide with respect to its reconstruction. In that vein, lifting the illegal blockade and all other restrictions in accordance with resolution 1860 (2009) is of paramount importance.

The historical injustice against the Palestinian people, reinforced by Israel's daily illegal practices on the ground, is fueling hatred, alienation and radicalism in the region and beyond. Palestinians are still deprived of their right to a decent life with dignity, respect and freedom. As the Secretary-General's report rightly underlines, the Palestinians' hopes for peace have been dashed countless times.

We all agree that the status quo is not sustainable. Israel's continuing occupation and its practices in contravention of international law hamper the efforts for permanent peace. The need to find a negotiated political settlement to the Israeli-Palestinian conflict, achieving a two-State solution and ending the longest occupation in modern history in accordance with the relevant United Nations resolutions and the Arab Peace Initiative, remains an urgent priority.

Palestine's just cause has been once again confirmed on a global scale by General Assembly resolution 69/320, which paved the way to the raising of the Palestinian flag at the United Nations. That was a significant symbolic step towards full recognition of Palestine.

On the Palestinian side, the need for Palestinian reconciliation is more relevant than ever. The consistent

support and encouragement of the international community is vital in that regard. Once established, the Palestinian National Unity Government, with strong and inclusive institutions, should establish control over the entire Palestinian territory.

The current situation is a sombre image of what is going to happen if the prospects for a two-State solution are lost. Thus the international community should renew its engagement for the solution of the problem and assume its responsibilities. This is long overdue. We need to intensify our efforts towards the adoption of a Security Council resolution that sets a timeframe and that establishes the parameters for peace negotiations based on the vision of a two-State peace. The Council should assume its primary responsibility vis-à-vis international peace and security.

Turkey's commitment to supporting the Palestinian people's right to a dignified life will never cease. We will support efforts to find a just, comprehensive and lasting solution to the conflict and to establish a sovereign and independent Palestinian State within the pre-1967 borders and with East Jerusalem as its capital.

Today, I want to focus my remarks on the alarming situation in the occupied Palestinian territory, which requires our imminent attention. However, let me say a few words on the Syrian crisis across our borders, which has left a nation with severe wounds, with more than 350,000 lives lost and over 12 million persons displaced. We see with every passing day that the Syria crisis continues to be a major factor of instability for the entire region and beyond, and a collective response to address it is still lacking.

We continue to assume more than our fair share of the burden of the ongoing devastation. We are extremely concerned by the humanitarian and security impacts of the crisis, which constitutes a major national security threat to us. The current vacuum created on our southern borders as a result of the chaos in Syria has played into the hands of terrorists, who are targeting our citizens as well. In addition, we are currently faced with the risk of a new wave of refugees that has been triggered by the Syrian regime's most recent offensive on Aleppo, as well as by attacks by Daesh. It is neither possible nor just to expect Turkey or any other neighbouring country to face that challenge alone.

The international community should keep in mind that the ongoing atrocities and humanitarian disaster in Syria can be addressed only by tackling the root cause

of the problem: the violent oppression of the democratic aspirations and legitimate demands of the Syrians. That tragedy will not end until the people of Syria have a legitimate Government that truly represents their will and enjoys their full consent. On that score, the Syrian people have already spoken. They do not want to live under the authority of a regime that has waged a war against its people.

The international community and the Security Council need to address the Syrian crisis through resolute action. A comprehensive strategy with political, security and humanitarian pillars is long overdue and should be established.

First, we need to respond to the needs of millions of Syrians through the meaningful sharing of burdens and responsibilities. It is a disaster and needs to be treated as such.

Secondly, the international community must act swiftly to provide the Syrians with safety in their homeland by creating safe areas in Syria, free from aerial bombardment by the regime and ground assaults by Daesh. Parallel to those efforts, we must do all that we can to defeat terrorist organizations, such as Daesh and the Nusra Front and others designated by the Security Council, while keeping in mind that terrorism is a by-product of the crisis in Syria. The challenge of countering terrorism should not harm moderate elements that will play a vital role in the future of Syria and should not delay a political solution.

Thirdly, we should all work for a solution that meets the legitimate demands and aspirations of the Syrian people and ensures a managed and orderly transition to a real political change based on the Geneva communiqué (S/2012/523, annex). The political process that we should revitalize would lead to a united, democratic, nonsectarian, secular and multicultural Syria with its own territorial integrity.

Let me conclude by reiterating our strong commitment to the peace and security of the overall region and our full solidarity with the Palestinian people.

**The President** (*spoke in Spanish*): I would like to inform the Council that we still have more than 10 speakers inscribed on the list. I therefore remind speakers that they have a maximum of five minutes in which to deliver their statements.

I give the floor to the representative of Pakistan.

**Mr. Munir** (Pakistan): We thank the Minister for Foreign Affairs of Spain and the Minister for Foreign Affairs of Palestine, Mr. Malki, as well as the other Ministers, for coming to address the Council this morning. We also thank Deputy Secretary-General Jan Eliasson for his briefing.

The entire Middle East today is in turmoil, and the conflagration in the occupied Palestinian territory is worsening. We are sitting on a powder keg. If that is not threatening international peace and security, we do not know what is. Israeli restrictions on Palestinian freedoms and rights, harassment by Israeli settlers, tensions around the holy sites and the bleak prospects for peace have pushed Palestinians onto the streets. There is talk of the beginning of the third intifada.

This morning, Deputy Secretary-General Eliasson was categorical in his briefing. The reason for the current crisis is that the Palestinians do not see any hope. We agree with Foreign Minister Malki that the status quo is unacceptable. We appreciate the Secretary-General's visit to the region. He said in Ramallah yesterday,

“The only way to end the violence is through real and visible progress towards a political solution, including an end to the occupation and the establishment of a Palestinian State”.

We believe that time is quickly running out, and the Council cannot remain a spectator as hope continues to fade. By holding two emergency meetings over the past week, the Council has shown that it is fully seized of the matter, but much more is required. We support the Palestinian demand for international protection. The paper on the subject that the Secretary-General shared with the Council yesterday provides options that the Council needs to discuss seriously. We, the international community, cannot allow the wanton disregard for international human rights and humanitarian law.

The Council can help with both protection and final status issues. Setting timelines and parameters to make the two-State solution a reality is both urgent and critical. That will provide the hope that the Palestinian youth yearn for. Only hope can bring the region back from the precipice. The Palestinian flag has found its place at the United Nations. We hope that Palestine will soon be accepted as a full Member as well.

Lasting peace can be achieved only through political solutions, not through heavy-handed tactics and the use of live ammunition against unarmed civilians. The fear among the Palestinians of a changed status of the holy

sites in Jerusalem is real and needs to be addressed, and not just by words but by actions. The Council has a responsibility to ensure peace and security in what is the most volatile region of the world. We must never forget the Palestinian civilians, whose struggle for self-determination is epic yet remains unfulfilled.

**The President** (*spoke in French*): I now give the floor to the representative of Algeria.

**Mr. Boukadoum** (Algeria): I would like to express our deep appreciation to the Spanish presidency for having organized this timely open debate, coinciding with the shocking developments in the occupied Palestinian territories. I also thank Deputy Secretary-General Jan Eliasson for his very candid briefing.

I wish to join the voice of Algeria to those of the overwhelming majority of speakers who have so clearly expressed themselves on what is happening at this very moment in the Middle East and, in particular, in the occupied land of Palestine. While it is unnecessary to add to or go into the details that Minister Riad Malki mentioned earlier, we share and live his feelings. Let me add that in my country the outrage over the images carried by all media is immense. Injustice, abuses and arrogance continue to guide the behaviour of those who think that there are no limits — not even concerning the most sacred and dearest places, such as the Haram Al-Sharif.

The recent and tragic developments and the suffering of the Palestinian people demonstrate that prospects for a peaceful settlement are becoming increasingly unattainable. That is why my country reiterates the following in the strongest possible terms.

First, the very core of the issue of Palestine and the Middle East is the illegal occupation of Arab territories. Whatever happens or by whatever angle one sees the entire question of the situation in Palestine, there is one fundamental issue that should never be forgotten nor set aside: the illegal occupation of Arab land. As long as we — the Security Council, the international community and all stakeholders — ignore or belittle that, there will be increased suffering, injustice and violations of all kinds that will occur before our eyes. It is appalling that settlers and other civilians have been given no more and no less than a kind of licence to kill.

Secondly, as long as a solution to the illegal occupation is not envisioned and the Palestinian people's legitimate national rights, with Al-Quds Al-Sharif as the Palestinian State capital, are not

recognized, the international community must protect Palestinian civilians, in accordance with all the relevant international conventions. In that regard, I welcome the document issued today by the Secretary-General that provides historical examples, many of the utmost importance and relevance, and could serve as a model for the protection of civilians.

Thirdly, the international community, individual States, the Quartet and the Security Council have a specific responsibility. Debates like today's are necessary, but they must be fruitful and lead to operational measures to de-escalate the crisis and set the conditions to break the current impasse. There is no wall high enough to block the legitimate grievances of young and old alike. Israeli practices are not simply illegal, they are wrong. Just a month ago, the Palestinian flag was raised on the United Nations premises. It is our shared responsibility to make that flag again fly high over its own land, with the establishment of the Palestinian State and Al-Quds Al-Sharif as its capital.

**The President** (*spoke in Spanish*): I now give the floor to the Ambassador of Tunisia.

**Mr. Khiari** (Tunisia) (*spoke in Arabic*): As the international community commemorates the seventieth anniversary of the founding of the United Nations, we remember the horrors that led to its creation and the hope of saving the world from another world war. For the past 50 years, the forces of the occupying Power, in full view of the eyes of the international community, have attacked generations of Palestinians, including women and children. Israel has consistently violated every relevant international instrument and United Nations resolution.

Days, weeks and years pass and nothing happens, except that the situation deteriorates further. Israel does not end its usual practices against the Palestinians and the holy sites in East Jerusalem, or in the West Bank, and Gaza. Israel persists in its colonialist expansion and its attempts to change the status quo with respect to the holy sites and continues to put obstacles in the way of any peace initiative. In 2013 and 2014, the United States attempted to mediate between the parties, but to no avail.

There is no denying that the international community and the Security Council have a responsibility in this matter. Meanwhile, Israel persists in its illegal, immoral practices against Palestinians. It has given free rein to its settlers and to terrorist groups to carry

out acts of aggression in Jerusalem, to attack citizens and holy sites, including the Al-Aqsa Mosque. Those actions seriously aggravate the situation and are a clear indication of Israel's plans to change the traditional status quo in that area and escalate the situation.

Israel must shoulder its responsibilities. We condemn all attacks in East Jerusalem and on the Al-Aqsa Mosque. We consider them to be in flagrant violation of the holy sites of the Muslims and their religion. We have warned the Council that there is bound to be a reaction against the aggression and violence; and, indeed, religious hatred and extremism have been growing. We also condemn the serious military escalation and the unjustified use of force by the occupying Power to prevent the Palestinian people from defending their holy sites, even including extra-judicial executions.

The international community and the Security Council must now change their approach to the question of Palestine. A two-State solution that is just and lasting and that will enable the people of Palestine to recover their legitimate rights must be found. If the current situation is allowed to continue, it will simply get worse. The growing sense of frustration and injustice will have devastating consequences for all the parties. In order to put an end to the tension and uprisings in the region, it is necessary to end the occupation and settlement policy, which is, after all, the root cause of the conflict.

I commend the efforts of the various parties to try to find a just solution to the question of Palestine. We appreciate the endeavours of the Security Council, of the Quartet in its new format, of the Secretary-General and of United States Secretary of State John Kerry to defuse the current situation.

In conclusion, I reaffirm that it is high time to consider what can actually be done to protect the Palestinian people and the holy sites of Islam. Tunisia supports the request of President Mahmoud Abbas to the United Nations to provide international protection to the Palestinian people in keeping with international norms and laws.

**The President** (*spoke in Spanish*): I now give the floor to the representative of the Republic of Korea.

**Mr. Oh Joon** (Republic of Korea): I thank you, Mr. President, for convening this meeting at a time when the situation in the Middle East, especially in Israel and Palestine, is on a dangerous course. The recent

cycle of violence arose across the occupied Palestinian territories and Israel, particularly Jerusalem, reminds both the Israelis and Palestinians of the fact that mutual provocations and unilateral actions will not resolve the Israeli-Palestinian issue. That simple and powerful truth has been echoing within this Chamber for decades.

The Republic of Korea once again urges all parties to put an end to violence and return to the negotiating table to work out a viable framework to resolve the conflict, with the two-State solution at its core. Preserving the historic status quo for the holy sites in Jerusalem and stopping the expansion of settlements in the occupied territory should be the first step towards that goal. The leaders of both Israel and Palestine must not forget that today's violence and hatred not only destroy their present lives but also deprive their children of any hope for a peaceful future. The past several decades of violence and intolerance are proof of that grim reality, and today's dangerous threats of violent extremism further increase the likelihood of that bleak future. We call upon both sides to have more courage and take more responsibility.

The Republic of Korea appreciates the timely and urgent efforts by the Secretary-General, especially his recent visit to the region, in order to prevent escalation and restore a long-term political horizon of peace. We also look forward to recharged mediation efforts by the Quartet. Every possible avenue should be explored to create a more favourable environment for dialogue between Israel and Palestine for a sustainable peace.

On Syria, the Republic of Korea remains deeply concerned about the heavy toll on civilians as the conflict enters its fifth year. The key stakeholders should immediately sit down together to discuss the common denominator with which to start. In this regard, the Republic of Korea fully supports the ongoing efforts of Special Envoy De Mistura in seeking a political solution, which is the only viable option.

We also strongly urge all relevant parties to prevent and minimize civilian casualties and humanitarian crises. It has been reported that an additional nearly 50,000 Syrian people have been displaced following military offensives around Aleppo. The international community must pay closer attention to the unprecedented humanitarian crisis involving refugees and displaced persons and urgently take all necessary measures to address the related human tragedies. We oppose any actions by any party that hinder the

delivery of humanitarian assistance and urge all parties to fully cooperate with the international community's humanitarian efforts.

We also believe that seeking legitimate accountability is part of a sustainable solution. The use of barrel bombs is an explicit violation of resolution 2139 (2014). We welcome the establishment of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, and urge that all parties responsible for the use of chlorine as a weapon be held accountable.

Turning to Yemen, the Republic of Korea welcomes the Yemeni Government's statement on 18 October in which it expressed its willingness to participate in peace talks with the Houthi rebels. We further call on all the parties to make maximum use of this opportunity to forge a sustainable peace and defend the territory of Yemen from the terrorist threat of the Islamic State in Iraq and the Levant.

We are witnessing the increasing vulnerability of the Middle East as the region faces the multifaceted challenges of violent extremism, terrorism and the vicious cycle of violence and intolerance. This has serious negative impacts on the stability of other regions as well as the entire world. This also warrants an enhanced role for the Security Council to maintain peace and security in the region. The Republic of Korea will continue to support the Security Council in fulfilling its mandate.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Ukraine.

**Mr. Fesko** (Ukraine): At the outset, I would like to thank you, Mr. President, for convening today's open debate. Ukraine associates itself with the statement made by the Observer of the European Union earlier today.

Our country is committed to maintaining a balanced and impartial position on the Middle East peace process. We are willing to develop stable and constructive relations with both Israel and Arab States.

On the issue of resolving the Israeli-Palestinian conflict, Ukraine supports the principle of the coexistence of Israel and the Arab States living side by side in peace and security. We support the Middle East peace process and believe that peace in the region can be achieved only if viable mutual concessions are made at the negotiating table. Unfortunately, we are currently

observing the deterioration of the situation in the West Bank and in East Jerusalem, where tensions continue to rise.

Ukraine is deeply concerned about a long-lasting worsening of the situation around the Al-Aqsa Mosque. We call on all parties to show restraint and moderation on this issue. We believe that it is important to avoid any provocations that could lead to further confrontations in a very tense regional context. It is important for both parties to find the courage to respect the holy places in accordance with the principles specified in fundamental international documents, particularly those of UNESCO, and the agreements that regulate the status of the Temple Mount complex.

We believe that direct negotiations between the parties is the only way to achieve a peaceful solution, and any unilateral steps will not solve the key problems standing in the way of a peace settlement. The strategic outcome of the direct negotiations is to create two States that will coexist in peace and security, based on the expectations of the international community for a stable, democratic and prosperous Middle East. Ukraine reiterates its position that the Israeli-Palestinian peace agreement should lie within the framework of the unconditional fulfilment by the parties to the conflict of relevant Security Council resolutions, the Madrid principles, including land for peace, the agreements previously reached by the parties and the 2002 Arab Peace Initiative.

With respect to the situation in Syria, Ukraine reaffirms its commitment to the universal principles and basic norms of international law and advocates strict respect for the territorial integrity and sovereignty of Syria. Ukraine strongly condemns the ongoing violence and systematic violations of human rights in the country. We consider that the Syrian Government bears full responsibility for the present condition of the country and for the sufferings of its people caused by the bloody conflict. Fighting between Government forces, non-State armed groups and listed terrorist groups continues to result in death, injury and displacement of civilians and the destruction of property and infrastructure. Parties to the conflict continue to disregard their obligations under international humanitarian law, specifically regarding the protection of civilians.

Ukraine calls for an immediate end to the bloodshed and for the greater use of political and diplomatic means to resolve the conflict. In expressing solidarity

with the international community on the urgent need to eliminate the Islamic State in Iraq and the Levant (ISIL) as a global threat, Ukraine believes that sustainable peace and stability in the region can be achieved only through a political process aimed at establishing a Syrian Government of national unity and restoring the country's sovereignty and territorial integrity.

Ukraine is concerned over Russia's latest aggressive movements in the Middle East, in particular in Syria. While using the slogan of confronting international terrorism as a cover, the Kremlin is yet again carrying out its policy of breeding and exploiting instability along with the backing of anti-democratic regimes. In the light of Russia's continuing military aggression against Ukraine, which is accompanied by direct support and funding of terrorism in Ukraine's Donbas region, Moscow's declared goal of fighting terrorism in Syria appears especially disingenuous. The attacks by the Russian Air Force in Syria, which have led to civilian deaths but have not caused substantial damage to ISIL, raise serious doubts over Russia's ability to play a constructive role in the Syrian crisis settlement process.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Iceland.

**Mr. Hannigan** (Iceland): I would like to thank the Spanish presidency for convening today's meeting.

Iceland joins others in expressing grave concern at the present spike in violence in the occupied State of Palestine, including East Jerusalem, and in Israel. Acts of terror are unacceptable in all circumstances.

As has been stated, these acts of violence do not occur in a vacuum. Assistant Secretary-General Tayé-Brook Zerihoun highlighted a number of key elements of the context in his briefing to the Security Council last week (S/PV.7536). Among them, he identified demolitions of Palestinian dwellings, ongoing settlements, heavy-handed Israeli military action against civilians and the blockade of Gaza. Collective punishment of the Palestinian population is not only a breach of international law, but it is also demonstrably counterproductive. These ongoing developments on the ground have a key significance for the wider context of this conflict. They add up to the dangerous undermining of the only viable course to peace — a two-State solution.

Yes, there is incitement — on both sides, through the social media, according to Assistant Secretary-



General Zerihoun. But incitement also has a context. Incitement is a part of the violence and is facilitated and given credibility by the wider context of loss of political perspective and a growing despair among the Palestinian population and fear among Israeli civilians. Political leaders on both sides bear a heavy responsibility to encourage restraint.

It is vital that the Council respond urgently and effectively to this crisis. There must be de-escalation and a cessation of all violence from both sides. But the deep distrust that exists between the two parties puts a large question mark over whether de-escalation is possible without external assistance. One Security Council member has commented on the tendency for each side to highlight the provocations and acts of violence by the other side, while seeking to minimize its own actions. There is little chance in the present situation that Palestinians could see the Israeli forces as acting even-handedly.

The Council should look at ways to assist in starting on the long road back to some kind of mutual confidence between the parties. In that regard, we should not forget the huge potential that exists in involving women on all sides. The importance of getting women involved in peace processes was proclaimed by the Council earlier this month, when it marked the fifteenth anniversary of the adoption of resolution 1325 (2000) (see S/PV.7533). In the short term, Palestinians need a sense of security for their own people. The Security Council should look at ways of bringing that about. Palestinians also need confidence that there is a political route to the two-State solution within a finite time period. Israelis must have confidence that their security is not compromised. The urgency is redoubled by the religious dimension, which has become more present since the violence at the holy places in Jerusalem. It is vital that the status quo be maintained, not only in word but also in deed. The Security Council must ensure that the parties are in no doubt as to the importance of that.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Botswana.

**Mr. Nkoloji** (Botswana): At the outset, my delegation wishes to extend its warmest congratulations to the President and his country on its assumption of the presidency of the Security Council for this month. We also appreciate the insightful briefings that we received this morning from various persons, including the statements by the representatives of Israel and the State of Palestine, as well as the Deputy Secretary-General.

My delegation welcomes the continued focus by the United Nations, particularly the Security Council, on this very important topic. Let me express my delegation's profound appreciation for the opportunity accorded to Member States to debate the pressing matter of the situation in the Middle East, which is taking place against the backdrop of rampant violence in that region.

Botswana attaches great importance to the fundamental principle of self-determination for peoples under foreign occupation. It is for that reason that we remain deeply concerned that, despite the sustained efforts of the Security Council, the Palestinian people continue to be denied their inalienable right to self-determination and independence by the occupying Power, Israel. Botswana continues to believe that there is no alternative to the two-State solution, which implies the coexistence of Israel and Palestine, living side by side, as two sovereign States. That cannot be overemphasized.

Botswana joins the international community in deploring the continuing human rights violations in the Middle East, especially in the interactions between Israelis and Palestinians, in which thousands continue to lose their lives, while many remain displaced with no homes, no access to the basic necessities of life and no hope for the future. We call for an end to the horrific situation that innocent civilians continue to endure, which has resulted in millions seeking refuge in neighbouring countries. The living conditions to which the Palestinian people continue to be subjected are appalling and dehumanizing.

In his briefing to the Security Council on 15 September 2015, the Special Coordinator for the Middle East Peace Process, Mr. Nickolay Mladenov, said that

“the Israeli-Palestinian conflict has left an indelible scar on the people and landscape of the region. Frustration, fear and violence have continued to spiral, undermining belief in finding a way out of the impasse” (S/PV.7521, p. 2).

In the light of that statement by Mr. Mladenov, my delegation wishes to encourage the parties to the conflict to return to the negotiating table and resume the long overdue talks and to approach the talks with a spirit of compromise and mutual respect, with a view to reaching a just, lasting and mutually acceptable solution. Nonetheless, we note and welcome the

continued efforts of the Secretary-General, the Middle East Quartet, the Security Council and all those who continue to be committed to the peace process for their relentless efforts to see a peaceful end to the conflict. It is my delegation's belief that those efforts require the full support of the international community.

In conclusion, let me reaffirm Botswana's strong support for the right of the Palestinian people to self-determination. We remain hopeful that someday their plight will become history. Both the Israelis and the Palestinians should give proof of their will and desire to shape their future and end this long, drawn-out conflict.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Sri Lanka.

**Mr. Perera** (Sri Lanka): I join other speakers in commending the President for convening this important debate.

The Sri Lanka delegation associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Finding a just and durable solution to the situation in the Middle East has been a priority for the international community since 1948. As long as the question of Palestine continues to be unresolved, the Middle East will never achieve the peace desired. A just and lasting solution to the question of Palestine and an end to the suffering of the Palestinian people can be achieved only through negotiations and a political process that delivers real results and hope. The international community has repeatedly encouraged concrete, credible steps, including a freeze on illegal settlement building, so as to jump-start meaningful negotiations. The parties must refrain from unilateral measures, which undermine the peace in the region. The ongoing settlement activities, which are illegal under international humanitarian law, need to end at the earliest, which would enable a sustainable peace. All sides should refrain from confrontational actions, which lead to a spiral of violence. The parties should build upon existing agreements, including the relevant Security Council resolutions.

The blockade of the Gaza Strip is another obstacle to the peace process. Those restrictions need to be lifted within the framework of resolution 1860 (2009). That would contribute significantly to the economic advancement of Gaza and the well-being of the people. We note with concern that the United Nations is hard-

pressed to keep the vast majority of the people of Gaza supplied with the minimum necessities. More than one year after the widespread destruction in Gaza last year, thousands of families continue to live in their damaged homes, with winter approaching. As of August 2015, only one third of the \$4 billion pledged by the international community in Cairo in October 2014 has been disbursed. Non-governmental organizations (NGOs) have noted that up to 100,000 Palestinians remain displaced and live in precarious conditions, struggling to gain access to basic services such as electricity, water, sanitation and medical services.

We also strongly support the work of the United Nations agencies in the occupied Palestinian territory, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Office for the Coordination of Humanitarian Affairs, which play key roles in serving Palestinians in the areas of their operations. Those areas include Jordan, Lebanon, Syria, the West Bank and the Gaza Strip. Recently, UNRWA experienced a financial crisis that nearly affected the operations of hundreds of schools run by the Agency. It is critical to avoid such situations in the future, as they aggravate the already difficult conditions faced by Palestinian children, which may, in turn, also encourage them to engage in acts of violence through desperation.

The situation of Palestinian detainees, including women and children, remains a serious concern. Palestinians are being held under administrative detention without charge or trial for an indefinite period of time. Administrative detention is permitted under international law only exceptionally and for short periods of time, but, regrettably, in the occupied Palestinian territories it remains the norm. Indiscriminate attacks against civilians will only enhance feelings of desperation and insecurity and widen the gap between the parties. The security needs of the people of Israel must also be respected. A climate conducive to peace will be encouraged if each side takes an approach sensitive to the other's concerns. We hope that all parties will engage constructively and sincerely to end the conflict and enable lasting peace.

Terrorism originating from the Middle East region has the potential to pose a serious threat to the security and stability of many countries. In today's interconnected world, it is very easy for agents of extremism to spread their ideologies across national borders. In that regard, the lingering question of Palestine is one of the main

factors driving the recruitment of terrorists in the region, as well as worldwide. We also call for respect for the sovereignty and territorial integrity of Syria, which is essential for the preservation of overall peace in the Middle East.

In conclusion, Sri Lanka wishes to reiterate its support for Palestine's application for admission to full membership of the United Nations.

We also support the implementation of United Nations resolutions, including resolution 242 (1967), regarding the inalienable rights of the Palestinian people to statehood, and the achievement of the two-State solution on the basis of the 1967 borders.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Bahrain.

**Mr. Alrowaie** (Bahrain) (*spoke in Arabic*): At the outset, we would like to thank the Kingdom of Spain and its Minister of Foreign Affairs and Cooperation, Mr. García Margallo, for presiding over the Security Council this month and for convening today's open debate at the ministerial level on the situation in the Middle East, including the question of Palestine. I also thank Deputy Secretary-General Jan Eliasson for his briefing at the beginning of this meeting.

The Council is meeting today to debate an item on its agenda that is discussed in open debate on a quarterly basis, namely, the situation in the Middle East, including the Palestinian question. This meeting is being held at a time when the region is witnessing worrisome turns and developments, all under the shadow of the violation by the occupying Power, Israel, of the sanctity of Al-Haram Al-Sharif and the killing of many innocent people. There is no doubt that the exacerbation of the crisis will continue until Israel abides by the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the occupied Arab territories, including occupied Palestinian land.

Such confrontations have led to the killing of many Palestinians and to the injuring of many others by the Israeli occupation forces in the West Bank and the Gaza Strip. The Kingdom of Bahrain, in the face of such deplorable acts, expresses its strong condemnation of the continued aggression and the ongoing breach of international law, as well as of the flagrant violations of humanitarian and moral norms. Such illegal, inhumane acts are likely to snuff out any possibility for peace, as well as to further fuel tensions, violence, extremism and

hatred, which will not build human relations or build bridges of respect, as called for by all religions. Indeed, such acts will not lead to building peaceful societies that uphold dignity, culture and peaceful coexistence. There is no doubt that for Israel to terrorize the Palestinian people by using violence and brutal force will do grave harm to the peace process and will place additional obstacles in the path of any peaceful settlement.

International intervention is urgently required to put an end to Israeli aggression against the Palestinian people, to provide appropriate protection and to avoid any setbacks that could lead to further deterioration and bring harm to the entire region. The international community should create the environment necessary for the resumption of negotiations between Palestinians and Israelis, in order for them to take up fundamental issues in accordance with the relevant United Nations resolutions and internationally agreed terms of reference.

The position of the Kingdom of Bahrain is firm when it comes to Palestine. It is a position based on fundamental pillars, namely, the need to implement the relevant Security Council and General Assembly resolutions; to respect the international terms of reference and the Arab Peace Initiative; to apply the two-State solution; to establish an independent Palestinian State within the pre-1967 borders and with East Jerusalem as its capital; and to lift the unjust and illegal siege of the Gaza Strip. In that regard, the international community must shoulder its responsibility to ease the suffering of the Palestinian people in the Gaza Strip. Without question, a peaceful settlement to the problems of the Middle East must include an end to Israel's occupation of Arab and Palestinian lands held since 1967, including East Jerusalem and the Syrian Golan; the total withdrawal by Israel from remaining occupied Lebanese lands, in accordance with the relevant Security Council resolutions; the establishment of an independent and fully sovereign Palestinian State; and a just solution ensuring the return of Palestinian refugees to their towns and villages, in accordance with General Assembly resolution 194 (III). We stress the need to implement the relevant Security Council and General Assembly resolutions and for unconditional respect for the principles of international legitimacy.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Cuba.

**Mr. León González** (Cuba) (*spoke in Spanish*): We support the statement delivered by the representative

of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The situation in the region of the Middle East continues to be of grave concern to the international community. Just a year after Israel's most recent attack on the Gaza Strip, in which more than 2,000 Palestinians lost their lives, among them at least 299 women and 556 children, and which plunged that territory into terror, death and mass destruction, the Palestinian people continue to be the victims of acts of aggression perpetrated by Israel, which continues to occupy their land, murder their children, destroy their homeland and shred their inalienable rights, including the right to self-determination.

Despite the periodic open debates in the Security Council, which have demonstrated overwhelming support for the Palestinian cause, the Council has unfortunately failed to adopt a single resolution demanding that Israel put an immediate end to its military occupation of Palestinian and Arab territories; that it lift the blockade against the Gaza Strip; that it halt the construction and expansion of its illegal settlements and of the separation wall in the occupied Palestinian territory; and that Israel be held accountable for the war crimes it has committed and its collective punishment of the Palestinian people. We cannot allow the Palestinian cause to continue without a just resolution.

This organ must fulfil its obligation to promote a negotiated settlement that guarantees the end of the Israeli occupation of Palestinian territory; the peaceful coexistence of two independent States; the establishment of the independent, sovereign and viable State of Palestine, with its capital in East Jerusalem and with the pre-1967 borders; along with a just solution to the problem of Palestine refugees, in accordance with General Assembly resolution 194 (III).

We are convinced that the solution to this long-standing conflict could contribute to significantly reducing current tensions in the Middle East.

My delegation once again reiterates in this Chamber its strong condemnation of the Israeli settlement campaign in the occupied Palestinian territories, including East Jerusalem, and of all the measures, policies and practices connected to that campaign, which, in addition to the construction and expansion of illegal settlements and the wall, includes the destruction and confiscation of Palestinian land and property, the forced displacement of hundreds of thousands of

Palestinian families and the transfer of settlers into occupied Palestinian territory, among other violations of international law, international humanitarian law and United Nations resolutions. My delegation also condemns the violence, provocations and incitement to hatred and terror by Israeli settlers, and the arbitrary detentions and mass incarcerations, and demands that they end once and for all. Cuba reaffirms its full support for the admission of Palestine as a full Member of this Organization.

Many of the pledges made for the reconstruction of the Gaza Strip following the terrible bombings and massive destruction inflicted by Israel in July and August 2014 have not materialized. We call on all members of the international community to fulfil their commitments and work to rebuild that devastated area.

Achieving peace in Syria will be possible only through respect for its people's right to decide their own destiny. A political solution through dialogue and negotiation is the only alternative to the conflict in Syria. Anyone fuelling the conflict from outside with a declared goal of regime change bears responsibility for the thousands of civilian casualties that have mounted up during four years of fighting. We would like to once again emphasize our alarm at the loss of innocent lives as a result of the conflict in Syria and once again condemn every act of violence committed against civilians there. But claiming to protect human lives and combat extremist elements cannot be a pretext for foreign intervention. That is why we call for the withdrawal of any foreign presence in Syria without the consent of the Syrian Government and appropriate coordination with its authorities. The United Nations, particularly the Council, should urge for an immediate ceasefire as a preliminary to dialogue and negotiations, and should not promote initiatives that encourage further tensions and that have yet to produce concrete results.

The world's leaders recently adopted the new 2030 Agenda for Sustainable Development for the next 15 years (General Assembly resolution 70/1). Now begins the most difficult stage, which will require significant financial and human resources to implement. We have no right to sacrifice present and future generations to the horrors of war and the devastation it causes, no matter where it occurs. The Security Council has a crucial role to play in helping all the peoples of the Middle East to achieve their aspirations to the well-being, peace and development that they deserve. Its

members should be advocates for peaceful solutions, without foreign interference, that will safeguard States' sovereignty and territorial integrity and make a decisive contribution to preserving the lives of the people affected by the conflicts in the region.

**The President** (*spoke in Spanish*): I now give the floor to the representative of Zimbabwe.

**Mr. Ntonga** (Zimbabwe): I would like to thank the Spanish presidency for convening this important open debate and for giving this issue the significance it deserves. I would also like to thank the Deputy Secretary-General, Mr. Jan Eliasson, for his insightful briefing, and the Ministers who participated in the debate for their constructive proposals.

Zimbabwe aligns itself with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We are seriously concerned about the acts of violence in and around the holy sites and by any attempt to change the status quo in East Jerusalem. Access to the Temple Mount and other holy sites must be preserved under the status quo arrangements. The recent tragic events are a stark reminder of the plight of the Palestinian people, owing to a systematic denial of their right to self-determination. We welcome the insistence of the President and other Council members that urgent steps must be taken to stop the violence. Furthermore, as some other delegations have pointed out, this is not a conflict between equal forces. The Council must therefore take appropriate measures to ensure the protection of Palestinian civilians.

The current violent actions are a direct result of hopelessness and despair at the grim prospects for a two-State solution, which nonetheless offers the best prospects for peace. Israel's security cannot be guaranteed by using excessive force to inflict collective punishment on defenceless Palestinian civilians. The spiral of violence feeds into extremism and terrorism. The situation requires that the Security Council act decisively to put a halt to all such violations of international law, including humanitarian and human rights law.

The Security Council shares the blame for the longest continuous occupation in modern history. No measures have been taken to stop the aggression against the Palestinian people, and that has emboldened the occupying Power to act with impunity in blatant

violation of Security Council and General Assembly resolutions. The Council must protect the people in the occupied territories. In that regard, we look forward to the Secretary-General's report on ways to respond to President Abbas's request for international protection for the Palestinian people in accordance with international law and the relevant resolutions.

The deteriorating situation in the occupied territories makes it even more urgent to relaunch the political process, end the impasse and restore hopes for a two-State solution. We welcome the recent initiatives taken by the expanded Quartet to revive the peace process, and those by some members of the Security Council. The Council should shoulder its responsibilities and create conditions conducive to negotiations by engaging both parties to the conflict, and other international partners, in discussions on a time frame for commencing negotiations. We would like to underscore the importance of salvaging a two-State solution, based on the pre-1967 borders and the need for a just and comprehensive peace for Palestine. Zimbabwe reaffirms its solidarity with the Palestinian people and supports realization of their legitimate national aspirations and inalienable rights, including to self-determination and freedom in an independent State of Palestine with East Jerusalem as its capital, living side by side in peace and harmony with the State of Israel.

**The President** (*spoke in Spanish*): The representative of Israel has asked for the floor to make a further statement. I intend to accede to her request. However, I would remind all delegations that are not Council members that they are limited to one additional statement only.

**Ms. Meitzad** (Israel): Israel cannot remain silent in the face of the reckless and inflammatory allegations about my country made earlier by several delegations. Sitting here today in the Council, I was amazed to hear that several Arab countries still insist that the Israeli-Palestinian conflict is at the centre of the problems in the Middle East. They say this while thousands of their brothers are being massacred by the Syrian regime, slaughtered and executed by the Islamic State in Iraq and Syria, or terrorized by Hizbullah, Jabhat Al-Nusra or Ansar Beit Al-Maqdis.

Turning to Lebanon, I find it amazing that the representative of a country that for two years now has failed even to elect a president has the nerve to criticize

the Prime Minister of a democratic country. Let us not forget that in Lebanon a terrorist group that assists the Al-Assad regime in slaughtering civilians is part of the Government — half of the Cabinet, in fact.

Regarding Saudi Arabia, it is the height of audacity for the representative of a country that routinely carries out public beheadings, including of teenagers, to criticize the measures that Israel takes to defend itself. A young Saudi protester, Ali Mohammed Al-Nimr, age 17, is set to be beheaded for encouraging protest during the Arab Spring. This is a country that engages in indiscriminate bombing and is attacking anything that moves. It recently killed at least 70 civilians when it bombed a wedding party in Yemen. Perhaps countries that engage in the indiscriminate bombing of innocents should not raise the issue of war crimes.

Earlier, we heard the representative of one of the world's worst human rights abusers, Venezuela, accuse Israel of abusing human rights. That Jeffersonian democracy deprives its citizens of democratic rights by repressing and imprisoning opposition members. Here in the Council, Venezuelan leaders enjoy full freedom of speech; the same is not true for their constituents back home. Venezuela's accusations and conspiracy theories cannot be answered in a brief right of reply. It is disheartening that one of the 15 representatives on the Council should utter such baseless accusations.

As for the Palestinians, it is unfortunate that they are repeating their false accusations and breached the protocol of the Security Council by disrupting the Israeli representative's speech. Interestingly enough, no one seemed surprised. The Palestinian observer did not answer one particular question: Why does Palestine refuse to negotiate? Its baseless accusations and malicious lies have been answered time and time again, including in our speech this morning, and I do not want to waste the Council's time by discussing them. An offer was made yet again in the Council for President Abbas to discuss peace here at the United Nations or in Ramallah, Jerusalem or anywhere else.

For those who have spent the entire meeting listening to hateful incitement, let me repeat the words of Israel's Permanent Representative: "Like people everywhere, the people of Israel seek to live in peace and to see their children prosper". Despite the difficult time my country is facing, we remain confident in the promise of Israel's future. We call on the Palestinians to join us on the path to peace and reconciliation. Together, we can create a better future for both our peoples. As we said this morning, we aspire to peace and we are committed to the status quo.

**The President** (*spoke in Spanish*): There are no more speakers on my list.

*The meeting rose at 7 p.m.*

**Security Council**Distr.: General  
23 December 2016**Resolution 2334 (2016)****Adopted by the Security Council at its 7853<sup>rd</sup> meeting, on  
23 December 2016***The Security Council,*

*Reaffirming* its relevant resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),

*Guided* by the purposes and principles of the Charter of the United Nations, and reaffirming, *inter alia*, the inadmissibility of the acquisition of territory by force,

*Reaffirming* the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and *recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

*Condemning* all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, *inter alia*, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

*Expressing* grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

*Recalling* the obligation under the Quartet Roadmap, endorsed by its resolution 1515 (2003), for a freeze by Israel of all settlement activity, including “natural growth”, and the dismantlement of all settlement outposts erected since March 2001,

*Recalling* also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

*Condemning* all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

*Reiterating* its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

*Stressing* that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

1. *Reaffirms* that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;

2. *Reiterates* its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard;

3. *Underlines* that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

4. *Stresses* that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;

5. *Calls* upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

6. *Calls* for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;

7. *Calls upon* both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, *inter alia*, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

8. *Calls upon* all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;



9. *Urges in this regard* the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and *underscores* in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation;

10. *Confirms its determination* to support the parties throughout the negotiations and in the implementation of an agreement;

11. *Reaffirms* its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

12. *Requests* the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;

13. *Decides* to remain seized of the matter.

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Speech

# The Status Quo governing Jerusalem's holy sites preserves peace: UK statement at the Security Council

Statement by Ambassador Barbara Woodward at the UN Security Council meeting on situation in the Middle East

From:

[Foreign, Commonwealth & Development Office](#)

[\(/government/organisations/foreign-commonwealth-development-office\)](#) and [Dame Barbara Woodward DCMG OBE \(/government/people/barbara-woodward\)](#)

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Thank you President,

I also join others in thanking ASG Khiari for his briefing.

Firstly, the UK recognises that Jerusalem's holy sites including Haram al Sharif/Temple Mount hold particular significance for many around the globe, especially the three Abrahamic faiths of Christianity, Islam and Judaism. In that context, the visit was made by the Israeli minister for National Security has the potential to increase tensions.

The United Kingdom strongly supports the historic Status Quo governing Jerusalem's holy sites, which protects the sites and those who worship there, and preserves peace.

The UK also recognises and values Jordan's important role as custodian of the holy sites and urges the importance of cooperation with the Jordanian authorities in this regard. The UK is committed to working with all parties to uphold this Status Quo in Jerusalem. All parties must avoid actions which inflame tensions, undermine the cause of peace, or unilaterally seek to alter the Status Quo.

Second, our position on the status of Jerusalem is clear and long-standing: it should be determined in a negotiated settlement between the Israelis and the Palestinians,

ensuring that Jerusalem is the shared capital of the Israeli and Palestinian states, with access and religious rights of all peoples fully respected. **HP EXHIBIT 159**

Third, the UK reaffirms its support for a Two State Solution, based on 1967 lines and Jerusalem as the shared capital, as the only way to ensure a lasting peace between the parties. We are concerned by levels of violence in the OPTs and Israel. I encourage all parties to avoid actions that undermine the prospects of peace.

Thank you President.

Published 5 January 2023

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*Hoc* Working Group to undertake its deliberations during the thirty-sixth session;

3. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security".

94th plenary meeting  
12 December 1980

**35/169. Question of Palestine**

**A**

*The General Assembly,*

*Recalling and reaffirming* its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979 and ES-7/2 of 29 July 1980,

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>38</sup>

*Having heard* the statement of the Palestine Liberation Organization, the representative of the Palestinian people,<sup>39</sup>

1. *Expresses its grave concern* that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, and that Security Council resolution 242 (1967) of 22 November 1967 does not provide for the future and for the inalienable rights of the Palestinian people, the attainment of which is a *conditio sine qua non* for a just solution of the question of Palestine;

2. *Reaffirms* that a just and lasting peace in the Middle East cannot be established without the achievement, *inter alia*, of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people, including the right of return and the right to self-determination, national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law;

3. *Stresses* the basic principle that the future of the Palestinian people cannot be discussed in their absence and, therefore, calls once more for the invitation of the Palestine Liberation Organization, the representative of the Palestinian people, to participate, on the basis of General Assembly resolution 3237 (XXIX) of 22 November 1974, in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties;

4. *Endorses* the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People contained in paragraphs 45 to 48 of its report and draws the attention of the Security Council to the need for urgent action thereon;

5. *Reaffirms* the inalienable right of the Palestinians to return to their homes and property in Palestine, from

which they have been displaced and uprooted, and calls for their return;

6. *Reaffirms also* the inalienable rights in Palestine of the Palestinian people, including:

(a) The right to self-determination without external interference, and to national independence and sovereignty;

(b) The right to establish its own independent sovereign State;

7. *Strongly reaffirms* its repeated endorsement of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as contained in paragraphs 59 to 72 of its report on its thirty-first session, and as reproduced in the annex to the present resolution;

8. *Demands* the complete and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, in conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force;

9. *Demands* that Israel should fully comply with the provisions, in particular, of Security Council resolution 465 (1980) adopted unanimously on 1 March 1980;

10. *Further demands* that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980, and rejects the declaration of Israel that Jerusalem is its capital;

11. *Expresses its opposition* to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

12. *Condemns* Israel for its non-compliance with the provisions of General Assembly resolution ES-7/2 and Security Council resolutions 465 (1980) and 478 (1980) and other relevant resolutions of the United Nations;

13. *Requests* the Security Council to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter;

14. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Question of Palestine".

95th plenary meeting  
15 December 1980

**ANNEX**

**Recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, endorsed by the General Assembly at its thirty-first session<sup>40</sup>**

**I. BASIC CONSIDERATIONS AND GUIDELINES**

59. The question of Palestine is at the heart of the Middle East problem, and, consequently, the Committee stressed its belief that no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people.

60. The legitimate and inalienable rights of the Palestinian people to return to their homes and property and to achieve self-determination, national independence and sovereignty are endorsed by the Committee in the conviction that the full implementation of these rights will contribute decisively to a comprehensive and final settlement of the Middle East crisis.

<sup>40</sup>The recommendations endorsed by the General Assembly in its resolution 31/20 were originally issued as part two of *Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35)*.

<sup>38</sup>*Ibid.*, Thirty-fifth Session, Supplement No. 35 (A/35/35).

<sup>39</sup>*Ibid.*, Thirty-fifth Session, Plenary Meetings, 75th meeting, paras. 85-141.

## II. Resolutions adopted without reference to a Main Committee

27

61. The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties, on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX) is indispensable in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations.

62. The Committee recalls the fundamental principle of the inadmissibility of the acquisition of territory by force and stresses the consequent obligation for complete and speedy evacuation of any territory so occupied.

63. The Committee considers that it is the duty and the responsibility of all concerned to enable the Palestinians to exercise their inalienable rights.

64. The Committee recommends an expanded and more influential role by the United Nations and its organs in promoting a just solution to the question of Palestine and in the implementation of such a solution. The Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their right to return to their homes, lands and property. The Committee, furthermore, urges the Security Council to promote action towards a just solution, taking into account all the powers conferred on it by the Charter of the United Nations.

65. It is with this perspective in view and on the basis of the numerous resolutions of the United Nations, after due consideration of all the facts, proposals and suggestions advanced in the course of its deliberations, that the Committee submits its recommendations on the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people.

## II. RIGHT OF RETURN

66. The natural and inalienable right of Palestinians to return to their homes is recognized by resolution 194 (III), which the General Assembly has reaffirmed almost every year since its adoption. This right was also unanimously recognized by the Security Council in its resolution 237 (1967); the time for the urgent implementation of these resolutions is long overdue.

67. Without prejudice to the right of all Palestinians to return to their homes, lands and property, the Committee considers that the programme of implementation of the exercise of this right may be carried out in two phases.

*Phase one*

68. The first phase involves the return to their homes of the Palestinians displaced as a result of the war of June 1967. The Committee recommends that:

(a) The Security Council should request the immediate implementation of its resolution 237 (1967) and that such implementation should not be related to any other condition;

(b) The resources of the International Committee of the Red Cross and/or of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, suitably financed and mandated, may be employed to assist in the solution of any logistical problems involved in the resettlement of those returning to their homes. These agencies could also assist, in co-operation with the host countries and the Palestine Liberation Organization, in the identification of the displaced Palestinians.

*Phase two*

69. The second phase deals with the return to their homes of the Palestinians displaced between 1948 and 1967. The Committee recommends that:

(a) While the first phase is being implemented, the United Nations in co-operation with the States directly involved, and the Palestine Liberation Organization as the interim representative of the Palestinian entity, should proceed to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III);

(b) Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in resolution 194 (III).

## III. RIGHT TO SELF-DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY

70. The Palestinian people has the inherent right to self-determination, national independence and sovereignty in Palestine. The Committee considers that the evacuation of the territories occupied by force and in violation of the principles of the Charter and relevant resolutions of the United Nations is a *conditio sine qua non* for the exercise by the Palestinian people of its inalienable rights in Palestine. The Committee considers, furthermore, that upon the return of the Palestinians to their homes and property and with the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise its rights to self-determination and to decide its form of government without external interference.

71. The Committee also feels that the United Nations has a historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity.

72. To these ends, the Committee recommends that:

(a) A time-table should be established by the Security Council for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977;

(b) The Security Council may need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;

(c) Israel should be requested by the Security Council to desist from the establishment of new settlements and to withdraw during this period from settlements established since 1967 in the occupied territories; Arab property and all essential services in these areas should be maintained intact;

(d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>41</sup> and to declare, pending its speedy withdrawal from these territories, its recognition of the applicability of that Convention;

(e) The evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, will subsequently hand over these evacuated areas to the Palestine Liberation Organization as the representative of the Palestinian people;

(f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;

(g) As soon as the independent Palestinian entity has been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity.

## B

*The General Assembly,*

*Recalling and reaffirming* its resolutions 34/65 A to D of 29 November and 12 December 1979,

*Taking note* of paragraphs 31 and 47 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>42</sup>

1. *Reaffirms* its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and

<sup>41</sup>United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>42</sup>*Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 35 (A/35/35)*.

which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967;

2. *Expresses its strong opposition* to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967;

3. *Declares* that no State has the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing, in accordance with the relevant United Nations resolutions, and rejects all such actions, measures and negotiations.

*95th plenary meeting  
15 December 1980*

**C**

*The General Assembly,*

*Recalling* its resolutions 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979 and ES-7/3 of 29 July 1980,

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>42</sup>

1. *Expresses its appreciation* to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Requests* the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

3. *Authorizes* the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-sixth session and thereafter;

4. *Requests* the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to make available to the Committee, at its request, the relevant information and documentation which they have at their disposal;

5. *Decides* to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

6. *Requests* the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

*95th plenary meeting  
15 December 1980*

**D**

*The General Assembly,*

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>42</sup>

*Noting*, in particular, the information contained in paragraphs 20 to 29 and 38 to 44 of that report,

*Recalling* its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978 and 34/65 D of 12 December 1979,

1. *Notes with appreciation* the action taken by the Secretary-General in compliance with General Assembly resolution 34/65 D;

2. *Requests* the Secretary-General to ensure that the Special Unit on Palestinian Rights of the Secretariat, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance, continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of resolution 34/65 D;

3. *Also requests* the Secretary-General to keep under constant review the question of the strengthening of the Special Unit on Palestinian Rights and to provide it with the resources necessary to discharge the responsibilities assigned to it by the General Assembly as well as the redesignation of the Special Unit as requested in paragraph 1 of resolution 34/65 D;

4. *Further requests* the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Special Unit on Palestinian Rights to perform its tasks;

5. *Invites* all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights in the performance of their tasks;

6. *Notes with appreciation* the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

*95th plenary meeting  
15 December 1980*

**E**

*The General Assembly,*

*Recalling and reaffirming* its resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

*Recalling* the resolutions of the Security Council relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

*Reaffirming* that the acquisition of territory by force is inadmissible,

*Bearing in mind* the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

*Expressing its satisfaction* at the decision taken by the States which have responded to Security Council resolution 478 (1980) and withdrawn their diplomatic representatives from the Holy City of Jerusalem,

*Recalling* the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>43</sup>

*Deploring* the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

*Deeply concerned* over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

1. *Censures* in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem;

2. *Affirms* that the enactment of the "Basic Law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the recent "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. *Decides* not to recognize that "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all States, specialized agencies and other international organizations to comply with the present resolution and other relevant resolutions and urges them not to conduct any business which is not in conformity with the provisions of the present resolution and the other relevant resolutions.

95th plenary meeting  
15 December 1980

**35/206. Policies of apartheid of the Government of South Africa<sup>44</sup>**

**A**

**SITUATION IN SOUTH AFRICA**

*The General Assembly,*

*Conscious* of the responsibility of the United Nations and the international community towards the oppressed people of South Africa and their national liberation movement, as proclaimed, in particular, in General Assembly resolution 3411 C (XXX) of 28 November 1975,

*Having considered* the reports of the Special Committee against *Apartheid*,<sup>45</sup>

*Recalling* Security Council resolution 473 (1980) of 13 June 1980,

*Taking note* of the great advance in the struggle of the oppressed people of South Africa and their national liberation movement,

*Gravely concerned* at the further aggravation of the situation in South Africa, resulting from the policies and actions of the *apartheid* régime,

*Considering* that the policy of "bantustanization" aggravates the situation in the region,

*Reaffirming* that the policies and actions of the *apartheid* régime, the strengthening of its military forces and the escalating acts of aggression and subversion of that régime against independent African States constitute a grave threat to international peace and security,

*Considering* that the acquisition of nuclear capability by the *apartheid* régime constitutes a grave menace to Africa and the world,

*Condemning* all military, nuclear and other collaboration by certain States with South Africa,

*Condemning also* the collaboration by transnational corporations and financial institutions with South Africa,

*Reaffirming* that *apartheid* is a crime against humanity,

*Recognizing* that the so-called constitutional and other reforms by the racist minority régime are no more than mere adjustments within the framework of *apartheid*,

*Convinced* that it is incumbent on the international community to provide all necessary assistance to the oppressed people of South Africa and their national liberation movement in their legitimate struggle for the establishment of a democratic society in accordance with their inalienable human and political rights, as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>46</sup>

*Recalling and reaffirming* the Declaration on South Africa contained in resolution 34/93 O of 12 December 1979,

1. *Reaffirms* the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movement by all available means, including armed struggle, for the seizure of power by the people, the elimination of the *apartheid* régime and the exercise of the right of self-determination by the people of South Africa as a whole;

2. *Strongly condemns* the racist minority régime for its brutal repression and indiscriminate torture and killings of workers, schoolchildren and other opponents of *apartheid*;

3. *Vehemently condemns* the Pretoria régime's persistent attempts at destabilization of neighbouring States and its repeated acts of aggression and subversion;

4. *Further condemns* that régime for its defiance of Security Council resolution 473 (1980);

5. *Urges* the Security Council to determine that the situation in South Africa, and in southern Africa as a whole, resulting from the policies and actions of the

<sup>43</sup>Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 22 (A/35/22) and Supplement No. 22 A (A/35/22/Add.1-3).

<sup>44</sup>Resolution 217 A (III).

<sup>45</sup>United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>46</sup>See also sect. I, foot-note 8, and sect. X.B.2, decision 35/415.



Welcoming the decision of the Scientific Committee to submit its report with scientific annexes to the General Assembly at its thirty-seventh session,

1. *Commends* the United Nations Scientific Committee on the Effects of Atomic Radiation for the valuable contribution it has been making in the course of the past twenty-six years, since its inception, to wider knowledge and understanding of the levels, effects and risks of atomic radiation, and for fulfilling its original mandate with scientific authority and independence of judgement;

2. *Notes with satisfaction* the continued and growing scientific co-operation between the Scientific Committee and the United Nations Environment Programme;

3. *Requests* the Scientific Committee to continue its work, including its important co-ordinating activities, to increase knowledge of the doses, effects and risks of ionizing radiation from all sources;

4. *Endorses* the Scientific Committee's intention to continue its activity of scientific review and assessment on behalf of the General Assembly;

5. *Requests* the United Nations Environment Programme to continue providing support for the effective conduct of the Scientific Committee's work and for the dissemination of its findings to the General Assembly, the scientific community and the public;

6. *Expresses its appreciation* for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations and invites them to increase their co-operation in this field;

7. *Endorses* the Scientific Committee's renewed request that Member States and the United Nations agencies and non-governmental organizations concerned should provide further relevant data about doses, effects and risks from various sources of radiation, which would greatly help the Committee in the preparation of its next major report to the General Assembly.

*42nd plenary meeting  
28 October 1981*

**36/15. Recent developments in connection with excavations in eastern Jerusalem**

*The General Assembly,*

*Reaffirming* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>3</sup> is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

*Recalling* its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967, 3092 (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979 and 35/122 of 11 December 1980,

*Recalling* Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

*Bearing in mind* the need to protect and preserve the unique spiritual and religious character and dimensions of the Holy City of Jerusalem,

*Expressing its very grave concern* that Israel, as the occupying Power, persists in excavating and transforming the historical, cultural and religious sites of Jerusalem,

<sup>3</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

*Noting with alarm* that the excavations and transformations in progress seriously endanger the historical, cultural and religious sites of Jerusalem as well as its over-all configuration and that these sites have never been as endangered as they are today,

*Noting with satisfaction and approval* the decision of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization to include the Old City of Jerusalem and its walls on the World Heritage List,

*Noting with appreciation* the recommendation of the Executive Board of the United Nations Educational, Scientific and Cultural Organization during its one hundred and thirteenth session that the World Heritage Committee should speed up the procedure for including the Old City of Jerusalem and its walls in the List of World Heritage in Danger,

1. *Determines* that the excavations and transformations of the landscape and of the historical, cultural and religious sites of Jerusalem constitute a flagrant violation of the principles of international law and the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. *Decides* that such violations by Israel constitute a serious obstruction to achieving a comprehensive and just peace in the Middle East as well as a threat to international peace and security;

3. *Demands* that Israel desist forthwith from all excavations and transformations of the historical, cultural and religious sites of Jerusalem, particularly beneath and around the Moslem Holy Sanctuary of Al-Haram Al-Sharif (Al Masjid Al Aqsa and the Sacred Dome of the Rock), the structures of which are in danger of collapse;

4. *Requests* the Security Council to consider this situation in case Israel fails to comply immediately with the present resolution;

5. *Requests* the Secretary-General to report to the General Assembly and the Security Council, not later than 23 November 1981, on the implementation of the present resolution.

*42nd plenary meeting  
28 October 1981*

**36/35. International co-operation in the peaceful uses of outer space**

*The General Assembly,*

*Recalling* its resolution 35/14 of 3 November 1980,

*Deeply convinced* of the common interest of mankind in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point,

*Reaffirming* the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space,

*Taking note with satisfaction* of the progress achieved in various national and co-operative space projects, such as the launch of the Ariane rocket by the European Space Agency, the flight of the United States Space Shuttle Orbiter Columbia and the completion of the first stage of the Voyager II mission, the Salyut Soyuz orbital research programme of the Union of Soviet Socialist Republics and the successful outer space missions by the first Mongolian and Romanian cosmonauts, the successful launching of the

17. *Calls upon* all Member States and organizations of the United Nations system to increase their assistance to the African States affected by serious economic problems, in particular problems of displaced persons, resulting from natural or other disasters, by mobilizing special economic and emergency assistance programmes;

18. *Calls upon* all Member States and regional and international organizations, in particular those of the United Nations system, and non-governmental organizations to increase substantially their aid to refugees in Africa;

19. *Requests* the Department of Public Information of the Secretariat and all the specialized agencies and other organizations of the United Nations system to give wider publicity and intensify the dissemination of information on social and economic development matters concerning Africa;

20. *Calls upon* United Nations bodies, in particular the Security Council, the Economic and Social Council, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee against Apartheid and the United Nations Council for Namibia, to continue to associate closely the Organization of African Unity with all their work concerning Africa;

21. *Urges* the specialized agencies and the other organizations concerned within the United Nations system to continue and expand their co-operation with the Organization of African Unity and, through it, their assistance to the liberation movements recognized by that organization;

22. *Requests* the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the implementation of the present resolution and on the development of co-operation between the Organization of African Unity and the organizations concerned within the United Nations system.

*90th plenary meeting  
9 December 1981*

### 36/105. Question of the Comorian island of Mayotte

*The General Assembly,*

*Recalling* its resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration,

*Recalling also* its previous resolutions, in particular resolutions 3161 (XXVIII) of 14 December 1973, 3291 (XXIX) of 13 December 1974, 31/4 of 21 October 1976, 32/7 of 1 November 1977, 34/69 of 6 December 1979 and 35/43 of 28 November 1980, in which it, *inter alia*, affirmed the unity and territorial integrity of the Comoros,

*Recalling*, in particular, its resolution 3385 (XXX) of 12 November 1975 on the admission of the Comoros to membership in the United Nations, in which it reaffirmed the necessity of respecting the unity and territorial integrity of the Comoro Archipelago, composed of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli,

*Recalling further* that, in accordance with the agreements signed on 15 June 1973 between the Comoros and France concerning the accession of the Comoros to independence, the results of the referendum of 22 December 1974 were to be considered on a global basis and not island by island,

*Convinced* that a just and lasting solution to the question of Mayotte is to be found in respect for the sovereignty, unity and territorial integrity of the Comoro Archipelago,

*Taking note* of the talks opened between the Government of the Islamic Federal Republic of the Comoros and the Government of the French Republic,

*Taking note* of the report of the Secretary-General,<sup>50</sup>

*Bearing in mind* the decisions of the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference concerning this question,

1. *Reaffirms* the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;

2. *Invites* the Government of France to honour the commitments entered into prior to the referendum on the self-determination of the Comoro Archipelago of 22 December 1974 concerning respect for the unity and territorial integrity of the Comoros;

3. *Also invites* the Government of France to resume and actively pursue the negotiations with the Government of the Comoros with a view to ensuring the effective return of the island of Mayotte to the Comoros as soon as possible;

4. *Requests* the Secretary-General of the United Nations to follow developments concerning this question, in conjunction with the Secretary-General of the Organization of African Unity, and to report thereon to the General Assembly at its thirty-seventh session;

5. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Question of the Comorian island of Mayotte".

*92nd plenary meeting  
10 December 1981*

### 36/120. Question of Palestine

#### A

*The General Assembly,*

*Recalling* its resolutions 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A and B of 29 November 1979, 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980 and 35/169 A to E of 15 December 1980,

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>51</sup>

1. *Expresses its appreciation* to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Requests* the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

3. *Authorizes* the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-seventh session and thereafter;

4. *Requests* the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

<sup>50</sup> A/36/671.

## II. Resolutions adopted without reference to a Main Committee

27

5. *Decides* to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

6. *Requests* the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

93rd plenary meeting  
10 December 1981

## B

*The General Assembly,*

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>51</sup>

*Taking note*, in particular, of the information contained in paragraphs 39 to 48 of that report,

*Recalling* its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979 and 35/169 D of 15 December 1980,

1. *Takes note with appreciation* of the action taken by the Secretary-General in compliance with General Assembly resolution 35/169 D;

2. *Requests* the Secretary-General to ensure that the Special Unit on Palestinian Rights of the Secretariat continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of Assembly resolution 34/65 D, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. *Requests* the Secretary-General to provide the Special Unit on Palestinian Rights with the necessary additional resources to accomplish its tasks and to expand its work programme, *inter alia* through:

(a) The organization annually of a seminar in North America in addition to the regional seminars;

(b) More widespread dissemination of its publications in all the official languages;

(c) The translation of those publications into languages other than the official languages of the United Nations;

4. *Also requests* the Secretary-General to take necessary action on the redesignation of the Special Unit on Palestinian Rights, as requested in paragraph 1 of resolution 34/65 D, in keeping with the political importance of its work and its expanded work programme;

5. *Further requests* the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Special Unit on Palestinian Rights to perform its tasks, *inter alia* through the production, in consultation with the Committee, of a film on Palestinian rights and through the provision of copies of the photographic exhibit on Palestinian rights installed at United Nations Headquarters and of other visual material for use by the Special Unit and United Nations information centres;

6. *Invites* all Governments and organizations to lend their co-operation to the Committee and the Special Unit on Palestinian Rights in the performance of their tasks;

7. *Takes note with appreciation* of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

93rd plenary meeting  
10 December 1981

<sup>51</sup> Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 35 (A/36/35).

## C

*The General Assembly,*

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>51</sup>

*Recalling* its relevant resolutions, particularly resolutions 31/20 of 24 November 1976 and ES-7/2 of 29 July 1980,

*Gravely concerned* that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

*Convinced* that wider international recognition of the facts underlying the question of Palestine will lead to a just solution of the problem,

*Recognizing* that a lasting peace in the Middle East requires a just solution of the problem of Palestine through the attainment and exercise by the Palestinian people of its inalienable rights,

*Emphasizing* the need for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and to exercise those rights,

1. *Decides* to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine not later than 1984, on the basis of General Assembly resolution ES-7/2;

2. *Authorizes* the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization, to hold sessions particularly for this purpose and to make recommendations regarding, *inter alia*, the site, scheduling of and participation in the Conference, and the provisional agenda of the Conference;

3. *Invites* all appropriate United Nations bodies, the specialized agencies and other intergovernmental and non-governmental organizations to co-operate with the Committee in the implementation of the present resolution;

4. *Requests* the Secretary-General to appoint a Secretary-General of the Conference and to provide all the necessary assistance to the Committee in the organization of the Conference.

93rd plenary meeting  
10 December 1981

## D

*The General Assembly,*

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People<sup>51</sup> and the recommendations contained therein,<sup>52</sup>

*Having heard* the statement of the Palestine Liberation Organization, the representative of the Palestinian people,<sup>53</sup>

*Expressing its extreme concern* that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

*Reaffirming* that a just and comprehensive lasting peace in the Middle East requires a just solution to the problem of Palestine through the attainment by the Palestinian people of its inalienable rights,

*Resolutely emphasizing* the inadmissibility of the acquisition of territory by force.

<sup>52</sup> *Ibid.*, sect. V.

<sup>53</sup> *Ibid.*, Thirty-sixth Session, Plenary Meetings, 80th meeting, paras. 79-134.

Recognizing the need to work for a comprehensive, just and lasting peace in the Middle East,

Recalling and reaffirming its previous relevant resolutions, particularly resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974 and ES-7/2 of 29 July 1980,

1. Reaffirms the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their early return;

2. Reaffirms also the inalienable rights in Palestine of the Palestinian people, including:

(a) The right to self-determination without external interference, and to national independence and sovereignty;

(b) The right to establish its own independent sovereign State;

3. Reaffirms, in particular, that a comprehensive, just and lasting peace in the Middle East cannot be established without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment by the Palestinian people of its inalienable rights in Palestine, in accordance with the Charter of the United Nations and the relevant resolutions of the United Nations;

4. Expresses its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

5. Demands that Israel should withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact;

6. Further demands that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980, and rejects the enactment of a "Basic Law" by the Israel Knesset proclaiming Jerusalem the capital of Israel;

7. Demands that Israel should fully comply with the provisions, in particular, of Security Council resolution 465 (1980) adopted unanimously on 1 March 1980;

8. Reaffirms the basic principle that the future of the Palestinian people can only be considered with its participation and calls for the participation of the Palestine Liberation Organization, the representative of the Palestinian people, in all efforts, deliberations and conferences on the question of Palestine and on the situation in the Middle East to be held under the auspices of the United Nations, on an equal footing and on the basis of the relevant resolutions of the United Nations;

9. Endorses the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People contained in paragraphs 49 to 53 of its report<sup>51</sup> and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as endorsed by the General Assembly in its resolution 31/20 of 24 November 1976,<sup>54</sup> is long overdue;

10. Requests the Security Council to convene in order to consider the situation and the adoption of effective measures to implement the recommendations of the Committee as endorsed by the General Assembly in its resolution 31/20;

11. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Question of Palestine".

93rd plenary meeting  
10 December 1981

E

The General Assembly,

Recalling and reaffirming its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967, 35/169 E of 15 December 1980 and 36/15 of 28 October 1981,

Recalling the resolutions of the Security Council relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>55</sup>

Deploring the persistence of Israel in changing the physical character, the demographic composition, the institutional structure and the status of the Holy City of Jerusalem,

1. Determines once again that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith;

2. Affirms that such actions constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, and a threat to international peace and security;

3. Reaffirms its resolution not to recognize that "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all States, specialized agencies and other international organizations to comply with the present resolution and other relevant resolutions and urges them not to conduct any business which is not in conformity with the provisions of the present resolution and the other relevant resolutions;

4. Demands that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) and 478 (1980);

5. Requests the Secretary-General to report on the implementation of those resolutions within six months.

93rd plenary meeting  
10 December 1981

F

The General Assembly,

Recalling and reaffirming its resolutions 34/65 A and B of 29 November 1979, 34/65 C and D of 12 December 1979 and 35/169 B of 15 December 1980,

<sup>54</sup> For the text of the recommendations, see resolution 35/169 A, annex.

<sup>55</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

Taking note of paragraphs 26, 27 and 52 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>51</sup>

1. *Strongly reaffirms* its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

2. *Expresses its strong opposition* to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

3. *Declares* that no State has the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing, in accordance with the relevant resolutions of the United Nations, rejects all such actions, measures and negotiations, and considers all such actions, measures and negotiations as a flagrant violation of the inalienable rights of the Palestinian people;

4. *Decides* that all actions, measures and negotiations to implement or execute such accords and agreements, or any part thereof, are null and void in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem.

93rd plenary meeting  
10 December 1981

### 36/121. Question of Namibia

#### A

#### SITUATION IN NAMIBIA RESULTING FROM THE ILLEGAL OCCUPATION OF THE TERRITORY BY SOUTH AFRICA

##### *The General Assembly,*

*Having examined* the report of the United Nations Council for Namibia<sup>56</sup> and the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>57</sup>

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling*, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of the General Assembly and the Security Council relating to Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971,<sup>58</sup>

delivered in response to the request addressed to it by the Council in its resolution 284 (1970) of 29 July 1970,

*Recalling also* its resolutions 3111 (XXVIII) of 12 December 1973, and 31/146 and 31/152 of 20 December 1976, by which it, *inter alia*, recognized the South West Africa People's Organization as the sole and authentic representative of the Namibian people and granted observer status to it.

*Taking into consideration* the Panama Declaration and Programme of Action on Namibia,<sup>59</sup> adopted by the United Nations Council for Namibia at its extraordinary plenary meeting held at Panama City on 5 June 1981,

*Taking into consideration* resolution CM/Res. 853 (XXXVII) on Namibia adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981,<sup>60</sup> and endorsed by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, as well as decisions of the Organization of African Unity reaffirming the unequivocal support of member States for the just armed struggle of liberation waged by the Namibian people under the leadership of the South West Africa People's Organization, the sole legitimate and genuine representative of the Namibian people.

*Strongly condemning* France, the United Kingdom of Great Britain and Northern Ireland and the United States of America for their collusion with the South African racists as manifested in the triple vetoes in the Security Council, where the majority of the world body demonstrated its determination to adopt concrete political and economic measures aimed at isolating terrorist South Africa in order to compel it to vacate Namibia.

*Taking into consideration* the Paris Declaration on Sanctions against South Africa and the Special Declaration on Namibia,<sup>61</sup> adopted by the International Conference on Sanctions against South Africa, held at Paris from 20 to 27 May 1981.

*Welcoming* the establishment of a Solidarity Fund by the Movement of Non-Aligned Countries and of an Emergency Namibia Liberation Fund by the Organization of African Unity to support the efforts of the South West Africa People's Organization in its liberation struggle.

*Stressing* the grave responsibility of the international community to take all possible measures in support of the Namibian people in their liberation struggle under the leadership of their sole and authentic representative, the South West Africa People's Organization.

*Strongly reiterating* its support for the national liberation movement of Namibia, the South West Africa People's Organization, the sole and authentic representative of the Namibian people in their struggle to achieve self-determination, freedom and national independence in a united Namibia.

*Reaffirming* its full support for the armed struggle of the Namibian people under the leadership of the South West African People's Organization.

*Strongly condemning* South Africa's continued illegal occupation of Namibia, its brutal repression of the Namibian people and its ruthless exploitation of the people and resources of Namibia, as well as its attempts to destroy the national unity and territorial integrity of Namibia.

<sup>56</sup> Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 24 (A/36/24).

<sup>57</sup> *Ibid.*, Supplement No. 23 (A/36/23/Rev.1), chaps. I-VI and VIII.

<sup>58</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

<sup>59</sup> Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 24 (A/36/24), para. 222.

<sup>60</sup> See A/36-534, annex I.

<sup>61</sup> A/CONF.107/8, sect. X.

on the basis of the attainment by the Palestinian people of its inalienable rights in Palestine, in accordance with the relevant resolutions of the United Nations;

2. *Reaffirms* the principle of the inadmissibility of the acquisition of territory by force;

3. *Reaffirms once again* that a comprehensive, just and lasting peace in the Middle East cannot be established without the unconditional withdrawal of Israel from the Palestinian and the other Arab territories occupied since 1967, including Jerusalem, and without the exercise and attainment by the Palestinian people of its inalienable rights in Palestine, in accordance with the principles of the Charter and the relevant resolutions of the United Nations;

4. *Requests* the Security Council to discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish its independent Arab State in Palestine;

5. *Reiterates* its request that the Security Council take the necessary measures, in execution of the relevant United Nations resolutions, to implement the plan which, *inter alia*, recommends that an independent Arab State shall come into existence in Palestine;

6. *Requests* the Secretary-General to report on the progress made in implementing the present resolution as soon as possible

99th plenary meeting  
10 December 1982

E

*The General Assembly,*

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>68</sup>

*Expressing its extreme concern* that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

*Recalling* its previous relevant resolutions, particularly resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, ES-7/2 of 29 July 1980, 36/120 D of 10 December 1981 and ES-7/9 of 24 September 1982,

*Recalling*, in particular, the principles relevant to the question of Palestine that have been accepted by the international community, including the right of all States in the region to existence within internationally recognized boundaries, and justice and security for all the peoples, which requires recognition and attainment of the legitimate rights of the Palestinian people,

*Recognizing* the necessity of participation by all parties concerned in any efforts aimed at the attainment of a just and lasting solution,

1. *Reaffirms* the inalienable legitimate rights of the Palestinian people, including the right to self-determination and the right to establish, once it so wishes, its independent State in Palestine;

2. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be in violation of international law and of the relevant United Nations resolutions;

3. *Demands*, in conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force, that Israel should withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact;

4. *Urges* the Security Council to facilitate the process of Israeli withdrawal;

5. *Recommends* that, following the withdrawal of Israel from the occupied Palestinian territories, those territories should be subjected to a short transitional period under the supervision of the United Nations, during which period the Palestinian people would exercise its right to self-determination;

6. *Urgently calls* for the achievement of a comprehensive, just and lasting peace, based on the resolutions of the United Nations and under its auspices, in which all parties concerned, including the Palestine Liberation Organization, the representative of the Palestinian people, participate on an equal footing;

7. *Recommends* that the Security Council should take early action to promote a just and comprehensive solution to the question of Palestine;

8. *Requests* the Secretary-General to report to the General Assembly at its thirty-eighth session on the progress made in implementing the present resolution.

112th plenary meeting  
20 December 1982

37/101. Invasion of Lesotho by South Africa

*The General Assembly,*

*Having learned* of the invasion of Lesotho by South Africa on 9 December 1982, resulting in the loss of innocent lives and the destruction of property,

*Noting with deep concern* the continued acts of aggression by South Africa against Lesotho and other neighbouring independent African States in complete disregard of resolutions of the General Assembly and the Security Council.

*Grieved* at the tragic loss of human life and concerned about the damage and destruction of property resulting from the invasion of Lesotho by South Africa,

*Convinced* that international solidarity with Lesotho, as a neighbouring State of South Africa, is essential to counteract effectively South Africa's policy of coercing its neighbours into not opposing its policy of *apartheid* and not giving sanctuary to South African refugees,

1. *Condemns* South Africa for its unprovoked invasion of Lesotho, resulting in the loss of innocent lives and the destruction of property;

2. *Commends* the Government of Lesotho for its opposition to the *apartheid* policy of the racist régime of South Africa and for the sanctuary it is giving to South African refugees;

3. *Urges* the Security Council to take immediate steps to deter South Africa from repeating its acts of aggression against and destabilization of Lesotho and other neighbouring independent African States.

103rd plenary meeting  
14 December 1982

37/123. The situation in the Middle East

A

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the reports of the Secretary-General,<sup>71</sup>

<sup>71</sup> A/37/169 and Add.1-3-S/14953 and Add.1-3. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for April, May and June 1982*, documents 5/14953 and Add.1; and *ibid.*, *Supplement for October, November and December 1982*, documents S/14953/Add.2 and 3.

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981 and ES-9/1 of 5 February 1982,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>72</sup> to the occupied Palestinian and other Arab territories, including Jerusalem,

*Noting* that Israel's record and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, the latest of which was resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B and ES-9/1;

2. *Declares once more* that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitutes an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is null and void and has no legal validity and/or effect whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all the provisions of the Hague Convention of 1907<sup>73</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their effective annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. *Firmly emphasizes once more* its demands that Israel, the occupying Power, rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution.

108th plenary meeting  
16 December 1982

## B

*The General Assembly,*

*Recalling* the relevant provisions of the Universal Declaration of Human Rights,<sup>74</sup>

*Recalling also* the Constitution of the United Nations Educational, Scientific and Cultural Organization<sup>75</sup> and all other relevant international instruments concerning the right to cultural identity in all its forms,

*Having learned* that the Israeli army, during its occupation of Beirut, seized and took away the archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions—in particular the Palestine Research Centre—archives, documents, manuscripts and materials such as film

<sup>72</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>73</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

<sup>74</sup> Resolution 217 A (III).

<sup>75</sup> See *Manual of the General Conference*, 1981 edition (Paris, UNESCO, 1981).

documents, literary works by major authors, paintings, *objets d'art* and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people,

1. *Condemns* those acts of plundering the Palestinian cultural heritage;

2. *Calls upon* the Government of Israel to make full restitution, through the United Nations Educational, Scientific and Cultural Organization, of all the cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestine Research Centre and arbitrarily seized by the Israeli forces.

*108th plenary meeting  
16 December 1982*

C

*The General Assembly,*

*Recalling* its resolution 36/120 E of 10 December 1981, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

1. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980);

2. *Calls upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations.

*108th plenary meeting  
16 December 1982*

D

*The General Assembly,*

*Recalling* its resolution 95 (I) of 11 December 1946,

*Recalling also* its resolution 96 (I) of 11 December 1946, in which it, *inter alia*, affirmed that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable,

*Referring* to the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December 1948,<sup>76</sup>

*Recalling* the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>72</sup>

*Appalled* at the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps situated at Beirut,

*Recognizing* the universal outrage and condemnation of that massacre,

*Recalling* its resolution ES-7/9 of 24 September 1982,

1. *Condemns* in the strongest terms the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps;

<sup>76</sup> Resolution 260 A (III).

2. *Resolves* that the massacre was an act of genocide.

*108th plenary meeting  
16 December 1982*

E

*The General Assembly,*

*Having heard* the address by the President of the Lebanese Republic on 18 October 1982,<sup>77</sup>

*Taking note* of the decision of the Government of Lebanon calling for the withdrawal from Lebanon of all non-Lebanese troops and forces which are not authorized by the Government to deploy therein,

*Bearing in mind* Security Council resolutions 508 (1982) of 5 June 1982 and 509 (1982) of 6 June 1982,

1. *Calls* for strict respect of the territorial integrity, sovereignty, unity and political independence of Lebanon and supports the efforts of the Government of Lebanon, with regional and international endorsement, to restore the exclusive authority of the Lebanese State throughout its territory up to the internationally recognized boundaries;

2. *Requests* the Secretary-General to report to the General Assembly on the implementation of the present resolution.

*108th plenary meeting  
16 December 1982*

F

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981 and ES-9/1 of 5 February 1982,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

*Taking note* of the report of the Secretary-General of 12 October 1982,<sup>78</sup>

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and the situation in the Middle East,

*Gravely concerned* that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of

<sup>77</sup> *Official Records of the General Assembly, Thirty-seventh Session, Plenary Meetings, 35th meeting, paras. 2-18.*

<sup>78</sup> A/37/525-S/15451. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982, document S/15451.*



War, of 12 August 1949,<sup>72</sup> to all the occupied Palestinian and other Arab territories, including Jerusalem,

*Reiterating* all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Welcoming* the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and 9 September 1982,<sup>79</sup>

*Bearing in mind* the address made, on 26 October 1982, by His Majesty King Hassan II of Morocco,<sup>80</sup> in his capacity as President of the Twelfth Arab Summit Conference,

1. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all these occupied territories;

2. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

3. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

4. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982 and 37/86 E of 20 December 1982;

5. *Rejects* all agreements and arrangements in so far as they violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

6. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478

(1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolutions 37/86 A to E;

7. *Condemns* Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

8. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relevant to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

9. *Considers* that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

10. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

11. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-eighth session a comprehensive report covering the developments in the Middle East in all their aspects.

112th plenary meeting  
20 December 1982

### 37/166. Assistance to Yemen

*The General Assembly,*

*Fully aware* of the extensive devastation and substantial loss of life caused by the earthquake which struck several towns and tens of villages in Yemen on 12 December 1982,

*Recognizing* the efforts being made by the Government of Yemen to alleviate the sufferings of the victims of the earthquake,

*Recognizing also* that Yemen, being one of the least developed countries, is unable to bear the mounting burden of the relief efforts, rehabilitation and reconstruction of the affected areas,

1. *Expresses its gratitude* to the States and international and regional organizations that have undertaken efforts to provide relief assistance to Yemen;

<sup>79</sup> See A/37/696-S/15510, annex.

<sup>80</sup> Official Records of the General Assembly, Thirty-seventh Session, Plenary Meetings, 44th meeting, paras. 83-92.

7. *Expresses its appreciation* for the report of the Secretary-General and approves the recommendations contained therein;

8. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on developments relating to the Convention and on the implementation of the present resolution;

9. *Decides* to include in the provisional agenda of its thirty-ninth session an item entitled "Law of the Sea".

*96th plenary meeting  
14 December 1983*

**B**

*The General Assembly*

*Pays tribute* to His Excellency Mr. Bernardo Zuleta, Special Representative of the Secretary-General for the Law of the Sea, recently deceased, whose services to the Third United Nations Conference on the Law of the Sea were decisive for the elaboration of the United Nations Convention on the Law of the Sea and for the progressive development of international law and international co-operation.

*96th plenary meeting  
14 December 1983*

**38/60. United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy**

*The General Assembly,*

*Reaffirming* its resolution 32/50 of 8 December 1977,

*Recalling* its other resolutions regarding the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy,

*Noting* the work carried out so far by the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy,<sup>110</sup>

1. *Decides* that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy shall be held in 1986;

2. *Requests* the Chairman of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy and the Secretary-General of the Conference to undertake immediately appropriate consultations with Member States which could facilitate the resolution of pending issues relating to the Conference, including its provisional agenda and rules of procedure, as well as to the venue and the actual dates of the Conference, and to report thereon to the Preparatory Committee at its fifth session, and decides that the expenses incurred in this regard will be covered from existing budgetary resources;

3. *Notes with appreciation* that the Conference secretariat is proceeding with the preparations for the Conference and requests the Secretary-General of the Conference to continue those preparations;

4. *Also decides* that the Preparatory Committee will hold its fifth session at Vienna in June 1984, for a period of up to two weeks, in order to complete its work on an

<sup>110</sup> See *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 48 (A/36/48)*; and *ibid.*, *Thirty-seventh Session, Supplement No. 48(A/37/48)* and *Supplement No. 48.1 (A/37/48 Add.1)*.

agreed agenda as well as on other outstanding issues related to the Conference;

5. *Requests* the Preparatory Committee to submit a report to the General Assembly at its thirty-ninth session so that the Assembly may consider, in the light of this report, the venue and actual dates for the Conference in 1986, as also for further meetings of the Committee;

6. *Urges* the International Atomic Energy Agency, as well as the specialized agencies and other relevant organizations of the United Nations system, to continue to contribute effectively to the preparations for the Conference so as to achieve meaningful results from the Conference, in accordance with the objectives of General Assembly resolution 32/50;

7. *Urges* all States to co-operate actively in the preparation of the Conference;

8. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy".

*96th plenary meeting  
14 December 1983*

**38/180. The situation in the Middle East**

**A**

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 30 September 1983,<sup>111</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 A of 16 December 1982,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>112</sup> to the occupied Palestinian and other Arab territories, including Jerusalem,

*Noting* that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations.

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in

<sup>111</sup> A/38/458-S/16015. For the printed text, see *Official Records of the Security Council, Thirty-eighth Year, Supplement for July, August and September 1983, document S/16015*.

<sup>112</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1 and 37/123 A;

2. *Declares once more* that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>113</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplotes* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplotes* any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its

obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international institutions to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

102nd plenary meeting  
19 December 1983

**B**

*The General Assembly:*

*Recalling* the relevant provisions of the Universal Declaration of Human Rights,<sup>114</sup>

*Recalling also* the Constitution of the United Nations Educational, Scientific and Cultural Organization<sup>115</sup> and all other relevant international instruments concerning the right to cultural identity in all its forms,

*Having learned* that the Israeli army, during its occupation of Beirut, seized and took away archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions—in particular the Palestine Research Centre—archives, documents, manuscripts and materials such as film documents, literary works by major authors, paintings, *objets d'art* and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people,

1. *Condemns* those acts of plundering of the Palestinian cultural heritage;

2. *Calls upon* the Government of Israel to make full restitution, through the United Nations Educational, Scientific and Cultural Organization, of all cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestine Research Centre and arbitrarily seized by the Israeli forces;

3. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

102nd plenary meeting  
19 December 1983

<sup>113</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

<sup>114</sup> Resolution 217 A (III).

<sup>115</sup> See *Manual of the General Conference*, 1981 edition (Paris, UNESCO, 1981).

## C

*The General Assembly,*

Recalling its resolutions 36/120 E of 10 December 1981 and 37/123 C of 16 December 1982, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

1. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980);
3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

*102nd plenary meeting  
19 December 1983*

## D

*The General Assembly,*

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 F of 16 December 1982,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the report of the Secretary-General of 12 October 1982,<sup>116</sup>

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain

under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>112</sup> to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law.

Gravely concerned also at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Recognizing the great importance of the time factor in the endeavours to achieve a comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982 and 37/86 E of 20 December 1982;

4. Welcomes the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982;<sup>117</sup>

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in

<sup>116</sup> A/37/525-S/15451. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15451.

<sup>117</sup> See A/37/696-S/15510, annex.

violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since June 1967;

6. *Rejects* all agreements and arrangements which violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolutions 37/86 A to E;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relating to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, together with the recent accords concluded in this context, would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

11. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms* the call for the convening of an international peace conference on the Middle East—as specified in paragraph 5 of the Geneva Declaration on Palestine,<sup>118</sup> adopted on 7 September 1983 by the International Conference on the Question of Palestine—under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations;

14. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-ninth session a comprehensive report covering the developments in the Middle East in all their aspects.

102nd plenary meeting  
19 December 1983

E

*The General Assembly,*

*Having considered* the item entitled "The situation in the Middle East",

*Recalling* its resolutions 36/226 A of 17 December 1981 and 37/123 F of 20 December 1982, in which it stated, *inter alia*, its concern over certain factors which exacerbate the situation in the Middle East,

*Deeply concerned* at recent developments in the Middle East and the critical situation confronting the region resulting from the continued escalation of Israel's policy of aggression, expansion and annexation in the region,

*Expressing grave concern* over the continued supply of modern arms and war materials to Israel, augmented by substantial economic aid, without which Israel's policy of aggression and of flouting United Nations resolutions could not be maintained,

*Deeply aware* that the recent reported agreements following the memorandum of understanding between the United States of America and Israel will increase Israel's intransigence and its war potential and escalate its expansionist and annexationist policies in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, at a time when it is defying United Nations resolutions,

1. *Declares*, accordingly, the international responsibility of any party or parties that supply Israel with arms or economic aid that augment its war potential;

2. *Expresses deep concern* at and condemns all steps which may result in augmenting the capability of Israel and contributing to its policy of aggression against countries in the region;

3. *Demands* that all States, particularly the United States of America, in the light of the said agreements, refrain from taking any step that would support Israel's war capabilities and consequently its aggressive acts, whether in the Palestinian and other Arab territories occupied since 1967 or against countries in the region;

4. *Calls upon* all States to review, in the light of the present resolution, any agreement, whether military, economic or otherwise, concluded with Israel.

102nd plenary meeting  
19 December 1983

<sup>118</sup> Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A.

## ANNEX

**Programme of Activities in Observance of the Twenty-fifth Anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

1. The commemoration of the twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples would be an appropriate occasion to evaluate the progress achieved during the past twenty-five years in the implementation of the Declaration, as well as the role played by the United Nations and its system of organizations in that regard, and to formulate specific measures for the elimination of the remaining vestiges of colonialism in all its forms and manifestations in various areas of the world. To that end, the following special programme of activities is envisaged.

**A. ACTIVITIES AT THE INTERNATIONAL LEVEL***Commemorative meeting of the General Assembly*

2. The General Assembly shall hold a special commemorative meeting in observance of the twenty-fifth anniversary of the Declaration, it being understood that the specific modalities and procedures for the commemoration would be the subject of subsequent consultations between the President of the Assembly and the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

3. The meeting shall be held on Friday, 13 December 1985, or alternatively, in October 1985 in conjunction with ceremonies planned for the celebration of the fortieth anniversary of the United Nations and the proclamation of 1986 as International Year of Peace, in the light of the presence at United Nations Headquarters of a number of heads of State or Government.

*Extraordinary session of the Special Committee*

4. The Special Committee shall organize an extraordinary session away from Headquarters in 1985, as appropriate.

*Special declaration/final document to be adopted by the General Assembly*

5. The Special Committee shall prepare in 1985 the draft text of a special declaration/final document with a view to facilitating the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for submission to the General Assembly at its fortieth session.

*Seminars to be held by the Special Committee*

6. The Special Committee shall hold in 1985 two regional seminars on the subject of decolonization.

7. The Special Committee shall organize, in close consultation with the Department of Public Information of the Secretariat, a seminar on dissemination of information on decolonization and on the struggle of the peoples of southern Africa and their national liberation movements, to be held at United Nations Headquarters in close co-operation with the Special Committee against Apartheid, the United Nations Council for Namibia, the Organization of African Unity and the national liberation movements, with the participation of press agencies, newspapers and other mass communication media.

*Activities by the specialized agencies and other organizations of the United Nations system, other international organizations and the non-governmental organizations concerned*

8. The organizations concerned are requested to undertake various activities in commemoration of the anniversary during 1985. These activities may include the preparation of special publications and studies and the holding of exhibits, seminars and symposia. An account of the activities undertaken should be given the widest possible publicity.

9. The organizations concerned are requested to draw up concrete programmes of assistance to the peoples of colonial Territories and the national liberation movements, as well as to the refugees from Territories under colonial domination. In particular, they are requested to launch new projects for assisting the Namibian people and seek additional funds in support of such projects.

*Dissemination of information on decolonization*

10. The Secretary-General is requested to take concrete measures through all the media at his disposal to give widespread and intensified publicity to the situation in the Territories concerned and to the work of the United Nations in the field of decolonization. In particular, the Department of Public Information, the Department of Political Affairs, Trusteeship and Decolonization and the Office of the United Nations Commissioner for Namibia are requested, in consultation with the Special Committee:

(a) To prepare special publications devoted to the twenty-fifth anniversary of the Declaration, including special issues of *Decolonization, Objective: Justice*, the *Namibia Bulletin* and the *United Nations and Decolonization*;

(b) To produce a special film on the theme of decolonization and to hold public screenings of the film, as well as other films concerning the process of decolonization;

(c) To prepare and distribute to national radio and television stations audio-visual materials on decolonization;

(d) To hold exhibitions of photographs and publications related to decolonization, both at United Nations Headquarters and at various United Nations information centres;

(e) To organize special briefings of non-governmental organizations on the subject of decolonization.

*Other activities*

11. The motto "Decolonization, Freedom, Independence" shall mark the anniversary.

12. The Secretary-General is requested:

(a) To arrange for a special postal cancellation and the issuance of a special cachet, through the United Nations Postal Administration;

(b) To issue a commemorative medal marking the anniversary, to be conferred upon eminent personalities by the Special Committee;

(c) To publicize the foregoing through the appropriate media.

**B. ACTIVITIES AT THE REGIONAL LEVEL**

13. Intergovernmental regional organizations are requested, in co-operation with the United Nations, to intensify their activities designed to help eliminate the last vestiges of colonialism and, to that end, to increase their collaboration with one another. They may also hold commemorative meetings and seminars, prepare special studies on various aspects of colonial questions and adopt measures to increase moral and material assistance to the peoples concerned.

**C. ACTIVITIES AT THE NATIONAL LEVEL**

14. Special messages may be issued on the occasion of the anniversary by heads of State or Government and other high-ranking officials, as well as by representatives of political movements, religious organizations, trade unions and other national organizations.

15. Governments are requested to establish, in co-operation with national United Nations associations, national committees for the commemoration of the anniversary to plan and co-ordinate various activities to be undertaken in 1985 within the context of the twenty-fifth anniversary of the Declaration and the fortieth anniversary of the United Nations, such as publicizing the work of the United Nations on decolonization through, *inter alia*, publications, educational programmes in schools and universities, special studies, seminars and radio-television programmes, including the widest possible dissemination in their national languages of the Declaration and the various resolutions and decisions of the United Nations on decolonization; the conferring of national awards or special scholarships for outstanding studies or essays on colonial questions; and the issuance of a commemorative postage stamp and other activities. In particular, Governments are requested to prepare special educational materials on the subject of decolonization for dissemination through schools, universities and other educational institutions, including information on past achievements and the roles played by the national liberation movements, the Organization of African Unity and the United Nations.

16. In undertaking the above activities, particular attention shall be devoted to the various manifestations of colonialism, including racial discrimination and *apartheid*, activities of foreign economic and other interests impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and military activities and arrangements by colonial Powers in Territories under their administration impeding the implementation of the Declaration.

**39/146. The situation in the Middle East****A***The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of

20 December 1982 and 38/180 A to D of 19 December 1983,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

*Taking note* of the reports of the Secretary-General of 13 March 1984,<sup>121</sup> 13 September 1984,<sup>122</sup> 2 October 1984<sup>123</sup> and 26 October 1984,<sup>124</sup>

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

*Gravely concerned* that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>125</sup> to all the occupied Palestinian and other Arab territories, including Jerusalem,

*Reiterating* all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at the continuing Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Stressing* the great importance of the time factor in the endeavours to achieve a comprehensive, just and lasting peace in the Middle East,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be

achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982 and 38/58 A to E of 13 December 1983;

4. *Considers* the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>126</sup> as an important contribution towards the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since June 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

<sup>121</sup> A/39/130-S/16409. For the printed text, see *Official Records of the Security Council, Thirty-ninth Year, Supplement for January, February and March 1984*, document S/16409.

<sup>122</sup> A/39/130/Add.1-S/16409/Add.1. For the printed text, see *Official Records of the Security Council, Thirty-ninth Year, Supplement for July, August and September 1984*, document S/16409/Add.1.

<sup>123</sup> A/39/533.

<sup>124</sup> A/39/600-S/16792. For the printed text, see *Official Records of the Security Council, Thirty-ninth Year, Supplement for October, November and December 1984*, document S/16792.

<sup>125</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>126</sup> See A/37/696-S/15510, annex.

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, together with the recent accords concluded in this context, would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

11. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms* its call for the convening of an International Peace Conference on the Middle East — as specified in paragraph 5 of the Geneva Declaration on Palestine,<sup>127</sup> adopted on 7 September 1983 by the International Conference on the Question of Palestine — under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations;

14. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its fortieth session a comprehensive report covering the developments in the Middle East in all their aspects.

101st plenary meeting  
14 December 1984

**B**

*The General Assembly,*

*Having discussed* the item entitled “The situation in the Middle East”,

*Having considered* the report of the Secretary-General of 2 October 1984,<sup>123</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982 and 38/180 A of 19 December 1983,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation,

<sup>127</sup> Report of the International Conference on the Question of Palestine, Geneva, 29 August–7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A.

however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof” and provided that “no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression”;

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>125</sup> to the occupied Palestinian and other Arab territories, including Jerusalem,

*Noting* that Israel’s record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A and 38/180 A;

2. *Declares once more* that Israel’s continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel’s decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>128</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel’s decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplures* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the “appropriate measures” referred to in resolution 497 (1981) unanimously adopted by the Council;

<sup>128</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.



9. *Further deploras* any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirms that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges non-Member States* to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

*101st plenary meeting  
14 December 1984*

C

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982 and 38/180 C of 19 December 1983, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

<sup>129</sup> Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 49 (A/39/49).

*Having considered* the report of the Secretary-General of 2 October 1984,<sup>123</sup>

1. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deploras* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;

3. *Calls once again upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

*101st plenary meeting  
14 December 1984*

39/161. Observance of the fortieth anniversary of the United Nations

A

*The General Assembly,*

*Recalling* its decision 38/455 of 20 December 1983, by which it established the Preparatory Committee for the Fortieth Anniversary of the United Nations and entrusted it with the task of considering and recommending to the General Assembly at its thirty-ninth session proposals for suitable activities in connection with the observance in 1985 of the fortieth anniversary of the United Nations.

*Having considered* the report of the Preparatory Committee,<sup>129</sup>

1. *Decides* that the theme of the fortieth anniversary of the United Nations shall be "United Nations for a better world" and expresses the hope and desire that the year 1985 will mark the beginning of an era of durable and global peace and justice, social and economic development and progress and independence of all peoples;

2. *Takes note* of the programmes and activities, including those recommended by the Preparatory Committee for the Fortieth Anniversary of the United Nations, to be undertaken by the United Nations and its related organizations, as well as the programmes and activities suggested for the consideration of Governments of Member States and non-governmental organizations;

3. *Decides* that the Preparatory Committee, established at its thirty-eighth session, shall continue to function in that capacity, under the chairmanship of the President of the thirty-ninth session of the General Assembly, until the observance of the anniversary, with the purpose of drawing up and co-ordinating plans and organizing suitable activities for the anniversary to be undertaken by the United Nations, in the light of the present resolution and the report of the Preparatory Committee;

4. *Decides* that a commemorative session of the General Assembly shall be held for a short period, culminating on 24 October 1985 and coinciding with the proclamation of the International Year of Peace;

5. *Requests* the Preparatory Committee to draw up a suitable text for a final document or documents to be considered for signature and/or adoption during the commemorative session;

requests them to expand their assistance in order to provide for the basic needs of the refugees;

17. *Expresses its appreciation* to those specialized agencies and other organizations of the United Nations system which have waived agency support costs in respect of projects in favour of Namibians, financed from the United Nations Fund for Namibia and other sources, and urges those that have not yet done so to take appropriate steps in this regard;

18. *Decides* that Namibians shall continue to be eligible for assistance through the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa;

19. *Commends* the progress made in the implementation of the pre-independence components of the Nationhood Programme for Namibia and requests the United Nations Council for Namibia to elaborate and consider policies and contingency plans regarding the transitional and post-independence phases of the Programme;

20. *Commends* the United Nations Institute for Namibia for the effectiveness of its training programmes for Namibians and its research activities on Namibia, which contribute substantially to the struggle for freedom of the Namibian people and to the establishment of an independent State of Namibia;

21. *Urges* the specialized agencies and other organizations and institutions of the United Nations system to cooperate closely with the United Nations Institute for Namibia in strengthening its programme of activities;

22. *Requests* the United Nations Council for Namibia, through the United Nations Institute for Namibia, to finalize, publish and disseminate at an early date a comprehensive reference book on Namibia covering all aspects of the question of Namibia as considered by the United Nations since its inception;

23. *Notes with appreciation* the completion by the United Nations Institute for Namibia, in co-operation with the South West Africa People's Organization, the Office of the United Nations Commissioner for Namibia and the United Nations Development Programme, of a comprehensive document on all aspects of economic planning in an independent Namibia, and commends the Secretary-General for providing substantive support through the Office of the Commissioner for the preparation of that document;

24. *Requests* the United Nations Council for Namibia, in consultation with the Office of the United Nations Commissioner for Namibia, to finalize and publish at an early date a demographic study of the Namibian population and a study of its educational needs;

25. *Requests* the Secretary-General to continue to provide the Office of the United Nations Commissioner for Namibia with the necessary resources for the performance of the responsibilities entrusted to it by the United Nations Council for Namibia as the co-ordinating authority for the implementation of the Nationhood Programme for Namibia, as well as other assistance programmes.

*115th plenary meeting  
13 December 1985*

<sup>102</sup> A/40/668 and Add.1.

## F

SPECIAL SESSION OF THE GENERAL ASSEMBLY  
ON THE QUESTION OF NAMIBIA

*The General Assembly,*

*Taking into consideration* its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling* its resolution 2145 (XXI) of 27 October 1966, by which it decided to terminate the Mandate of South Africa over Namibia,

*Recalling* its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence,

*Recalling* Security Council resolutions relating to Namibia, particularly resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978, as well as subsequent resolutions relating to Namibia,

*Gravely concerned* that, twenty years after the termination by the General Assembly of the Mandate of South Africa over Namibia and the assumption by the United Nations of direct responsibility for the Territory, the racist régime of South Africa continues illegally to occupy the Territory in violation of the relevant resolutions and decisions of the United Nations,

*Indignant* at the continued non-implementation of Security Council resolution 435 (1978), owing to South Africa's intransigence,

*Strongly condemning* South Africa for its persistent and arrogant defiance of the resolutions and decisions of the United Nations,

*Decides* to hold a special session on the question of Namibia before its forty-first session, on a date to be determined by the Secretary-General in consultation with the United Nations Council for Namibia.

*115th plenary meeting  
13 December 1985*

## 40/168. The situation in the Middle East

## A

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983 and 39/146 A to C of 14 December 1984,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

*Taking note* of the reports of the Secretary-General of 11 March 1985,<sup>80</sup> 24 September 1985<sup>102</sup> and 22 October 1985,<sup>81</sup>

*Reaffirming* the need for continued collective support for the resolutions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>103</sup> reiterating its previous resolutions regarding the Palestinian question and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region.

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

*Gravely concerned* that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>104</sup> to all the occupied Palestinian and other Arab territories, including Jerusalem.

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Stressing once again* the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices and on the basis of the relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983 and 39/49 A to D of 11 December 1984;

4. *Considers* the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>103</sup> and reiterated by the Extraordinary Summit Conference of the Arab States held at Casablanca, Morocco, from 7 to 9 August 1985,<sup>105</sup> as well as relevant efforts and action to implement the Fez Plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, the establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which

<sup>103</sup> See A/37/696-S/15510, annex.

<sup>104</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>105</sup> See A/40/564 and Corr. 1, annex.

are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and threaten the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for the convening of an International Peace Conference on the Middle East under the auspices of the United Nations and on the basis of its relevant resolutions — as specified in paragraph 5 of the Geneva Declaration on Palestine<sup>106</sup> and endorsed by General Assembly resolution 38/58 C of 13 December 1983;

14. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-first session a comprehensive report covering the developments in the Middle East in all their aspects.

118th plenary meeting  
16 December 1985

## B

*The General Assembly,*

*Having discussed* the item entitled “The situation in the Middle East”,

*Taking note* of the report of the Secretary-General of 22 October 1985,<sup>81</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 Decem-

ber 1982, 38/180 A of 19 December 1983 and 39/146 B of 14 December 1984,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof” and provided that “no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression”;

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>104</sup> to the occupied Palestinian and other Arab territories, including Jerusalem,

*Noting* that Israel’s record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A and 39/146 B;

2. *Declares once more* that Israel’s continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel’s decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>107</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel’s decision to impose its laws, jurisdiction and

<sup>106</sup> Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.1.21), chap. I, sect. A.

<sup>107</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

a dmi ni st on a haaitomr ict onst yi t cutore ai nui  
t hr ea at nt ermaat bea ocaendec ur i t y;

8. *Strongly deplotes* a hnegat ivote b ya perma n ent  
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Coun drömla dopt i nga l gasi anstder, Cha pt er oV I  
t he C ha rter, " a ppr oprea surs es" efer rted n esol  
ol ut 490n(1 981) una ni moual dopt bdy hEounc i l;

9. *Further deplotes* a nypol i t eic an lomifi n, a nc i a  
mi lry at n t ed ec hnol ogipponat i d sr a daerit our  
a gei sradl o ommit c dfas ggressi onnt do onsol i da t le  
a n p r p e t uait t oc s cupa a ndormne a t of a n c upi  
Ar atberri t ori es;

10. *Firmly emphasizes once more* i t dema n d ha t  
I sraelt hoc c upyi Pngwerr, esc i f ord t hwü ti l e g a l  
dec i siofdn Dec emb t 981 t o mpose t a swsjuri sdi c ma t i c  
t i a n n a l dmi ni st onat i h e n yri Göl a H e i g h t s c  
i h i c r hesul i ed heffec t i a n n e x a t o f i t d n t e r t i  
n g e s i o n t e r t y h e p o v i s i o n s h a r t e s o l u t i o n ;

11. *Reaffirms once more* t he over r i n d i c r e g s i o f t y h e  
t o t a n l u t h e o n d i t i o n a l t o i t s h e d r o c h a v a l l h e  
P a l e s t i n e a n d a t b e r r i t o r i e s i o n d e h o p i e d c  
i n c l u d e r u s a g l v m i n i c i h a s r e s s e n t i p a e r e q u i s i o n  
t h e s t a b l i s h m e n t o m p r e h e n s i a v a l u p e a c t i o n h e  
M i d d l e a s t ;

12. *Determines once more* t hal t s r a r e l e c ' o p o d i c i e s  
a n a d c t i o n s c o n f i t s u o t a p r a t e l h e m e m b e r  
S t a t t e, h a i t h a s p e r s i s t e n t d i y a t t h e d i n c i p l o r e s  
t a i n e d h e r C h a r t e r h a i t h a s a r o u t e d i t h e r s  
o b l i g a t i o n s u n d e r t h e C h a r t e r n e m t e s o m m i t t e r  
G e n e r a l A s s e m b l y r e s o l u t i o n 2 7 3 d n l d f I M a y 1 9 4 9 ;

13. *Calls once more upon* a l M e m b e r S t a t a e p p l y  
t h e o l l o w i n g a s u r e s :  
( a ) T o r e f r a f r o n s u p p l y i n g s r a v i e l t a h n y e a p o n s  
a n d r e l e q u i t p e d n t a n d o u s p e n d n y m i l i a t a s r y s t t  
a n t e h a l t a r e t e c e i f r o m t h e m ;  
( b ) T o r e f r a f i n a n c i n g n y e a p o n s r m i l i t a o  
e q u i p m e n t f r o m I s r a e l ;  
( c ) T o s u s p e n d e c o n o m i f i n a n a n d a e c h n o l o g i  
a s s i s t a n c e n d o - o p e r a w i l h s r a e l ;  
( d ) T o s e v e r d i p l o m a t r i a a d e d u l t u r e l a d t i o n s  
w i t h s r a e l ;

14. *Reiterates its call* t a l M e m b e r S t a t a e s e a s e  
f o r t h w i t h d i v i d a n d l o l y l e c a i d e a l l y n g s t h  
I s r a e l r e d e t o t a l d o y s o l a t i e l l e l d s ;

15. *Urges* n o n - m e m b e r S t a t a s c i t r a c c o r d a  
w i t h h e r o v i s i o n s p r e s e n t e s o l u t i o n ;

16. *Calls upon* t h e p e c i a l a i g e n d i a e s o l t h e r n t e r  
n a t i o n a l o r g a n i z a t i o n f o r i n d e p e n d e n t r e l a t i o n s  
I a r e l o h e r e n i s t h e r e s e n t e s o l u t i o n ;

17. *Requests* t h e S e c r e t a r y - G e n e r a l t h e  
G e n e r a l A s s e m b l y t o f o r m u l d i s s i o n t h e m p l e  
m e n t a t o f t h e r e s e n t e s o l u t i o n .

118th plenary meeting  
16 December 1985

C

*The General Assembly,*  
*Recalling* t r e s o l u t i o n s E o f 1 0 D e c e m b e r 8 1 ,  
3 7 / 1 E o f 1 6 D e c e m b e r 8 2 , 3 8 / 1 E o f 1 9 D e c e m b e r  
1 9 8 3 a n d 9 / 1 4 C o f 1 4 D e c e m b e r 8 4 , i n w h i c h  
d e t e r m i n e d h a a t l l e g i s l a t i o n a d m i n i s t r a t i o n s -  
u r e a n d a c t i o n s k e y t o t h e r e a c h i n g o f a p e r m a n e n t  
w h i c h d a l t e r p a r t o f t h e h a r a a c n d e f  
s t a t o f u s h e l o l G i t o f J e s a l e i m , p a r t i t h e o - a r  
c a l l e d l i a c v o n J e s a l e a m t d h p r o c l a m a t i e

h g e s a l e a m s h e a p i o f l a b r a w e l o u l a n d b i d n d  
m u s t b e r e s c i n d e d f o r t h w i t h ,

*Recalling* S e c u r i t y C o u n c i l r e s o l u t i o n 4 7 8 ( 1 9 8 0 ) o f 2 0  
A u g u s t 1 9 8 0 i n w h i c h t h e C o u n c i l i n a d d e d  
I t e m 1 0 e c o n t i n e s t h e B a l i a w ' a n d a l u p o n d h o s t t a t e s  
t h a h a d s t a b l i s h e d o m a m i s s i c o n s l e a s a l e r o  
w i t h r a s w c h m i s s i o n s r a m h e l o l G i t y ,

*Having considered* t h e e p o r o f t h e S e c r e t a r y G e n e r a l  
2 2 O c t o b e r 1 9 8 5 ,  
*Determines* t h a t s r a e l ' s d e c i s i o n t o s u p p o r t  
e d u r i s d i a n d a d m i n i s t r a t i o n t h e l o n G i t o f J e r u -  
s a l e i n s l l a e g a l h e r e f m a i r a e n d v o i d n d h a r s o  
v a l i v a l i a t t y s o e v e r ;

2. *Deplores* t h e r a n s o m e S t a t e s t e s h e i d i r p l o -  
d e c i s i o n s d e c e m b e r 1 9 8 1 t o m p o s e t a s w s j u r i s d i c m a t i c  
m i t s i e r s a l i e m i o l a o f S e c u r i t y C o u n c i l -  
t i a n n a l d m i n i s t r a t i o n t h e n y r i G o l a H e i g h t s c  
i h i c r h e s u l i e d h e f f e c t i a n n e x a t o f i t d n t e r t i  
o r t y h e p o v i s i o n s h a r t e s o l u t i o n ;

3. *Calls once again upon* t h o s t t a t e s b i b d y h e  
p r o v i s i o n s h e e l e v a l u m i t N e d t i o n s o l u t i o n s ,  
e d c o n f o r m i t y w i t h h a r t e f t h e J u n t N e d t i o n s ;

4. *Requests* t h e S e c r e t a r y G e n e r a l t o r e p o r t t o t h e  
e n t e r a s s e m b l y i n f o r t y - f e s s i r s o n t h e m p l e m e n t a -  
t i o n t h e r e s e n t e s o l u t i o n .

118th plenary meeting  
16 December 1985

40/237. Review of the efficiency of the administrative and financial functioning of the United Nations

*The General Assembly,*  
*Recalling* t h e p u r p o s e s a n d p r i n c i p l e s o f t h e S h a r t e f  
h e J u n t N e d t i o n s ,  
*Recognizing* t h a t t h e r g a n i z a t i o n o m a t h e p r i n -  
c i p l e t h e o v e r e i e g u a l o f a j i l t M e m b e r s ,  
*Mindful* o f t h e t r a b l o f e t h e J u n t N e d t i o n t h e  
o m a l n t e n o f i n t e r n a t i o n a l c o o p e r a t i o n a n d t h e  
p r o m o t i o n o f d e v e l o p m e n t a n d n t e r n a t i o n a l o m p e l r a -  
t i o n s ,  
*Convinced* t h a t t h e m p r o v e m e n t h e f f i c i e n c y o f t h e  
a d m i n i s t r a t i o n a n d f i n a n c i a l f u n c t i o n s o f t h e J u n t N e d  
N a t i o n s h e l d p r i n c i p a t t a h u r p o s e s a n d m p l e m e n t  
t h e r i n c i p l e s h e h a r t e r ,  
*Considering* t h e u n a n i m o u s s u p p o r t f o r t h e J u n t N e d  
N a t i o n s e s s e b d y H e a d o f S t a t e s G o v e r n m e n t o r  
t h e i s p e c i a l v o y a n d y h e e p r e s e n t a t f M e m b e r  
S t a t e s i n g h e o m m e m o r a t i o n t h e o r t i e t h a n n i v e r -  
s a r y o f t h e J u n t N e d t i o n s ,  
*Noting* t h a t l l p a r t s t r e s s e d t o r o m o t e  
c o n f i d e n c e i n t h e J u n t N e d t i o n h a n t h o p o l i t i c a l  
w i t h M e m b e r S t a t e s e n d e m o r o s i t s u p p o r t t o  
t h e r g a n i z a t i o n ,  
*Reaffirming* t h e n e c e s s i t y o f s e c u r i t y , e m p l o y -  
m e n t o f t h e S e c r e t a r y G e n e r a l a n d h i g h e s t s t a n d a r d s  
o f e f f i c i e n c y o f t h e a g e n c i e s u n d e r t h e a u t o r i t y o f t h e  
r e c r u i t m e n t a n d s e l e c t i o n h e r i n c o n f e d e r a t e d -  
g r a p h i d i a s t r i b u t i o n ,  
*Noting with appreciation* t h e f f o r t o f t h e S e c r e t a r y  
G e n e r a l a n d h e h i a e f d m i n i s t e r i n t h e o r g a n i z a t i o n  
t o m p r o v e h e f f i c i e n c y o f t h e S e c r e t a r y ,  
*Bearing in mind* t h e o r k o f t h e e v a n s i b d i r v  
o f g a n o f t h e G e n e r a l A s s e m b l y ,  
*Taking fully into account* t h e e v a n s p r e s s e d u r i t h e g  
o r t i e t h e s e s s i o n ,  
*Expresses its conviction* t h a t m o v e r l a i n c r i e a s e  
o f i n t e r n a t i o n a l c o o p e r a t i o n i n t h e r e h a n t b e a p a o f i  
h e b y n i t e d

Taking note, in particular, of the information contained in paragraphs 102 to 111 of that report,

Recalling its resolution 40/96 C of 12 December 1985,

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

1. Takes note with appreciation of the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolution 40/96 C,

2. Requests the Department of Public Information, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue its special information programme on the question of Palestine for the biennium 1986-1987 and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine;

(b) To continue to update publications on the facts and developments pertaining to the question of Palestine;

(c) To publish brochures and booklets on the various aspects of the question of Palestine, including Israeli violations of the human rights of the Arab inhabitants of the occupied territories;

(d) To expand its audio-visual material on the question of Palestine, including the production of a new film in 1987 and special series of radio programmes and television broadcasts;

(e) To organize fact-finding news missions to the area for journalists;

(f) To organize regional and national encounters for journalists.

93rd plenary meeting  
2 December 1986

D

The General Assembly,

Recalling its resolutions 38/58 C of 13 December 1983, 39/49 D of 11 December 1984 and 40/96 D of 12 December 1985, in which it, *inter alia*, endorsed the call for convening the International Peace Conference on the Middle East,

Recalling also the relevant resolutions of the Security Council,

Reaffirming its resolutions 39/49 D and 40/96 D, in which it, *inter alia*, requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference,

Having considered the report of the Secretary-General of 14 March 1986, in which he, *inter alia*, stated that "the obstacles which have so far prevented the convening of the International Peace Conference on the Middle East as called for by the General Assembly still exist",<sup>99</sup> and his report of 29 October 1986,<sup>100</sup>

<sup>99</sup> A/41/215-S/17916. For the printed text, see *Official Records of the Security Council, Forty-first Year, Supplement for January, February and March 1986*, document S/17916.

<sup>100</sup> A/41/768-S/18427. For the printed text, see *Official Records of the Security Council, Forty-first Year, Supplement for October, November and December 1986*, document S/18427.

Expressing its regret that, owing to the negative attitude of some Member States, the difficulties regarding the convening of the Conference "have remained essentially the same",<sup>101</sup> and expressing its hope that those Member States will reconsider their attitude,

Having heard the constructive statements made by numerous representatives, including that of the Palestine Liberation Organization,

Emphasizing the need to bring about a just and comprehensive settlement to the Arab-Israeli conflict which has persisted for nearly four decades,

Recognizing that the persistence of the Arab-Israeli conflict in the Middle East constitutes a threat to security and stability in the region and to world peace, and therefore directly involves the responsibility of the United Nations,

Stressing its conviction that the convening of the Conference will constitute a major contribution by the United Nations towards the realization of a just solution to the question of Palestine conducive to the achievement of a comprehensive, just and lasting solution to the Arab-Israeli conflict,

Appreciating the concern about the exacerbating situation in the Middle East as voiced in a great many statements during the general debate at the current session and at previous sessions,

1. Takes note with appreciation of the reports of the Secretary-General;

2. Determines that the question of Palestine is the core of the Arab-Israeli conflict in the Middle East;

3. Reaffirms once again its endorsement of the call for convening the International Peace Conference on the Middle East in conformity with the provisions of the resolution 38/58 C;

4. Stresses the urgent need for additional concrete and constructive efforts by all Governments in order to convene the Conference without further delay;

5. Endorses the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

6. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 15 May 1987;

7. Decides to consider at its forty-second session the report of the Secretary-General on the implementation of the present resolution.

93rd plenary meeting  
2 December 1986

41/162. The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983,

<sup>101</sup> *Ibid.*, para. 31.

38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984 and 40/168 A to C of 16 December 1985,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

*Taking note* of the reports of the Secretary-General of 14 March 1986,<sup>99</sup> 16 July 1986<sup>102</sup> and 29 October 1986,<sup>103</sup>

*Reaffirming* the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982<sup>104</sup> reiterating its previous resolutions regarding the Palestinian question and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

*Gravely concerned* that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>105</sup> to all the Palestinian and other occupied Arab territories, including Jerusalem,

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security.

*Stressing once again* the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984 and 40/96 A to D of 12 December 1985;

4. *Considers* the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>104</sup> and reiterated by the Extraordinary Summit Conference of the Arab States held at Casablanca, Morocco, from 7 to 9 August 1985,<sup>106</sup> as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solu-

<sup>102</sup> A/41/453 and Add.1.

<sup>103</sup> A/41/768-S/18427.

<sup>104</sup> See A/37/696-S/15510, annex. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex.

<sup>105</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>106</sup> See A/40/564 and Corr.1, annex.

tion to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic cooperation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations and on the basis of its relevant resolutions, as specified in paragraph 5 of the Geneva Declaration on Palestine<sup>107</sup> and endorsed by the General Assembly in its resolution 38/58 C of 13 December 1983;

<sup>107</sup> *Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983* (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A.

14. *Endorses the call* for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-second session a comprehensive report covering the developments in the Middle East in all their aspects.

97th plenary meeting  
4 December 1986

## B

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 29 October 1986,<sup>103</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984 and 40/168 B of 16 December 1985,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

*Reaffirming* the fundamental principles of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>105</sup> to the Palestinian and other occupied Arab territories, including Jerusalem,

*Noting* that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B and 40/168 B;

2. *Declares once more* that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied



Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the Palestinian and other occupied Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>108</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

97th plenary meeting  
4 December 1986

**C**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984 and 40/168 C of 16 December 1985, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 29 October 1986,<sup>103</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;

3. *Calls once again upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

97th plenary meeting  
4 December 1986

**41/212. United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy**

**A**

*The General Assembly,*

*Reaffirming* the principles and provisions of its resolution 32/50 of 8 December 1977,

<sup>108</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

4. *Reaffirms* that the implementation of the Programme of Action based on mutual commitments and shared responsibility requires that all parties concerned respect their commitments and discharge their responsibilities accordingly, and in this regard reaffirms the determination of all parties to continue to honour their commitments under the Programme;

5. *Regrets* that overall net resource flows to African countries have declined, in real terms, while their terms of trade have worsened, export earnings from commodities have decreased substantially and debt-servicing obligations have risen significantly;

6. *Notes with concern* that some African countries are currently net transferors of resources to certain multilateral financial institutions;

7. *Calls upon* donor countries in this regard to continue their support to multilateral financial and development institutions to enable them to increase their resources to African countries and to improve the possibilities of adopting flexible and effective measures that will assist African countries in dealing with their financial obligations, giving due regard to the economic, social and development needs of each country, and, in this respect, notes that the International Monetary Fund is undertaking a thorough examination of adjustment programmes and their supporting arrangements, including a comprehensive review of conditionality;

8. *Calls upon* the international community to intensify its efforts to provide the necessary resource flows to African countries and underlines the importance of increasing urgently official development assistance to Africa, as well as the need for all countries to work to create the terms and conditions which would encourage the flow of non-concessional resources with a view to meeting the commitments under the Programme of Action as soon as possible, with the aim of making progress towards this end by the mid-term review of the Programme of Action in 1988;

9. *Welcomes* the use of existing subregional economic groupings in Africa in the implementation of the Programme of Action, and invites the donor community, multilateral institutions and the operational bodies of the United Nations system to provide resources for projects and programmes identified at the subregional level in the priority areas of the Programme;

10. *Urges* the international community, in particular the creditor countries, to take into consideration development and investment needs of African countries as well as the repayment capacity of each country, its export earnings, import requirements and external resource flows when considering terms and conditions of debt rescheduling, and to ensure that such terms and conditions do not preclude the flow of additional resources;

11. *Calls upon* the international community to continue its efforts, *inter alia* in the context of the Paris Club, to grant adequate terms of rescheduling and other effective debt-relief measures as appropriate to African countries undertaking growth-oriented adjustment and reform efforts, in particular for the poorest and the most indebted of them retroactive terms adjustment, including converting into grants the official development assistance loans or taking equivalent actions having the same impact, and also considering the possibility of applying lower interest rates to their existing debt;

12. *Appeals* to the international community, in order to deal effectively with problems in the commodity area, to seek lasting solutions aimed at:

(a) Improving the functioning of commodity markets and achieving stable and more predictable conditions in

commodity trade, including avoidance of excessive price fluctuations;

(b) Adequate expansion of resources for diversification and participation in the processing, marketing, distribution and transportation of the commodities of African countries;

(c) Improving market access conditions for commodities of export interest to African countries;

(d) Promoting diversification programmes in the context of growth-oriented structural adjustment, taking fully into account the developmental objectives of each country and long-term dynamic comparative advantage considerations of all countries;

13. *Calls upon* the international community to extend, as a matter of priority, humanitarian, economic and financial assistance to the countries of southern Africa;

14. *Decides* to establish an *Ad Hoc* Committee of the Whole of the General Assembly as the most appropriate mechanism to prepare the review and the appraisal of the Programme of Action to meet for a period of ten working days in September 1988 prior to the forty-third session;

15. *Requests* the Secretary-General, in close cooperation with the concerned organs and organizations of the United Nations system, to ensure the necessary preparation of this meeting;

16. *Also requests* the Secretary-General, in accordance with paragraph 24 (c) of the Programme of Action, to submit to the General Assembly at its forty-third session a report including concrete recommendations for a speedy and full implementation of the Programme of Action and taking into account provisions of this resolution, which should be made available to the *Ad Hoc* Committee of the Whole;

17. *Further requests* the Secretary-General of the United Nations to continue to ensure closer co-operation and co-ordination with the Secretary-General of the Organization of African Unity in the implementation and monitoring of the Programme of Action;

18. *Requests* the Economic and Social Council at its organizational session of 1988 to consider the appropriate contributions to be submitted to the *Ad Hoc* Committee of the Whole by all parties concerned and to make provisions for proper co-ordination of the contributions;

19. *Further requests* the Economic and Social Council at its first and second regular sessions of 1988 to consider, as appropriate, the adoption of the necessary arrangements for the meeting of the *Ad Hoc* Committee of the Whole.

95th plenary meeting  
8 December 1987

#### 42/209. The situation in the Middle East

##### A

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Recalling* its relevant resolutions on the question of Palestine and the situation in the Middle East,

*Recalling also* the relevant resolutions of the Security Council,

*Recalling* the report of the Secretary-General of 13 November 1987,<sup>63</sup>

*T a k i n g i n t o c o n s i d e r a t i o n t h e r e s o l u t i o n s of the Extraordinary Arab Summit Conference, held at Amman from 8 to 11 November 1987, on the Arab-Israeli conflict and on the International Peace Conference on the Middle East,*

*T a k i n g i n t o c o n s i d e r a t i o n t h e g r o w i n g international consensus in favour of convening the Conference to resolve the Arab-Israeli conflict, of which the question of Palestine is the core,*

1. *R e a f f i r m s a g a i n t h a t t h e c o n v e n i n g of the International Peace Conference on the Middle East under the auspices of the United Nations and at the invitation of the Secretary-General of the United Nations, with the participation of the five permanent members of the Security Council and all the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, is the appropriate way to a peaceful, comprehensive and just settlement of the conflict which will ensure the restoration of the occupied Arab territories and the solution of the Palestinian question in all its aspects and guarantee the realization of the inalienable national rights of the Palestinian Arab people;*

2. *C a l l s u p o n a l l S t a t e s t h a t h a v e n o t d o n e s o t o l e n d their support to the convening of the Conference;*

3. *R e q u e s t s t h e S e c r e t a r y - G e n e r a l, i n c o n s u l t a t i o n with the Security Council, to continue his efforts with a view to convening the Conference and to apprise the General Assembly of the results of his consultations no later than September 1988.*

9779  
1 Dec 1987

B

*T h e G e n e r a l A s s e m b l y*

*H a v i n g c o n s i d e r e d t h e i t e m e n t i t l e d " T h e s i t u a t i o n i n t h e Middle East",*

*R e a f f i r m s t h e r e s o l u t i o n s 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985 and 41/162 A to C of 4 December 1986,*

*R e c a l s S e c u r i t y C o u n c i l r e s o l u t i o n s 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,*

*T a k i n g i n t o c o n s i d e r a t i o n t h e r e p o r t s of the Secretary-General of 7 May 1987,<sup>82</sup> 10 August 1987<sup>90</sup> and 13 November 1987,<sup>83</sup>*

*R e a f f i r m s t h e n e e d f o r c o n t i n u e d c o l l e c t i v e s u p p o r t for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>91</sup> reiterating its previous*

*r e s o l u t i o n s o n t h e q u e s t i o n of Palestine and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region.*

*We l c o m e a l l e f f o r t s c o n t r i b u t i n g t o w a r d s t h e r e a l i z a t i o n of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East.*

*We l c o m e t h e w o r l d - w i d e s u p p o r t e x t e n d e d t o t h e j u s t cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,*

*G r a t u l e s t h e P a l e s t i n i a n a n d o t h e r A r a b t e r r i t o r i e s o c c u p i e d s i n c e 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,*

*R e a f f i r m s t h e a p p l i c a b i l i t y of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>44</sup> to all the Palestinian and other occupied Arab territories, including Jerusalem,*

*R e a f f i r m s a l l r e l e v a n t U n i t e d N a t i o n s r e s o l u t i o n s which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem,*

*R e a f f i r m s t h e i m p e r a t i v e n e c e s s i t y of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,*

*G r a t u l e s t h e c o n t i n u i n g I s r a e l i p o l i c i e s involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,*

*S t r e s s e s t h e g r e a t i m p o r t a n c e of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,*

1. *R e a f f i r m s o n v i t t h a t t h e q u e s t i o n of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;*

2. *R e f f i r m s f u r a j u s t a n d c o m p r e h e n s i v e s e t t l e m e n t of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;*

<sup>90</sup> A/42/465 and Add.1  
<sup>91</sup> See A/37/696-S/15510, annex. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985 and 41/43 A to D of 2 December 1986;

4. *Considers* the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>91</sup> and reiterated by the Extraordinary Summit Conference of the Arab States, held at Casablanca, Morocco, from 7 to 9 August 1985,<sup>92</sup> as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and prac-

tices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic cooperation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations and on the basis of its relevant resolutions, as specified in paragraph 5 of the Geneva Declaration on Palestine<sup>93</sup> and endorsed by the General Assembly in its resolution 38/58 C;

14. *Endorses the call* for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-third session a comprehensive report covering the developments in the Middle East in all their aspects.

97th plenary meeting  
11 December 1987

### C

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 13 November 1987,<sup>83</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

<sup>93</sup> Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. F.83.1.21), chap. I, sect. A.

<sup>92</sup> See A/40/564 and Corr.1, annex

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985 and 41/162 B of 4 December 1986,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof” and provided that “no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression”;

*Reaffirming* the fundamental principles of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>94</sup> to the Palestinian and other occupied Arab territories, including Jerusalem,

*Noting* that Israel’s record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting further* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B and 41/162 B;

2. *Declares once more* that Israel’s continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel’s decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the Palestinian and other occupied Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>94</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel’s decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the “appropriate measures” referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel’s record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

97th plenary meeting  
11 December 1987

## D

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 Decem-

<sup>94</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

ber 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985 and 41/162 C of 4 December 1986, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 13 November 1987,<sup>83</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of

Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

*97th plenary meeting  
11 December 1987*

## 43/54. The situation in the Middle East

## A

*The General Assembly,*

*Having discussed the item entitled "The situation in the Middle East",*

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985, 41/162 A to C of 4 December 1986 and 42/209 A to D of 11 December 1987,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984 and other relevant resolutions,

*Taking note of the reports of the Secretary-General of 31 March 1988,<sup>109</sup> 30 September 1988,<sup>110</sup> 11 October 1988,<sup>111</sup> and 28 November 1988,<sup>112</sup>*

*Reaffirming* the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>113</sup> which were confirmed by subsequent Arab summit conferences, including the Arab Summit Conference held at Algiers from 7 to 9 June 1988,<sup>114</sup> reiterating its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly

<sup>109</sup> A/43/272-S/19719. For the printed text, see *Official Records of the Security Council, Forty-third Year, Supplement for January, February and March 1988*, document S/19719.

<sup>110</sup> A/43/691 S/20219. For the printed text, see *Official Records of the Security Council, Forty-third Year, Supplement for July, August and September 1988*, document S/20219.

<sup>111</sup> A/43/683 and Add.1.

<sup>112</sup> A/43/867-S/20294. For the printed text, see *Official Records of the Security Council, Forty-third Year, Supplement for July, August and September 1988*, document S/20294.

<sup>113</sup> See A/37/696-S/15510, annex. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex.

<sup>114</sup> A/43/407 S/19938, annex.

on the question of Palestine and on the situation in the Middle East,

*Gravely concerned* that the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>47</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Stressing once again* the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

2. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of

12 December 1985, 41/43 A to D of 2 December 1986 and 42/66 A to D of 2 December 1987;

4. *Considers* the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>113</sup> and reiterated by the Extraordinary Summit Conference of the Arab States, held at Casablanca, Morocco, from 7 to 9 August 1985,<sup>115</sup> as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian territory occupied since 1967, including Jerusalem, and

the other occupied Arab territories, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for convening the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with United Nations resolutions relevant to the question of Palestine and the situation in the Middle East;

14. *Endorses the call* for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-fourth session a comprehensive report covering the developments in the Middle East in all their aspects.

71st plenary meeting  
6 December 1988

## B

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 28 November 1988,<sup>112</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985, 41/162 B of 4 December 1986 and 42/209 C of 11 December 1987,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, eco-

<sup>115</sup> A/40/564 and Corr.1, annex.



conomic, military or otherwise, may serve as a justification for aggression”,

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>47</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Noting* that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting also* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B, 41/162 B and 42/209 C;

2. *Declares once more* that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the Palestinian territory occupied since 1967, including Jerusalem, and of the other occupied Arab territories, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>116</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the “appropriate measures” referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

71st plenary meeting  
6 December 1988

## C

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986 and 42/209 D of 11 December 1987, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith.

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided

<sup>116</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 28 November 1988,<sup>112</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

71st plenary meeting  
6 December 1988

#### 43/90. Fortieth anniversary of the Universal Declaration of Human Rights

*The General Assembly,*

*Reaffirming* on the occasion of the fortieth anniversary of the Universal Declaration of Human Rights<sup>50</sup> its significance as a source of inspiration for national and international efforts for the protection and promotion of human rights and fundamental freedoms,

*Welcoming* the progress made so far in the promotion and protection of human rights and fundamental freedoms since the proclamation of the Declaration,

*Recalling* that Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Recalling also* the obligations of Member States under the Charter of the United Nations to respect the principle of equal rights and self-determination of peoples as a basis for the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations,

*Acknowledging* that, despite efforts made by the international community to promote and protect human rights, there is a need for constant vigilance by the international community in this field,

*Recalling* the responsibility of the international community to promote understanding, friendship and peaceful co-operation among peoples, and to ensure that everyone enjoys the inherent right to life, liberty and security of person,

*Recalling* the International Covenant on Economic, Social and Cultural Rights<sup>117</sup> and the International Covenant on Civil and Political Rights,<sup>117</sup> and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other,

*Underlining* the importance of the teaching of human rights at all levels,

1. *Stresses* the important role of the Universal Declaration of Human Rights in encouraging Member States to enshrine the principles of the inherent dignity and of the equal and inalienable rights of all members of the human family in national constitutions and laws;

2. *Notes with satisfaction* the progress made so far in the field of human rights, including standard setting and codification, since the proclamation of the Declaration and reaffirms its commitment to further progress in this respect;

3. *Expresses grave concern* at mass and flagrant violations of human rights, including those stemming from racism, all forms of racial discrimination and *apartheid*, and at all violations of human rights that continue to take place in many parts of the world;

4. *Affirms* the responsibility of the United Nations in protecting and promoting human rights and fundamental freedoms and expresses the determination of the United Nations to deal, through appropriate United Nations bodies, with violations of human rights and fundamental freedoms;

5. *Urges* all States to observe the rights and freedoms set forth in the Declaration and appeals to those States which have not yet done so to consider ratifying or acceding to the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>118</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>119</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>117</sup> the International Covenant on Civil and Political Rights and the Optional Protocol thereto,<sup>117</sup> the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,<sup>120</sup> the Convention on the Elimination of all Forms of Discrimination against Women,<sup>121</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>122</sup>

6. *Reaffirms* the importance of the observance and effective implementation of universally recognized standards in the field of human rights as contained in international human rights instruments;

7. *Invites* the Commission on Human Rights to consider a programme of action in the field of human rights, including:

(a) Measures to promote the universal ratification of or accession to United Nations instruments in the field of human rights and to strengthen United Nations machinery for the promotion and protection of human rights and fundamental freedoms enshrined in the Declaration;

(b) Activities to develop human rights institutions and infrastructures, drawing upon the assistance of the United Nations programme of advisory services in the field of human rights, including the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, and drawing also upon the relevant capabilities of the specialized agencies in this field, and other available multilateral and bilateral assistance;

(c) Activities in the area of public information as may be determined by the Commission in considering the world campaign for human rights;

(d) Measures to enhance national and existing regional institutions for the promotion of human rights, through

<sup>118</sup> Resolution 260 A (III), annex.

<sup>119</sup> Resolution 2106 A (XX), annex.

<sup>120</sup> Resolution 3068 (XXVIII), annex.

<sup>121</sup> Resolution 34/180, annex.

<sup>122</sup> Resolution 39/46, annex.

<sup>117</sup> See resolution 2200 A (XXI), annex.

December 1977 by which it adopted the International Declaration against *Apartheid* in Sports and resolution 40/64 G of 10 December 1985, the annex to which contains the International Convention against *Apartheid* in Sports.

*Having considered* the report of the Commission against *Apartheid* in Sports<sup>91</sup> and the relevant sections of the report of the Special Committee against *Apartheid*,<sup>86</sup>

1. *Takes note* of the report of the Commission against *Apartheid* in Sports;
2. *Calls upon* those States that have signed the International Convention against *Apartheid* in Sports to ratify it and also calls upon other States to accede to it as soon as possible;
3. *Commends* those Governments, organizations and individual sportsmen and sportswomen that have taken action in accordance with the Register of Sports Contacts with South Africa with a view to achieving a total isolation of *apartheid* in sports;
4. *Requests* the Special Committee against *Apartheid* to continue issuing the Register of Sports Contacts with South Africa;
5. *Calls upon* those international sports organizations and federations that have not yet expelled South Africa or suspended its membership to do so without further delay;
6. *Requests* the Secretary-General to provide the Commission against *Apartheid* in Sports with all needed assistance.

63rd plenary meeting  
22 November 1989

44/40. The situation in the Middle East

A

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985, 41/162 A to C of 4 December 1986, 42/209 A to D of 11 December 1987 and 43/54 A to C of 6 December 1988,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984 and other relevant resolutions,

*Taking note* of the reports of the Secretary-General of 27 October 1989,<sup>101</sup> 16 November 1989<sup>102</sup> and 22 November 1989,<sup>103</sup>

*Reaffirming* the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>104</sup> which were confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989, reiterating its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

*Welcoming* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

*Gravely concerned* that the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>2</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the re-

<sup>101</sup> A/44/690 and Add.1

<sup>102</sup> A/44/731-S/20968; see *Official Records of the Security Council, Forty-fourth Year, Supplement for October, November and December 1989*, document S/20968.

<sup>103</sup> A/44/737-S/20971; see *Official Records of the Security Council, Forty-fourth Year, Supplement for October, November and December 1989*, document S/20971.

<sup>104</sup> See A/37/696-S/15510, annex. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex.

gion, based on full respect for the Charter and the principles of international law.

*Gravely concerned also* at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security.

*Stressing once again* the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East.

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

2. *Reaffirms* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people.

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 F of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985, 41/43 A to D of 2 December 1986, 42/66 A to D of 2 December 1987, 43/54 A to C of 6 December 1988, and 43/175 A to C, 43/176 and 43/177 of 15 December 1988;

4. *Considers* the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>104</sup> which was confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989, as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East.

5. *Condemns* Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solu-

tion to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic cooperation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for convening the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory.

including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with United Nations resolutions relevant to the question of Palestine and the situation in the Middle East;

14. *Endorses the call* for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. *Requests the Secretary-General* to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-fifth session a comprehensive report covering the developments in the Middle East in all their aspects.

73rd plenary meeting  
4 December 1989

**B**

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 22 November 1989,<sup>103</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985, 41/162 B of 4 December 1986, 42/209 C of 11 December 1987 and 43/54 B of 6 December 1988,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>2</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Noting* that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting also* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B, 41/162 B, 42/209 C and 43/54 B;

2. *Declares once more* that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the Palestinian territory occupied since 1967, including Jerusalem, and of the other occupied Arab territories to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>75</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges non-member States* to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its forty-fifth session on the implementation of the present resolution.

*73rd plenary meeting  
4 December 1989*

**C**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987 and 43/54 C of 6 December 1988, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 22 November 1989,<sup>103</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-fifth session on the implementation of the present resolution.

*73rd plenary meeting  
4 December 1989*

**44/41. Question of Palestine**

**A**

*The General Assembly,*

*Recalling* its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 of 2 December 1977, 33/28 of 7 December 1978, 34/65 A and B of 29 November 1979 and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981, ES-7/4 of 28 April 1982, ES-7/5 of 26 June 1982, ES-7/9 of 24 September 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/96 A of 12 December 1985, 41/43 A of 2 December 1986, 42/66 A of 2 December 1987 and 43/175 A of 15 December 1988,

*Having considered* the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>105</sup>

1. *Expresses its appreciation* to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Endorses* the recommendations of the Committee contained in paragraphs 110 to 118 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is still awaited;

3. *Requests* the Committee to continue to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights<sup>106</sup> and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

4. *Authorizes* the Committee to continue to exert all efforts to promote the implementation of its recommendations, including representation at conferences and meetings and the sending of delegations, to make such adjustments in its approved programme of seminars and symposia and meetings for non-governmental organizations as it may consider necessary, and to report thereon to the General Assembly at its forty-fifth session and thereafter;

5. *Also requests* the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and creating a more favourable atmosphere for the full implementation of the Committee's recommendations, and to take the necessary steps to expand its contacts with those organizations;

6. *Requests* the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III), as well as other United Nations bodies associated with the question of Palestine, to continue to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

<sup>105</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 35 (A/44/35).*

<sup>106</sup> *Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.U.21), chap. I, sect. B.*

(b) Setting up joint sectoral inter-agency working groups;

8. *Calls upon* the specialized agencies and other organizations and programmes of the United Nations system:

(a) To continue to co-operate with the Secretary-General and the programmes, organizations and agencies concerned within the United Nations system and the League of Arab States and its specialized organizations in the follow-up of multilateral proposals aimed at strengthening and expanding co-operation in all fields between the United Nations system and the League of Arab States and its specialized organizations;

(b) To maintain and increase contacts and consultations with the counterpart programmes, organizations and agencies concerned regarding projects of a bilateral nature, in order to facilitate their implementation;

(c) To associate whenever possible with organizations and institutions of the League of Arab States in the execution and implementation of development projects in the Arab region;

(d) To inform the Secretary-General, not later than 15 May 1991, of the progress of their co-operation with the League of Arab States and its specialized organizations, in particular the follow-up action taken on the multilateral and bilateral proposals adopted at the Tunis, Amman and Geneva meetings;

9. *Decides* that, in order to intensify co-operation and for the purpose of review and appraisal of progress as well as to prepare comprehensive periodic reports, a general meeting between the United Nations system and the League of Arab States should take place once every two years and inter-agency sectoral meetings should be organized annually on areas of priority and wide importance in the development of the Arab States and the meeting of the sectoral co-ordinators should be held during 1991, the time and place to be determined by consultations between the United Nations and the League of Arab States;

10. *Recommends* that the United Nations and the other organizations of the United Nations system should utilize Arab expertise to the extent possible in projects undertaken in the Arab region;

11. *Requests* the Secretary-General of the United Nations, in co-operation with the Secretary-General of the League of Arab States, to encourage periodic consultations between representatives of the Secretariat of the United Nations and of the General Secretariat of the League of Arab States to review and strengthen co-ordination mechanisms with a view to accelerating implementation and follow-up action of multilateral projects and proposals adopted by the general meeting of the two organizations;

12. *Recommends* that a joint meeting between representatives of the organizations of the United Nations system and of the League of Arab States and its specialized organizations should be organized in 1992 in order to review the progress achieved in the implementation of the two-year plan of action adopted at the 1990 meeting;

13. *Further requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a progress report on the implementation of the present resolution;

14. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Co-operation between the United Nations and the League of Arab States".

*67th plenary meeting  
13 December 1990*

**45/83. The situation in the Middle East**

**A**

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Reaffirming* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985, 41/162 A to C of 4 December 1986, 42/209 A to D of 11 December 1987, 43/54 A to C of 6 December 1988 and 44/40 A to C of 4 December 1989,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 659 (1990) of 31 July 1990, and other relevant resolutions,

*Taking note* of the reports of the Secretary-General of 15 October 1990,<sup>73</sup> 12 November 1990<sup>62</sup> and 26 November 1990,<sup>74</sup>

*Reaffirming* the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>75</sup> which were confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989,

*Reiterating* its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people,

*Considering* that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 44/42 of 6 December 1989 and other resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

*Welcoming also* the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggress-

<sup>73</sup> A/45/595.

<sup>74</sup> A/45/726-S/21947; see *Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990*, document S/21947.

<sup>75</sup> See A/37/696-S/15510, annex. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex.

sion and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

*Gravely concerned* that the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>64</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

*Gravely concerned also* at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Stressing once again* the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

2. *Reaffirms* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exer-

cise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985, 41/43 A to D of 2 December 1986, 42/66 A to D of 2 December 1987, 43/54 A to C of 6 December 1988, and 43/175 A to C, 43/176, 43/177 of 15 December 1988 and 44/42;

4. *Considers* the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>75</sup> which was confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989, as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the im-



position of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and *matériel* to Israel, augmented by substantial economic aid, including the Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. *Calls once more upon* all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms its call* for convening the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with the United Nations resolutions relevant to the question of Palestine and the situation in the Middle East;

14. *Endorses the call* for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-sixth session a comprehensive report covering the developments in the Middle East in all their aspects.

67th plenary meeting  
13 December 1990

## B

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 15 October 1990,<sup>73</sup>

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985, 41/162 B of 4 December 1986, 42/209 C of 11 December 1987, 43/54 B of 6 December 1988 and 44/40 B of 4 December 1989,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>64</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Noting* that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

*Noting also* that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B, 41/162 B, 42/209 C, 43/54 B and 44/40 B;

2. *Declares once more* that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the Palestinian territory occupied since 1967, including Jerusalem, and of the other occupied Arab territories to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,<sup>76</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplors* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplors* any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls upon* all Member States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as human resources, aimed at prolonging Israeli occupation of the Arab territories or encouraging Israel to pursue its aggressive policy against the Arab countries and the Palestinian people;

14. *Urges* non-member States to act in accordance with the provisions of the present resolution;

15. *Calls upon* the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

16. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

67th plenary meeting  
13 December 1990

C

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988 and 44/40 C of 4 December 1989, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 15 October 1990,<sup>73</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplors* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

67th plenary meeting  
13 December 1990

45/145. Law of the sea

*The General Assembly,*

*Recalling* its previous resolutions, including resolution 44/26 of 20 November 1989, regarding the law of the sea,

*Recognizing* that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea,<sup>59</sup> the problems of ocean space are closely interrelated and need to be considered as a whole,

*Convinced* that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner

<sup>76</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

*Recalling*, on the occasion of the twenty-fifth anniversary of the adoption of the Covenants, the fundamental importance and special status of these basic human rights instruments of the United Nations,

*Reaffirming* the importance of the observance and effective implementation of the universally recognized standards in the field of human rights as contained in the Covenants,

*Solemnly declares* that acceptance of the International Covenants on Human Rights contributes greatly to the protection of human rights and fundamental freedoms, and urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights<sup>94</sup> and the International Covenant on Civil and Political Rights<sup>94</sup> and to consider acceding to the Optional Protocols to the latter at the earliest moment.

73rd plenary meeting  
16 December 1991

#### 46/82. The situation in the Middle East

##### A

*The General Assembly,*

*Having discussed* the item entitled "The situation in the Middle East",

*Recalling* its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985, 41/162 A to C of 4 December 1986, 42/209 A to D of 11 December 1987, 43/54 A to C of 6 December 1988, 44/40 A to C of 4 December 1989, 45/83 A to C of 13 December 1990 and 45/68 of 6 December 1990,

*Recalling* Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 701 (1991) of 31 July 1991 and other relevant resolutions,

*Taking note* of the reports of the Secretary-General of 22 October 1991,<sup>95</sup> 8 November 1991<sup>99</sup> and 15 November 1991,<sup>96</sup>

*Reaffirming* the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>97</sup> which were confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989,

*Reiterating* its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people,

*Welcoming* all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East, including Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973,

*Welcoming also* the world-wide support extended to the

just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

*Gravely concerned* that the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>61</sup> to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Reaffirming also* all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

*Gravely concerned also* at Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

*Reaffirming further* the imperative necessity and urgency of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

1. *Reaffirms its conviction* that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

2. *Reaffirms* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29

July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985, 41/43 A to D of 2 December 1986, 42/66 A to D of 2 December 1987, 43/54 A to C of 6 December 1988, 43/175 A to C, 43/176 and 43/177 of 15 December 1988, 44/42 of 6 December 1989 and 45/68;

4. *Considers* the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982,<sup>97</sup> which was confirmed by subsequent Arab summit conferences, including the Extraordinary Arab Summit Conference held at Casablanca, Morocco, from 23 to 26 May 1989, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. *Condemns* Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. *Rejects* all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory, including expropriation, establishment of settlements, annexation and other aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Calls upon* all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories;

11. *Strongly deplores* the continuing and increasing collaboration between Israel and South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities;

12. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-seventh session a comprehensive report covering the developments in the Middle East pertaining to the present resolution.

*73rd plenary meeting  
16 December 1991*

**B**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989 and 45/83 C of 13 December 1990, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 22 October 1991,<sup>95</sup>

1. *Determines* that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

*73rd plenary meeting  
16 December 1991*

**46/86. Elimination of racism and racial discrimination**

*The General Assembly*

*Decides* to revoke the determination contained in its resolution 3379 (XXX) of 10 November 1975.

*74th plenary meeting  
16 December 1991*



General Assembly

Distr.  
GENERAL

A/RES/47/63  
22 March 1993

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Forty-seventh session  
Agenda item 35

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/47/L.42 and Add.1,  
A/47/L.43 and Add.1)]

47/63. The situation in the Middle East

A

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 25 November  
1992, 1/

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling its relevant resolutions, the last of which is 45/83 B of  
13 December 1990,

Recalling also its resolution 3314 (XXIX) of 14 December 1974, in the  
annex to which it defined an act of aggression, inter alia, as "the invasion  
or attack by the armed forces of a State of the territory of another State, or  
any military occupation, however temporary, resulting from such invasion or  
attack, or any annexation by the use of force of the territory of another  
State or part thereof" and provided that "no consideration of whatever nature,  
whether political, economic, military or otherwise, may serve as a  
justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the  
acquisition of territory by force,

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1/ A/47/673.

A/RES/47/63

Page 2

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ to the occupied Syrian Golan and the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

Noting that Israel has refused, in violation of Article 25 of the Charter of the United Nations, to accept and carry out the numerous relevant resolutions of the Security Council, in particular resolution 497 (1981),

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Taking note with satisfaction of the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, but regretting that the desired substantial results have not been achieved,

1. Declares that Israel has failed so far to comply with Security Council resolution 497 (1981) and the relevant resolutions of the General Assembly;

2. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is illegal and therefore null and void and has no validity whatsoever;

3. Declares that the Knesset decision of 11 November 1991 annexing the occupied Syrian Golan constitutes a grave violation of Security Council resolution 497 (1981) and therefore is null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Arab territories and the Palestinian territories occupied since 1967, including Jerusalem, and the occupied Syrian Golan to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decisions relating to the occupied Syrian Golan are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, 3/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

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2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

/...

7. Determines once more that the continued occupation of the Syrian Golan since 1967 and its de facto annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to peace and security in the region;

8. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan, and its decision of 11 November 1991, which resulted in the effective annexation of that territory;

9. Demands once more that Israel withdraw from the occupied Syrian Golan in implementation of the relevant Security Council and General Assembly resolutions;

10. Calls upon the international community to urge Israel to withdraw from the occupied Syrian Golan and other occupied Arab territories for the establishment of a just, comprehensive and lasting peace in the region;

11. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

84th plenary meeting  
11 December 1992

B

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990 and 46/82 B of 16 December 1991, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 25 November 1992, 1/

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;

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A/RES/47/63  
Page 4

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

84th plenary meeting  
11 December 1992



UNITED  
NATIONS

**A**



**General Assembly**

Distr.  
GENERAL

A/RES/48/59  
31 January 1994

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Forty-eighth session  
Agenda item 34

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee  
(A/48/L.34 and Add.1 and A/48/L.46 and Add.)]

48/59. The situation in the Middle East

A

Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991 and 47/63 B of 11 December 1992, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

/...

**1516**

A/RES/48/59  
Page 2

Having considered the report of the Secretary-General of 25 October 1993, 1/

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;
3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

79th plenary meeting  
14 December 1993

B

Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 25 October 1993, 1/

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its resolution 3314 (XXIX) of 14 December 1974, in the annex to which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

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1/ A/48/522.

/...

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ to the occupied Syrian Golan,

Noting that Israel has refused, in violation of Article 25 of the Charter of the United Nations, to accept and carry out Security Council resolution 497 (1981),

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Taking note with satisfaction of the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, but regretting that a just and comprehensive peace has not yet been achieved after two years of negotiation in Washington, D.C.,

1. Declares that Israel has failed so far to comply with Security Council resolution 497 (1981);

2. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is illegal and therefore null and void and has no validity whatsoever;

3. Declares also that the Knesset decision of 11 November 1991 annexing the occupied Syrian Golan constitutes a grave violation of Security Council resolution 497 (1981) and therefore is null and void and has no validity whatsoever;

4. Declares further all Israeli policies and practices of, or aimed at, annexation of the occupied Arab territories since 1967, including the occupied Syrian Golan, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decisions relating to the occupied Syrian Golan are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, 3/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

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2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

/...

A/RES/48/59

Page 4

7. Determines once more that the continued occupation of the Syrian Golan since 1967 and its de facto annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to peace and security in the region;

8. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan, and its decision of 11 November 1991, which resulted in the effective annexation of that territory;

9. Demands once more that Israel withdraw from the occupied Syrian Golan in implementation of the relevant Security Council resolutions;

10. Calls upon the international community to urge Israel to withdraw from the occupied Syrian Golan and other occupied Arab territories for the establishment of a just, comprehensive and lasting peace in the region;

11. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

79th plenary meeting  
14 December 1993

UNITED  
NATIONS

**A**



**General Assembly**

Distr.  
GENERAL

A/RES/49/87  
7 February 1995

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Forty-ninth session  
Agenda item 38

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/49/L.59 and A/49/L.60)]

49/87.        The situation in the Middle East

A

Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992 and 48/59 A of 14 December 1993, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 20 October 1994, 1/

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1/    A/49/556.

95-76357

/...

A/RES/49/87  
Page 2

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;
3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

91st plenary meeting  
16 December 1994

B

The Syrian Golan

The General Assembly,  
Having considered the item entitled "The situation in the Middle East",  
Taking note of the report of the Secretary-General of 20 October 1994, 1/  
Recalling Security Council resolution 497 (1981) of 17 December 1981,  
Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,  
Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ to the occupied Syrian Golan,  
Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,  
Noting with satisfaction the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, with the hope that substantial and concrete progress will be achieved on the Syrian and Lebanese tracks for the realization of a just, comprehensive and lasting peace in the region,

1. Declares that Israel has failed so far to comply with Security Council resolution 497 (1981);

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2/ United Nations, Treaty Series, vol. 75, No. 973.

/...

2. Declares also that the Knesset decision of 11 November 1991 annexing the occupied Syrian Golan constitutes a grave violation of Security Council resolution 497 (1981) and therefore is null and void and has no validity whatsoever, and calls upon Israel to rescind it;

3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, <sup>3/</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling-block in the way of achieving a just, comprehensive and lasting peace in the region;

5. Demands once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions;

6. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

91st plenary meeting  
16 December 1994

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<sup>3/</sup> See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).



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**The situation in the Middle East, 50 G.A. res. 50/22, 49 U.N. GAOR Supp. (No. 49) at 26, U.N. Doc. A/RES/50/49 (1995).**

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Fiftieth session  
Agenda item 44

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

**A**

**Jerusalem**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993 and 49/87 A of 16 December 1994, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling* also Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General of 24 October 1995, A/50/574.

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;
3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the implementation of the present resolution.

79th plenary meeting  
4 December 1995

**B**

**The Syrian Golan**



*The General Assembly,*

**HP EXHIBIT 176**

*Having considered* the item entitled "The situation in the Middle East",

*Taking note* of the report of the Secretary-General of 24 October 1995, 1/

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Reaffirming* the fundamental principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming* once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, United Nations, Treaty Series, vol. 75, No. 973. to the occupied Syrian Golan,

*Deeply concerned* that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

*Noting* with satisfaction the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, with the hope that substantial and concrete progress will be achieved on the Syrian and Lebanese tracks for the realization of a just, comprehensive and lasting peace in the region,

1. Declares that Israel has failed so far to comply with Security Council resolution 497 (1981);
2. Declares also that the Knesset decision of 11 November 1991 annexing the occupied Syrian Golan constitutes a grave violation of resolution 497 (1981) and therefore is null and void and has no validity whatsoever, and calls upon Israel to rescind it;
3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915). and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;
4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling-block in the way of achieving a just, comprehensive and lasting peace in the region;
5. Demands once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;
6. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the implementation of the present resolution.

79th plenary meeting  
4 December 1995 .

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[Home](#) || [Treaties](#) || [Search](#) || [Links](#)

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UNITED  
NATIONS

A



**General Assembly**

Distr.  
GENERAL

A/RES/51/27  
11 February 1997

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Fifty-first session  
Agenda item 33  
THE SITUATION IN  
THE MIDDLE EAST

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/51/L.38 and Add.1)]

51/27. Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994 and 50/22 A of 4 December 1995, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,<sup>1</sup>

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<sup>1</sup> A/51/543.

A/RES/51/27  
Page 2

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

72nd plenary meeting  
4 December 1996



**General Assembly**

Distr.  
GENERAL

A/RES/52/53  
28 January 1998

Fifty-second session  
Agenda item 37

**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

*[without reference to a Main Committee (A/52/L.54 and Add.1)]*

**52/53. Jerusalem**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995 and 51/27 of 4 December 1996, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling also* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General,<sup>1</sup>

1. *Determines* that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

<sup>1</sup> A/52/467.

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

*68th plenary meeting  
9 December 1997*

**UNITED  
NATIONS**

**A**



**General Assembly**

Distr.  
GENERAL

A/RES/53/37  
15 January 1999

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Fifty-third session  
Agenda item 40

**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

*[without reference to a Main Committee (A/53/L.52 and Add.1)]*

**53/37. Jerusalem**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996 and 52/53 of 9 December 1997, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling also* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General,<sup>1</sup>

1. *Determines* that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

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<sup>1</sup> A/53/550.

A/RES/53/37

Page 2

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

*76th plenary meeting  
2 December 1998*

**UNITED  
NATIONS**

**A**



**General Assembly**

Distr.  
GENERAL

A/RES/54/37  
20 January 2000

Fifty-fourth session  
Agenda item 43

**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

[without reference to a Main Committee (A/54/L.40 and Add.1)]

**54/37. Jerusalem**

*The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997 and 53/37 of 2 December 1998, in which it, *inter alia*, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling also* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the “Basic Law” and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General,<sup>1</sup>

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<sup>1</sup> A/54/495.



A/RES/54/37  
Page 2

1. *Determines* that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution.

*68th plenary meeting  
1 December 1999*

**General Assembly**Distr.: General  
25 January 2001Fifty-fifth session  
Agenda item 40**Resolution adopted by the General Assembly***[without reference to a Main Committee (A/55/L.49 and Add.1)]***55/50. Jerusalem***The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997, 53/37 of 2 December 1998 and 54/37 of 1 December 1999, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling also* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General,<sup>1</sup>

1. *Determines* that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

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<sup>1</sup> A/55/538.

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

*78th plenary meeting  
1 December 2000*

**General Assembly**Distr.: General  
18 December 2001Fifty-sixth session  
Agenda item 42**Resolution adopted by the General Assembly***[without reference to a Main Committee (A/56/L.23 and Add.1)]***56/31. Jerusalem***The General Assembly,*

*Recalling* its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997, 53/37 of 2 December 1998, 54/37 of 1 December 1999 and 55/50 of 1 December 2000, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

*Recalling also* Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

*Having considered* the report of the Secretary-General,<sup>1</sup>

1. *Determines* that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;

3. *Calls once more upon* those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

<sup>1</sup> A/56/480.

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the implementation of the present resolution.

*72nd plenary meeting  
3 December 2001*



**General Assembly**

Sixty-eighth session

**57<sup>th</sup>** plenary meeting  
 Monday, 25 November 2013, 3 p.m.  
 New York

*Official Records*

*President:* Mr. Ashe ..... (Antigua and Barbuda)

*The meeting was called to order at 3 p.m.*

**Agenda item 36**

**Question of Palestine**

**Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/68/35)**

**Report of the Secretary-General (A/68/363)**

**Draft resolutions (A/68/L.12, A/68/L.13, A/68/L.14 and A/68/L.15)**

**The President:** As we begin consideration of this afternoon's agenda item, let me reaffirm the undisputed consensus concerning the creation of an independent Palestinian State living side by side with the State of Israel, within secure and mutually recognized borders. This universally accepted solution was robustly reaffirmed recently in resolution 67/19, which granted Palestine the status of non-member observer State in the United Nations.

I take note of the considerable international diplomatic activity that has been taking place in order to restart the stalled negotiations between the two sides. There has been some forward movement on questions of substance, which I welcome. However, at the same time, there have been steps taken that are distinctly unhelpful to, and even undermine, the chances of finding the kind of solution called for by our Assembly. At present, the progression of the negotiations stands in jeopardy, and none of the overwhelming number of supporters of

peace and stability in the region wishes to contemplate the possible consequences of such a situation.

The attention of the international community is currently being turned towards a new paradigm for improving the quality of life of human beings beyond 2015. At the heart of the post-2015 development agenda is a concern for people, regardless of race, religion or economic status — a concern for “the dignity and worth of the human person”, in the words of our Charter.

It is extremely regrettable that at such a moment, the people of Palestine find themselves locked in a historic battle for the very physical space that they have long called their home. Such space is a necessary condition to satisfy their basic aspirations today, to live in security, freedom, honour and dignity. Human dignity cannot be compartmentalized. The desecration of humanity, whether in the West Bank or in Gaza or in Syria or elsewhere, is the desecration of humanity everywhere, and that should be of concern to all people.

In my address to the Assembly on 14 June (see A/67/PV.87), I informed Member States that my priority for the sixty-eighth session was “The post-2015 development agenda: setting the stage”. In those remarks, I signalled my intention to hold a number of thematic debates, including one on “ensuring stable and peaceful societies”. That activity is intended to feed into the articulation of the post-2015 development agenda, which is an agenda for all peoples, countries and regions, including the Middle East. That region, regrettably, seems to be one where the dream of achieving peace and stability faces its keenest

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challenges, with causes that are both internal and external. In that regard, the political and social unrest that has taken place in a number of countries during the past few years readily comes to mind.

It is for that reason that I welcome the limited-term agreement recently announced by the P5+1 and Iran regarding the latter's nuclear programme. The negotiations that preceded the announcement of the agreement had begun with a dangerous rise in suspicions regarding the nature of Iran's nuclear programme. I believe, and I hope, this weekend's agreement represents a step in the direction of easing those tensions and suspicions. Therefore, I trust that as we all look towards the future, memories of past wrongs, whether in word or deed, will not unduly influence perceptions of present intentions.

I look forward to the timely and good-faith implementation of the terms of that instrument, as a contribution to strengthening peace and stability in the Middle East. I expect that such implementation will guide us on the path from confrontation to dialogue — dialogue that is aimed at strengthening peace, security and well-being within and among peoples. For it is through dialogue that we have a better understanding of each other's fears and suspicions. It is through dialogue that we show signs that we are as mindful of the hurts of others as we are of our own. It is through dialogue that we foster the spirit of trust and confidence that alone can sustain and give strength to our decisions. And it is through dialogue that we will identify the pathways toward a just, lasting and mutually satisfactory agreement between the independent States of Israel and Palestine, and towards a stable and peaceful Middle East in general.

I now give the floor to His Excellency Ambassador Diallo of Senegal, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to introduce draft resolutions A/68/L.12, A/68/L.13, A/68/L.14 and A/68/L.15.

**Mr. Diallo** (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*spoke in French*): At the outset, let me thank all the delegations, and you personally, Mr. President, for your active participation in this morning's special meeting dedicated to the International Day of Solidarity with the Palestinian People.

Sixty-six years ago, the General Assembly solemnly recognized two States, only one of which actually saw the light of day. It was not until 29 November 2012 that the General Assembly finally deigned to grant Palestine the status of an observer State. Our Committee strongly supported that decision, which we believed would help to revitalize the peace process. That view was borne out by events, which means that we are on the right track, as symbolically illustrated by the first vote of the State of Palestine in the General Assembly, last Monday, 18 November (see A/68/PV.53). It is our fervent wish that by next year we will be welcoming President Mahmoud Abbas to the United Nations as leader of a sovereign and independent Member State.

The various parties, whose tenacious commitment moved the peace process forward, deserve enormous credit, including the United States of America, the League of Arab States, Jordan, the European Union, the Quartet and the Secretary-General. However, there are worrying signs that the process is undergoing a deep crisis of confidence, mainly as a result of the acceleration of illegal settlement activities, which caused the Palestinian negotiating team to withdraw in protest.

It is our view that the General Assembly, guarantor of international legitimacy, has an important role to play in the critical year ahead, with a view to maintaining the integrity of the process. The four draft resolutions that I would now like to introduce to the Assembly under the present agenda item incorporate our thinking in that respect.

During the past year, our Committee has redoubled its efforts to build on the momentum generated by resolution 67/19. We analysed all the implications of the new political reality of the creation of a State under occupation, which, from our point of view, presents new possibilities.

The first three draft resolutions are related to the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights of the Department of Political Affairs, and the special information programme on the Question of Palestine of the Department of Public Information. They reaffirm the important mandates entrusted to those entities by the General Assembly. As in the past, the Committee intends to make sure that the resources available to it are used in an optimal manner. The draft resolutions have been subject to extensive

consultation with regional groups and were approved by the Committee. They have been circulated as documents A/68/L.12, A/68/L.13 and A/68/L.14, which are now before members. There are some new elements which I will clarify.

Over the years, the United Nations has declared international years dedicated to raising awareness about a variety of issues of particular importance to the international community. However, there has never been a year dedicated to the question of Palestine, which has been an item on the United Nations agenda for a very long time, still unresolved despite years of effort. Our Committee wanted to correct that historical imbalance, which is why draft resolution A/68/L.12 proposes that the Assembly proclaim the year 2014 as the International Year of Solidarity with the Palestinian People and that it request the Committee to organize activities in cooperation with Governments, relevant organizations of the United Nations system, intergovernmental organizations and civil society.

We chose the year 2014 to focus the attention of the international community on the issue and afford it the opportunity to contribute to the peace process currently under way. In the spirit of budgetary discipline, and fully aware of the financial constraints that the United Nations is facing, it is important to note that we will not be requesting additional resources from the regular budget. We will appeal to all supporters of the Palestinian cause to contribute generously to the initiative in the form of extrabudgetary funds.

Bear in mind that international years do not concern just the United Nations. Governments, intergovernmental organizations and civil society traditionally launch the bulk of activities relating to international years, including, for example, conferences, forums, youth camps, exhibitions, competitions, briefings, rallies, petitions, concerts, film screenings, workshops, festivals and so much more. We will be inviting members to share their ideas in the months ahead in order to shape and coordinate this major undertaking. I encourage Member States to co-sponsor the draft resolutions.

The fourth draft resolution, A/68/L.15, is entitled "Peaceful settlement of the question of Palestine". It reaffirms the position of the General Assembly with regard to the essential elements of such a settlement and includes references to the developments of the past year. It welcomes the resumption of negotiations

on all permanent-status issues within a nine-month time frame. It also encourages all States and intergovernmental organizations to pursue policies that ensure respect for their obligations under international law, in particular with regard to settlements.

I hope that these provisions and all others in the draft texts will meet the Assembly's strong support. The four draft resolutions that I have just introduced outline positions, mandates and programmes of special importance, particularly at the present crucial juncture. Our Committee is fully committed to the cause of Israeli-Palestinian peace. A vote in favour of the four draft resolutions will certainly be a vote in favour of peace.

**The President:** I now give the floor to His Excellency Mr. Christopher Grima of Malta, Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to introduce the report of the Committee.

**Mr. Grima** (Malta), Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People: It is an honour for me, in my capacity as Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to present to the General Assembly the annual report of the Committee, contained in document A/68/35. Allow me to summarize each section of the report.

After the introduction of the report, chapters II and III outline the mandate entrusted to the Committee by the General Assembly and the organization of the Committee's work during the year. Under Chapter IV, the report reviews the situation relating to the question of Palestine, as monitored by the Committee, and contains a detailed factual account of the developments that have taken place in the period under review, which ended on 6 October 2013. The most recent events will be reflected in the next report.

Chapter V describes the action taken by the Committee, including the Chairman's participation in General Assembly and Security Council debates, statements issued by the Committee and its Bureau, and the continued dialogue between the Committee and members of intergovernmental organizations. This chapter also reports on the various international meetings and conferences organized by the Committee, as well as other mandated activities carried out by the Division for Palestinian Rights.



Chapter VI provides an overview of the work done over the year by the Department of Public Information pursuant to resolution 67/22 of 30 November 2012.

The last chapter of the report contains the conclusions and recommendations of the Committee, in which the Committee reiterates its view that the admission of Palestine as a non-member observer State by the General Assembly (see resolution 67/19) constituted an important step towards the realization of the two-State solution. That gave a new urgency to the resumption of the peace process and vested the State of Palestine with important additional rights to join international legal frameworks and to contribute to the work of the United Nations system as a whole. The Committee calls on all Member States to extend full diplomatic recognition to the State of Palestine and on the Security Council to revisit the issue of Palestine's full membership.

Welcoming the resumption of Israeli-Palestinian direct negotiations, the Committee calls for the sustained engagement and support of the international community, including a revitalized Quartet, which is vital to ensure that the parties negotiate in good faith, live up to their commitments and refrain from steps that jeopardize negotiations. The current diplomatic initiative may represent the final window of opportunity to achieve a negotiated two-State solution. In that regard, the Committee expresses its concern about Israel's settlement activity, which threatens to derail negotiations. The Committee welcomes the recently adopted European Union (EU) guidelines that prohibit funding by EU institutions for Israeli entities connected with the settlements as a first step towards fulfilling obligations under international law and calls for further international action against settlements.

The Committee condemns all attacks against civilians and calls on the parties to adhere to the terms of the Gaza ceasefire agreement. It calls upon the Security Council and the High Contracting Parties to the Fourth Geneva Convention to act urgently to uphold international humanitarian law and guarantee the protection of civilians.

The Committee also stresses the importance of Palestinian unity under the legitimate leadership of President Mahmoud Abbas to secure a comprehensive peace. It expresses its concern that the accomplishments made towards Palestinian State-building and reform are now endangered, owing to the chronic financial crisis, and calls upon donors to meet their prior

commitments and to provide additional aid to avert further deterioration.

The Committee suggests that its programme of international meetings and conferences in 2014 be focused on widening international support for the achievement of the inalienable rights of the Palestinian people and the creation of a favourable atmosphere for the success of the resumed permanent-status negotiations.

The Committee will mobilize increased international scrutiny of the developments on the ground, in particular settlement activities, and will emphasize responsibility and promote action by the international community to put an end to all illegal Israeli policies and practices in the occupied Palestinian territory, including East Jerusalem. The Committee will also examine the legal ramifications of the new international status of the State of Palestine and will continue to call attention to the plight of the Palestinian political prisoners in Israeli jails and urge a resolution of their plight.

The Committee will continue to encourage civil society partners to work with their national Governments, parliamentarians and other institutions with a view to gaining their full support for the work of the United Nations on the question of Palestine. It expresses the hope that the reactivated working group will help to build stronger partnerships with civil society. It also encourages its members and observers to mobilize their respective civil societies at the national level, in particular young people, and to establish solidarity committees with the State of Palestine.

The Committee will reach out to all regional groups at the United Nations with a view to expanding its membership. It will actively work to organize more thematic debates on the question of Palestine in various United Nations forums. The Committee calls upon the General Assembly to proclaim an international year of solidarity with the Palestinian people.

The Committee requests the Division for Palestinian Rights of the Secretariat to continue its substantive and secretariat support, the programme of research, monitoring and publications and other informational activities in support of the Committee's communication strategy. The Committee encourages voluntary contributions from members and observers in line with their capacity to put the programme on a solid financial footing.

Finally, the Committee reiterates its view that the special information programme on the Question of Palestine of the Department of Public Information has made an important contribution to informing the media and the public of the relevant issues, and requests the continuation of the programme.

In closing, I would like to express the hope that the report that I have just presented will be of assistance to the General Assembly in its deliberations on the question of Palestine.

**The President:** I now give the floor to the Permanent Observer of the observer State of Palestine.

**Mr. Mansour (Palestine):** I am honoured to address the General Assembly at this important debate on behalf of the State of Palestine. On the International Day of Solidarity with the Palestinian People, I reaffirm the gratitude of the Palestinian people and Government for the compelling expressions of solidarity received from all around the world, including those conveyed today at this commemorative meeting, with the participation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

We express our appreciation to the Chair of the Committee, Ambassador Diallo of Senegal, for presiding over this special meeting and for his statement and introduction of the draft resolutions on the question of Palestine today. We also express our gratitude to the Rapporteur of the Committee, Ambassador Grima of Malta, for having introduced the Committee's report (A/68/35) and to the other members of the Bureau, including the Ambassadors of Afghanistan, Cuba, Indonesia, Namibia and Nicaragua, and all members and observers of the Committee for their principled support of the just cause of Palestine. I also commend the efforts of the Division for Palestinian Rights and the special information programme on Palestine of the Department of Public Information.

I thank Secretary-General Ban Ki-moon for his report on the peaceful settlement of the question of Palestine (A/68/363) and for his tireless efforts. I would like to express our appreciation for the support of the United Nations system for the noble goal of peace and for the efforts of Personal Representative of the Secretary-General Robert Serry, of the Office of the United Nations Special Coordinator for the Middle East Peace Process, and of the Department of Political Affairs and all United Nations agencies on the ground assisting the Palestinian people, including, inter alia,

the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Development Programme, UNICEF, the Office for the Coordination of Humanitarian Affairs, the World Food Programme, UN-Women, the United Nations Human Settlements Programme, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights.

Here, we also express our appreciation for the commitment of the first United Nations Development Assistance Framework for the State of Palestine, aimed at enhancing development support and assistance to the Palestinian people and strengthening institutional capacity in line with national priorities. Undoubtedly, the international political, humanitarian, financial and moral support extended over the decades has helped sustain the Palestinian people and bolster their resilience as they have confronted innumerable hardships, in exile and under occupation, while awaiting the realization of their inalienable rights, justice and peace. We are grateful for the support, while again calling on the international community to exert all possible efforts, in line with relevant resolutions, the Charter of the United Nations and international law, to redress the injustice the Palestinian people have endured for far too long.

Our appeals to the international community are directly linked to the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects. That responsibility is being upheld by the international community in many ways. However, political progress remains elusive, due to Israel's flagrant contempt for the resolutions and the authority of the United Nations and to the absence of political will characterized by the paralysis of the Security Council, which has precluded accountability by Israel, the implementation of relevant resolutions, and the advancement of a just peace.

The General Assembly, however, continues to act to uphold its responsibilities. During the last debate on the question of Palestine, on 29 November 2012, the Assembly undertook the historic, courageous decision to accord to Palestine non-member observer State status in the United Nations. With the adoption of resolution 67/19 — which was fully consistent with the right to self-determination enshrined in the Charter and in relevant resolutions, from resolutions 181 (II), 194 (III), and Security Council resolution 242 (1967) to the present day — another milestone was set in the long march of the Palestinian people to freedom and

the realization of their inalienable rights and legitimate national aspirations.

Resolution 67/19 constitutes an important step towards ensuring the State of Palestine's rightful place among the community of nations, as the application submitted in 2011 by President Abbas for full United Nations membership regrettably remains pending before the Security Council. We are certain that the Assembly's overwhelming support for this decision will be considered on the right side of history and deemed an essential step towards rectifying this injustice and fulfilling the international covenant in this regard, 65 years after the adoption of resolution 181 (II) partitioning Mandate Palestine and the onset of Al-Nakba of the Palestinian people.

We are proud that the support for resolution 67/19 came from all corners of the globe, comprising countries from every major political and regional group. That initiative was rightly viewed as a crucial opportunity to reaffirm support for, and to salvage, the two-State solution at a time when its viability and popular conviction in it were being seriously eroded by the illegal policies of Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem, the territory constituting the State of Palestine. It was also an opportunity to reaffirm support for the Palestinian people's right to self-determination, freedom from occupation and the independence of their State, with East Jerusalem as its capital.

In fact, the global position in support of the two-State solution — based on the parameters of, inter alia, the borders of 4 June 1967, Jerusalem as the shared capital of the two States, and a just, agreed solution for the Palestinian refugees, in accordance with relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map — is the position to which the Palestinian people and leadership have been committed for at least a quarter of a century, since the formal acceptance of the two-State solution with the adoption of the Declaration of Independence of the State of Palestine in 1988. That significant compromise — to establish our State on only 22 per cent of our historic homeland for the sake of restoring our rights, achieving our freedom and ending the conflict — is among the boldest reflections of the Palestinian commitment to peace and coexistence with Israel, despite the great injustice endured by our people. That includes the Palestine refugees, who number over five million people and continue to suffer the untold

hardships of dispossession and exile, including those resulting from the many crises that have wracked the region, the most recent being the tragic conflict in Syria, which has gravely affected the Palestine refugee community.

The State of Palestine is upholding that commitment, as reflected in the serious engagement in all stages of the peace process from the Madrid Conference to its legitimate actions at the United Nations to safeguard and promote the rights of the Palestinian people. We continue to act responsibly, respecting international law and United Nations resolutions, fully cognizant of the high risks entailed in a failure to seize the remaining opportunity for realizing the two-State solution, a point starkly underscored by the Under-Secretary-General for Political Affairs in his recent briefing to the Security Council (see S/PV.7063).

We have thus engaged in over 20 rounds of talks with Israel in the context of the direct talks resumed on 29 July 2013, on the initiative of United States Secretary of State Kerry and with the vital support of the League of Arab States, as well as the European Union, the Russian Federation and the United Nations as members of the Quartet, and all concerned States from around the world. During the negotiations, Palestine has maintained focus on the objectives of peace and coexistence, determined to overcome the obstacles that have repeatedly undermined the process.

Unfortunately, despite the genuine efforts we are exerting and despite the international community's full support, real progress remains elusive and hopes are diminishing as the challenges on the ground persist. Provocative Israeli actions, distractions and declarations undermine the spirit and aim of the negotiations to justly resolve all final-status issues — Jerusalem, the Palestinian refugees, settlements, borders, water, security and prisoners. That is reflected the most in the high tensions and mistrust provoked by Israel's recent threats to construct thousands more settlement units, in grave breach of international law, in blatant disregard for global calls to halt them, and in contradiction of the basis for resumed negotiations and the goals of the peace process.

The reality on the ground in occupied Palestine is critical. Illegal and destructive Israeli actions, be they by the Government, its occupying forces or its extremist settlers, are sowing deep doubts about Israel's true intentions in the negotiations. Those actions are reinforcing the notion that it is only using this period

to further entrench its illegal settlement enterprise and de facto annexation of Palestinian land and to continue its subjugation of the Palestinian people, while simultaneously attempting to ease international pressure in that regard.

Over the past year, Israel has intensified its aggression, colonization and collective punishment against the Palestinian people, in flagrant breach of international law, including the Fourth Geneva Convention, the human rights covenants, and resolutions of the General Assembly, the Security Council, the Human Rights Council, the Economic and Social Council and UNESCO and other bodies, in disrespect of the advisory opinion of the International Court of Justice, and in arrogant disregard of international calls for compliance.

This has included, inter alia, the relentless construction of settlements and the wall, particularly in and around occupied East Jerusalem, Bethlehem and the Jordan Valley. Hundreds of dunums of land have been confiscated, and Palestinian civilians have been forcibly displaced; that has especially affected Bedouin families. Hundreds of homes and properties have been demolished, heavily targeting Palestinian Jerusalemites and Area C. There have been violent military raids by the occupying forces, causing loss of life, injury and property destruction. Excessive force has been used against peaceful civilian protesters, and there have been daily arrests and detention of civilians. More than 4,000 were arrested in the reporting period alone, as indicated by the Secretary-General. Nearly 5,000 Palestinians endure continued imprisonment under horrific conditions and abuse, including hundreds of children and prisoners stricken with cancer and prisoners on hunger strike, whose lives are endangered.

A myriad of measures obstruct the movement of persons and goods, foremost among which is the illegal blockade of the Gaza Strip. Religious sensitivities are aggravated, risking the outbreak of religious conflict, with incessant provocations by Israeli extremists against holy sites, especially at Al-Haram Al-Sharif, the detention of the Grand Mufti of Jerusalem, and the harassment of worshippers, including during Christian Easter observances and the Muslim holy month of Ramadan.

Extremist Israeli settlers have continued their criminal rampages, terrorizing Palestinian civilians, destroying farmlands and thousands of trees, affecting the livelihoods of thousands of families. They have

vandalized churches and mosques and threatened the sanctity of Al-Aqsa Mosque. The settlers act with support, protection and incitement from Israeli officials, who persist in encouraging colonization of the Palestinian land and in their rejection of the two-State solution and the rights, and even existence, of the Palestinian people.

With regard to the situation in the Gaza Strip, it is condemnable that the inhumane Israeli blockade has entered its seventh year, in collective punishment of the entire Palestinian civilian population there and in grave breach of the Fourth Geneva Convention. The blockade remains the cause of vast humanitarian suffering, exacerbating poverty and other socioeconomic ills and despair. It continues to impede the reconstruction of thousands of homes and of destroyed civilian infrastructure and to prevent economic recovery, as imports remain restricted and exports nearly prohibited. A water and energy crisis also persists in Gaza. Ninety per cent of the water is unfit for human consumption, and power outages of up to 16 hours a day are severely impairing the function of hospitals, schools, water and sanitation networks, businesses and home life.

We reiterate our calls for an end to the Israeli blockade, the illegal colonization of our land, the collective punishment of our people and the violation of their human rights, including of the thousands of Palestinians who remain imprisoned by the occupying Power and who must be released. Such actions constitute systematic violations of human rights law and of grave breaches of international humanitarian law, under which our people are entitled to protection. They are contrary to the good faith required to lead the negotiations to the achievement of peace.

We reiterate that the two-State solution and Israel's settlement campaign are completely irreconcilable and that such illegal measures cannot be justified under any pretext. The international consensus is clear — settlement activities are illegal, constitute the major obstacle to peace and must be halted. Speaking of peace while at the same time engaging in its destruction makes a mockery of the international community's support for the two-State solution and sabotages all efforts in that regard, as does claiming readiness to negotiate without conditions while actually imposing conditions on the ground in the form of illegal facts that entrench the occupation and obstruct peace.

We are at a critical juncture in the long, historic search for peace, to which the State of Palestine is

fully committed, as reflected in our adherence to the resumed negotiations and the parameters of the peace process upon which international consensus prevails. The decisions made now will determine whether the solution of two States — the State of Palestine and State of Israel living side by side in peace and security based on the pre-1967 borders — will be achieved, or whether that solution will be brought to an end by Israel's illegal policies.

Our collective effort, no matter how well intentioned, will fail, with far-reaching consequences, if Israel persists with the illegal policies of its 46-year military occupation and continues to undermine the foundations of a peaceful solution. That will trigger the onset of alternative efforts, political, legal and popular, to end the injustice and attain the rights of the Palestinian people — aspirations that they will never relinquish.

In order to sustain meaningful negotiations and overcome the political impasse towards the conclusion of a peace agreement, the reality on the ground must be immediately redressed. Israel must tangibly demonstrate, in word and in deed, its willingness to end its occupation and make peace. The mentality and policies of occupation, in all manifestations, must end. That is imperative to stem the decline of the situation, shore up popular belief in the possibility for peace, build trust between the parties and salvage this final chance for the two-State solution.

In the absence of a change in Israel's behaviour, we must continue to call for international action to compel Israel, the occupying Power, to respect all of its legal obligations. The message must be conveyed that Israel must cease all illegal policies and that the price of occupation is steep, while much is to be gained from peace. Violations must be met with measures for accountability. Failure to do so would be a disservice to the cause of peace, endangering the future of the Palestinian and Israeli peoples and prospects for peace and security in the Middle East and beyond.

The time is now for meaningful action to promote a just and lasting solution that will ensure the attainment of the inalienable rights of the Palestinian people and the establishment of peace between Palestine and Israel. That constitutes the cornerstone of Arab-Israeli peace, as set out in the Arab Peace Initiative, a historic initiative for comprehensive regional peace.

We are at a crossroads. We reiterate our appeal to all States, intergovernmental organizations, the United Nations system as a whole and civil society to extend the support necessary to realize Palestinian-Israeli peace, which is all the more urgent in the context of the dramatic developments in our region.

For its part, the State of Palestine will continue to act responsibly, upholding its commitment to peace and cooperating with all international efforts in this regard, on the basis of its belief in the rule of law and the international resolve to secure a just solution. Internally, we will continue to develop our national institutions to strengthen our State's foundations, serve our people and ease their hardships while still under occupation. We are grateful for the international support of those efforts, the progress of which is well documented by the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, the World Bank and the United Nations, despite the constraints and setbacks due to Israel's unlawful actions and the ongoing financial crisis. We will also continue to strive for reconciliation, which is so vital for achieving Palestinian national aspirations.

The Palestinian leadership is determined to bring an end to the tragedy endured by our people. We are determined to peacefully achieve the independence of the State of Palestine, with East Jerusalem as its capital, on the basis of the pre-1967 borders, to fulfil the rights of the Palestinian people, including Palestinian refugees, and to establish peace and security between Palestine and Israel. We are grateful for the principled support of all concerned States and peoples worldwide and urge that no effort be spared to achieve long-overdue freedom, justice and dignity for the Palestinian people. In that regard, we appeal for support for the International Year of Solidarity with the Palestinian People in 2014 as an important contribution towards fostering the necessary momentum and political will in the year ahead to achieve the rights of our people and make Palestinian-Israeli peace a reality.

**Mr. Prozor (Israel):** John Fitzgerald Kennedy said that the great enemy of the truth is very often not the lie but the myth — persistent, persuasive and unrealistic. This is the third year that I am standing before the Assembly to make a statement on this agenda item, and once again I experience a sense of déjà vu as I listen to a distortion of history. The greatest legends of Greek mythology cannot rival the fables and fabrications that have come to be associated with this debate.

This debate may take place only once a year, but anti-Israel bias pervades the United Nations system all year round. In 2012, the Assembly found the time to adopt 22 resolutions condemning Israel, compared with only four that single out other nations. The worst human rights abusers receive a fraction of the condemnation that Israel — the only democracy in the Middle East — receives. Those irresponsible actions have irreversible consequences. The States that rubberstamp the anti-Israel resolutions every year have given the Palestinians a false sense of reality and fed their culture of victimhood.

It has only been one year since the Assembly voted to change the Palestinian delegation's status at the United Nations. To all those who voted in favour of the resolution (resolution 67/19) last November, I ask the following. What exactly has changed? Did the resolution give the Palestinian Authority control over Gaza? Not in the least. Gaza comprises 40 per cent of the territory that President Abbas claims to represent, but he has not set foot in the area in six years. It seems to me that the Palestinian Authority has been asserting more control over some United Nations bodies than it does over the Gaza Strip. Since 2007, Gaza has been in the hands of Hamas, a terrorist organization that rains missiles on Israel's civilians.

Did the resolution adopted last year motivate the Palestinian Authority to finally hold elections? Not at all. Perhaps someone in the Assembly should remind the Palestinian Authority that its mandate expired in 2009 and that one election does not mean you can rule forever. At the same time, I have to wonder where all the countries that claim to stand for democratic values are. They are quick to cast judgment on Israel, but fall strangely silent when the Palestinians do not cast votes.

Did the resolution adopted last year inspire the Palestinian Authority to prepare their people for peace? Not in the least. Rather than teaching their children tolerance and mutual recognition, the Palestinian leadership continues to foster a culture of incitement. Palestinian Media Watch will soon release a report documenting hundreds of examples of Palestinian incitement since the peace talks began. One such example is the football teams named in honour of terrorists responsible for some of the deadliest attacks against Israelis. Instead of teaching kids to score goals, the Palestinian leadership's goal is to glorify murderers.

Israel recently made the difficult decision to release 26 convicted murderers as part of its commitment

to advancing the peace talks. Shortly after, the Palestinian Authority (PA) announced that each of those 26 terrorists would be rewarded with \$50,000, and some will earn as much as Palestinian ministers. The motto of the PA's pension plan seems to be "the more you slay, the more we pay".

As the PA sings the praises of murderers, the international community tunes out and mysteriously loses its voice. I wonder how taxpayers in London or Luxemburg would feel knowing that their tax dollars were being used to reward convicted murderers? The Palestinian leadership has yet to learn an important lesson. You cannot abuse others and call yourself the abused. You cannot claim your history is being denied while denying the history of the Jewish nation.

In Gaza, Hamas is poisoning the hearts and minds of the next generation. They recently published a textbook for 50,000 high-school students in which page after page denies Judaism's historical connection to the land of Israel and describes Zionism as racism. Textbooks should be for education, but Hamas uses them for provocation, indoctrination and escalation.

Those are just the most recent examples of the incitement targeting the next generation. Terrorism does not begin with an attack on a bus or in a pizza parlour. It begins in classrooms, mosques and day camps where Palestinian children are being taught prejudice instead of peace, terror instead of tolerance, and martyrdom instead of mutual understanding.

That incitement is having deadly consequences. The number of Palestinian terror attacks against Israel doubled from 2011 to 2012. Thus far in 2013, there have been 1,163 terror attacks against Israelis and dozens of attempted kidnappings. Just over a week ago, Eden Atias, a 19-year-old Israeli soldier, was stabbed to death while sleeping on a passenger bus. Eden was the latest victim of the escalating terror attacks against Israelis. In September, 20-year-old Tomer Hazan was murdered, two soldiers were injured in an attack near Nablus and a 9-year-old girl was stabbed while playing in her front yard. In October, four Israeli civilians were injured in a stabbing attack, and Sraya Ofer was brutally beaten to death outside his home in the Jordan Rift Valley.

All those who claim to be working to advance peace must remind the Palestinians that there are no shortcuts. Peace is not achieved by changing a name plate at the United Nations, by unilateral actions or by adopting a string of anti-Israeli resolutions, and it

will not be achieved in Manhattan's Midtown East, but rather in the Middle East. So long as the Palestinian leadership chooses symbolism over pragmatism, it will be harder to achieve peace.

In a few days, on 29 November, the United Nations will observe the International Day of Solidarity with the Palestinian People. Let me take a moment to remind the Assembly of what really occurred on that day in history. On 29 November 1947, the General Assembly adopted resolution 181 (II), which came to be known as the partition plan. That resolution provided for the establishment of a Jewish State and an Arab State. The Jews accepted huge compromises and gave up on dreams the Jewish people had harboured for generations. But they welcomed the plan and joyously declared a new State in their ancient homeland. Chaim Weizmann, who later became the first President of the State of Israel, proclaimed,

“It is the profound desire of our people to establish relations of harmony and mutual respect with their Arab fellow citizens [and] with the neighbouring Arab States”.

Rather than accept the partition plan, five surrounding Arab nations declared war on the newborn Jewish State. Their intentions were made clear by Azzam Pasha, the Secretary-General of the League of Arab States, who said,

“[I]t will be a war of elimination and it will be a dangerous massacre which history will record similarly to the Mongol massacre or the wars of the Crusades.”

The Arabs not only rejected the United Nations offer of a Palestinian State, they then declared war against the Jewish State. Since losing that war, they have perpetuated the Palestinian refugee problem and still have the audacity to demand solidarity. Broadway may be down the street in New York, but the real theatre is here at the United Nations. In this Hall, the Arab nations shine a spotlight on the Palestinian refugees, but back home in the Middle East they leave them in the dark. Since 1948, the Arab States have refused to accept the Palestinian refugees into their societies, confined them to refugee camps and passed discriminatory laws.

Resolution 181 (II) speaks of the creation of a “Jewish State” no fewer than 25 times. And yet today, 66 years later, has anyone heard Palestinian leaders utter the term “Jewish State”? Of course not. Palestinian leaders call for an independent Palestinian State, but they insist

that the Palestinian people return to the Jewish State. That is a euphemism for the destruction of the State of Israel and the single greatest hurdle to achieving peace. Many in this Hall are convinced that the root of the Israeli-Palestinian conflict is the settlements. In fact, from the time that Israel gained its independence in 1948, until 1967, the West Bank was in Jordanian hands and Gaza in Egyptian hands. Throughout that time there was not a single settlement, yet the Palestinians still sought our destruction. Today, just 2 per cent of the Israeli population lives in settlements, but they are blamed for 100 per cent of the problems. The math simply does not add up.

Israel is the ancient homeland of the Jewish people. It is the birthplace of Abraham, Isaac and Jacob; the land where Moses and Joshua led the Jewish people and King Solomon built the Jewish Temple. Israel is the place where the Bible tells us about David, who was made king and laid the cornerstone for his palace in Jerusalem, the eternal capital of the Jewish people. That was King David from Judea, not King David from the West Bank, and certainly not King David from the so-called occupied territories. After all, a person cannot occupy his own home. And for thousands of years, Jerusalem served as the capital of the Jewish people. Three thousand years ago, my ancestors walked the same streets that my children walk, spoke the same language that I speak and prayed at the very same Temple Mount where millions of Jews pray every day.

Yet all of those historical facts are brushed aside. Instead, all we hear in the Assembly are rants, rhetoric and biased resolutions. It does not take a fortune teller to predict the language in those resolutions. After all, the same text is copied and pasted each year, much of it dating back five decades. Yet country after country sees no problem in standing up and parroting propaganda. I am reminded of words that are sometimes ascribed to President John F. Kennedy, to the effect that however big the propaganda may be, if it is repeated often enough the masses will regard it as the truth.

The draft resolutions being voted on today (A/68/L.12, A/68/L.13, A/68/L.14 and A/68/L.15) have no relationship to the facts on the ground. Just last week the United Nations adopted nine resolutions condemning Israel. One of them condemned Israel's treatment of the Syrian people. Israel's treatment of the Syrian people? It is inconceivable that while Israeli hospitals are treating Syrians who have escaped Al-Assad's massacre, the United Nations is denouncing

Israel's treatment of Syrians. As if that were not enough, the General Assembly will soon vote on another draft resolution calling on Israel to hand over the Golan Heights and its residents to Syria. It is nothing short of absurd for the United Nations to demand that even more civilians be subject to Al-Assad's brutality.

At the United Nations, there are countless resolutions that delegitimize and demonize Israel. Why do I never hear anyone speak about all the good work that Israel is doing for the Palestinians? While the Palestinians are busy condemning Israel at the United Nations, Israel is busy supporting the Palestinian economy and developing its infrastructure. Today, more than 100,000 Palestinians earn their living in Israel, making up more than 10 per cent of Palestinian gross domestic product. Israel is also building four electrical substations and providing more than 1,400 million gallons of clean water annually. Palestinians receive world-class health-care services in hospitals throughout the country. In the first half of 2013 alone, more than 94,000 Palestinians received treatment in Israeli hospitals. And we continue to give, even as our goodwill is knowingly exploited. While the Israel Defense Forces uncover one terror tunnel after another, the flow of consumer goods continues into Gaza uninterrupted. Each day, the State of Israel delivers 400 truckloads to the Palestinian people via the Keren Shalom terminal.

In a time of universal deceit, telling the truth is a revolutionary act — a remark that has been attributed to George Orwell. The truth is that Israel is not just speaking about peace; it is demonstrating its commitment every single day. Peace is a central value of Israel's society, and it has been the goal of the Israeli people and every Israeli leader since the State was re-established, 65 years ago. We will not be deterred from that goal. Israel has always extended its hand for peace, and it will continue to do so for our children and grandchildren. When we faced an Arab leader who wanted peace, we made peace. That was the case with Egypt and with Jordan. We are committed to negotiating with our Palestinian neighbours so that our two peoples can live side by side in peace, dignity and freedom.

I call on my colleagues in this Hall not to be distracted by unilateral efforts and biased resolutions. Remind the Palestinians to take responsibility and that the only way to reach a comprehensive peace deal is through hard work and direct negotiations. Working together, we in this Hall can all make history by making peace. Working together, we can author a better future,

one where our people can live in security, free from violence, and where the horizon is ripe with opportunity and our children can live side by side in peace.

**Mr. Dehghani** (Islamic Republic of Iran): I have the honour to address the General Assembly today on behalf of the Non-Aligned Movement (NAM) on agenda item 36, entitled "Question of Palestine".

This important debate coincides with the commemoration of the International Day of Solidarity with the Palestinian people. On this day, the international community reaffirms its continued and unwavering support for, and solidarity with, the long-suffering people of Palestine in their national struggle to achieve the independence of their State, peace and justice. NAM pays tribute to the resilience of the Palestinian people in their pursuit of their legitimate national aspirations, which they have for too long been unjustly denied.

Following the historic adoption by the General Assembly of resolution 67/19, of 29 November 2012, which accorded to Palestine non-member observer State status in the United Nations, Israel, the occupying Power, has blatantly intensified its illegal settlement activities, along with many other unlawful policies and practices in the occupied Palestinian territory, including East Jerusalem. The situation continues to be extremely severe in the Jordan Valley — where thousands of Palestinians, including hundreds of Bedouin families, have been displaced and thousands more are at risk of forced displacement due to Israel's illegal colonization — as well as in and around occupied East Jerusalem, where the occupying Power continues to pursue measures aimed at the quiet transfer or depopulation of the indigenous Palestinian inhabitants and at ensuring a Jewish majority in the city. In that regard, NAM calls for a complete end to all Israeli settlement activities, the construction of the wall, home demolitions, residency revocations, excavation, including near Al-Haram Al-Sharif, and the closure of Palestinian institutions in the city.

We condemn Israel's detention and imprisonment of thousands of Palestinians, including women and children, who are subjected to deplorable conditions of captivity and all forms of ill treatment. We also condemn the ongoing terror, violence and provocations by extremist Israeli settlers against Palestinian civilians and property, including homes, agricultural lands and Muslim and Christian holy sites. We caution that such actions are fuelling religious sensitivities,



which risk further destabilization and must be brought to an immediate end by the occupying Power, which bears responsibility for all of the illegal colonization activities in the occupied Palestinian territory and for their consequences and must be held accountable for those crimes.

Israel, the occupying Power, continues the illegal construction of settlements and networks of Israeli-only bypass roads linking settlements, the confiscation of vast land areas and the transfer of Israeli settlers to the occupied Palestinian territory, as it has flagrantly pushed ahead with its plans to colonize and de facto annex more Palestinian land, even in the midst of a peace process. The Non-Aligned Movement remains firm in its condemnation of Israel's illegal settlement policies and practices. We stress that all such unlawful attempts to alter the demographic composition, character and status of the occupied Palestinian territory, including East Jerusalem, are all null and void and have no validity whatsoever. In that connection, the Movement calls for urgent action and practical measures by the international community, in particular by the Security Council, to compel the occupying Power to cease completely its settlement campaign in the occupied Palestinian territory, including East Jerusalem, and to abide by all of its obligations under international law, including the Fourth Geneva Convention, United Nations resolutions, the advisory opinion of the International Court of Justice (A/ES-10/273) and its obligations under the road map in that regard.

The sea, air and land blockade of Gaza imposed by Israel, the occupying Power, entered its seventh year in June, deepening poverty and despair among the more than 1.7 million Palestinians living there. The devastating impact of the illegal blockade and the repercussions of the trauma, destruction and displacement inflicted by Israeli military aggression, particularly in 2008, 2009 and 2012, have continued to impact every human right and to disrupt every aspect of life. The blockade constitutes collective punishment of the entire Palestinian civilian population in Gaza, which is in grave breach of international humanitarian law, in particular the Fourth Geneva Convention. In that regard, the Movement calls upon Israel, the occupying Power, to promptly and unconditionally end its illegal blockade of the Gaza Strip and to open all its crossing points to ensure the regular and sustained movement of persons and goods, in accordance with its obligations under international law, Security Council resolution

1860 (2009) and all other relevant United Nations resolutions.

Israel has continued its arbitrary and abusive imprisonment and detention of thousands of Palestinian civilians, including children as young as 12 years old, who are being subjected, inter alia, to forced interrogation, violent beatings, psychological harassment and humiliation, unhygienic conditions, solitary confinement, torture, denial of access to medical care, education, family visits and medical neglect, leading to death. It is the conviction of the Movement, as stated in the Declaration on Palestine Political Prisoners, drafted at the May 2012 Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, and adopted by the sixteenth Summit of the Non-Aligned Movement, held in Tehran in August 2012, that Palestinian prisoners should be immediately released and their plight addressed by the international community, particularly the Security Council and the Human Rights Council.

NAM expresses deep concern at the lack of progress in the Middle East peace process and regrets the fact that, even as peace negotiations have resumed, pessimism is overtaking hope, as every passing day reaffirms that Israel, the occupying Power, is more interested in maintaining its control over Palestinian land than in achieving a just peace. For that objective, the occupying Power has relied primarily on its settlement activities — perpetrated in grave breach of international humanitarian law — in addition to other unlawful practices aimed at the isolation, separation and subjugation of the Palestinian people, which constitute gross human rights violations and collective punishment.

In that connection, we stress the need for intensified and coordinated efforts by the international community to compel Israel, the occupying Power, to cease its illegal policies and genuinely commit to the peace process on the basis of United Nations resolutions and long-standing agreed terms of reference. The international community must act to prevent a total collapse of the peace process after so many years of effort and support for the process, on the basis of a clear foundation rooted in international law, United Nations resolutions and the international consensus on the two-State solution, based on the pre-1967 borders and a just and comprehensive solution to the plight of the Palestine refugees on the basis of resolution 194 (III).

The Movement welcomes all efforts and initiatives aimed at realizing justice for the Palestinian people and stresses the importance of the admission of the State of Palestine as a non-member observer State by the General Assembly, on 29 November 2012, as well as its admission as a Member State by the United Nations Educational, Scientific and Cultural Organization General Conference. We consider that development to be a vote of confidence affirming that Palestine meets the Charter's criteria for statehood, and that it is ready and willing to assume its responsibilities under the Charter of the United Nations. We are optimistic that the General Assembly's granting of non-member observer State status to Palestine will help accelerate the momentum in the Security Council regarding its pending United Nations application.

In conclusion, the Movement reaffirms its unwavering commitment to a just and comprehensive solution to the Arab-Israeli conflict, with the question of Palestine at its core, and to the immediate restoration of the inalienable right of the Palestinian people to exercise its self-determination and sovereignty in an independent State of Palestine, with East Jerusalem as its capital.

**Mr. Khiari** (Tunisia) (*spoke in Arabic*): It gives me great pleasure to speak on behalf of the Arab Group in the debate on agenda item 36, regarding the question of Palestine, which coincides with the commemoration of the International Day of Solidarity with the Palestinian People. This is an important occasion, at which the international community reiterates its solidarity with, and support for, the fraternal Palestinian people in its long struggle to achieve its legitimate aspirations to self-determination, to live in dignity, peace and stability and to build its independent State.

I would like to thank Ambassador Diallo, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, for his statement and for introducing the various draft resolutions on Palestine. We also thank the ambassador of Malta for introducing the Committee's report (A/68/35). We would also like to thank Secretary-General Ban Ki-moon for his report on the peaceful settlement of the question of Palestine (A/68/363).

The Assembly's adoption of resolution 67/19 at this time last year, which accorded Palestine the status of a non-member observer State at the United Nations, was a very important landmark in the history of the Palestinian people. Adopted by an overwhelming

majority, the resolution expresses the broad support of the international community for the establishment of an independent Palestinian State in the context of the two-State solution. It also reflects the firm belief of various segments of the international community that no alternative exists to seeking peace and stability, in accordance with the relevant international frameworks, in order to open new vistas for all the peoples of the region.

The international community was optimistic when direct negotiations resumed between the Israeli and Palestinian sides under the auspices of the United States. It expressed its full support and encouragement for the steps taken, which should involve maximum efforts so as not to squander the opportunity, especially given the current situation in the Middle East. Any further setbacks and disappointments can no longer be tolerated. The members of the League of Arab States were among the first to support those efforts. The Arab League hopes that those efforts will culminate in a comprehensive and lasting solution to the Palestine question that allows the Palestinian people to regain its rights, makes possible the establishment of an independent State along the June 1967 borders, with East Jerusalem as its capital, and leads to the secure and peaceful coexistence of all parties in the region.

Unfortunately, that is not what we see on the ground today when it comes to Israel's stance, practices and the provocative statements made by a number of its officials. That runs counter to the serious approach needed to achieve the desired peace, and threatens ongoing negotiations and the prospects for a resolution between the two sides.

The Israeli settlements are a gross violation of the rules of international law regulating the legal status of territories under foreign occupation. They also seek to change the character of the occupied territories. That involves the threat of partitioning the Palestinian territories and their fragmentation, imperilling the prospects for the establishment of the Palestinian State. In that context, the Arab Group calls for ending the settlement activities, which are a gross violation of the norms of international law, and for adherence to the United Nations resolutions regarding international legitimacy and the terms of reference of the peace process.

We continue to condemn the acts of aggression by the occupying authorities and by Israeli settlers against the Palestinians, the confiscation of their land, the

demolition of their homes and the infringement of their most fundamental rights, including those of prisoners and detainees. Such practices are, in the opinion of segments of the international community, a breach of international legitimacy, and a blatant challenge to the principles of human rights and international humanitarian law. The Arab Group also condemns the repeated acts of aggression by the occupation authorities and Israeli settlers against Al-Quds Al-Sharif and its Christian and Islamic landmarks. Israel is seeking to alter its geographic and demographic character, in addition to desecrating Islamic and Christian houses of worship — especially the Al-Aqsa Mosque — and abusing their visitors.

The Group calls for the total lifting of the stifling Israeli embargo imposed on Gaza since 2007. We must put an end to the serious and tragic economic repercussions for the Palestinian population, including women and children, resulting from it, which deprives it of the most rudimentary possibilities of earning a decent livelihood.

The Arab Group affirms the contents of the statement issued by the meeting of the Ministerial Committee for the Arab Peace Initiative held last week in Kuwait. The Committee reiterated

“its support for the resumed negotiations, while warning of the risks resulting from the continued acts of aggression and practices of Israel, including the settlement policies, which risk derailing the current negotiations. The Committee calls on the United States and other members of the Quartet to compel the Israeli Government to cease all its destructive policies and practices, which are detrimental to the current path of negotiations and the peace process”.

The Arab Group recalls the fact that the Committee reiterated that it was

“committed to the principles, contents and terms of reference of the Arab Peace Initiative to achieve just peace in the region based on international law and the relevant resolutions of the United Nations — putting an end to the Israeli occupation of Palestinian territories and establishing an independent Palestinian State along the June 1967 borders and with East Jerusalem as its capital, thereby resolving all final-status issues, including concerning borders, security, Jerusalem, refugees,

water and the release of Palestinian prisoners and detainees”.

Finally, I cannot but reaffirm the fact that the Arab Group is committed to achieving a just, durable and comprehensive solution to the Arab-Israeli conflict on all tracks, foremost of which is the Palestine question. The Group reiterates that there is a need to restore all the Palestinian people’s legitimate and inalienable rights to self-determination, within an independent, sovereign State within the June 1967 borders and with East Jerusalem as its capital.

**The President:** I now give the floor to the observer of the European Union.

**Mr. Vrailas** (European Union): I have the honour to speak on behalf of the European Union. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; the European Free Trade Area country Liechtenstein, a member of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

The European Union has long argued that the historical changes under way in the Middle East made the need for progress on the Middle East peace process all the more urgent. We remain convinced that now is the time for the Palestinians’ aspirations for statehood and sovereignty and the Israelis’ for security to be fulfilled through a comprehensive, negotiated peace based on the two-State solution and ending all claims. For that reason, the European Union warmly welcomed the resumption of direct negotiations between the parties and commended the bold leadership shown by President Abbas and Prime Minister Netanyahu. We also commended the fundamental role played by the United States, and the dedication of Secretary of State John Kerry and the important support expressed by the League of Arab States.

We also stressed the importance of the fact that the resumption of negotiations would lead to tangible and timely progress, a point that is even more relevant today. The two parties need to remain committed to the negotiation process and should refrain from actions that could undermine the prospects for peace. We call on both leaders to continue to show the bold leadership needed to overcome the challenges ahead and to take the difficult decisions that are necessary if

25/11/2013

A/68/PV.57

a comprehensive agreement is to be reached within the nine-month agreed time frame.

The European Union will continue to remain supportive of the process and committed to ensuring its success. As negotiations progress, we intend to give further concrete form to our support, in line with what will be agreed by the parties. We will continue to contribute, together with other regional and international partners, including within the Quartet, to a negotiated solution on all final-status issues, including Jerusalem, borders, security, water and refugees. In so doing, we will continue to be inspired by our clear positions with regard to parameters, principles and issues, including those expressed in the conclusions of the Foreign Affairs Council of December 2009, December 2010, May 2011, July 2011, May 2012, December 2012 and July 2013, which I would like to reaffirm on this occasion.

The European Union deplores the recent Israeli decisions to advance settlement expansion in East Jerusalem and the West Bank. Our position is clear: settlements, the separation barrier where built on occupied land, the demolition of homes and evictions are illegal under international law. Such activities constitute an obstacle to peace and threaten to make a two-State solution impossible. The European Union reiterates that it will not recognize any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties. All settlement activity, including in East Jerusalem, should cease immediately. New construction plans should be abandoned. All outposts erected since March 2001 should be dismantled. A way should be found through negotiations to resolve the status of Jerusalem as the future capital of two States.

The European Union is also gravely concerned about the serious limitations on the Palestinian Authority with respect to promoting the economic development of Palestinian communities in Area C and about their worsening living conditions. The European Union and its member States are particularly concerned by the instances of collective demolitions in recent months, often resulting in the displacement of Palestinians, including Bedouin communities. We are convinced that Palestinians require access to a fair planning and zoning regime so as not to resort to building without an Israeli permit, which can lead to demolitions. We also reiterate our call for Israel to work together with the Palestinian Authority to allow more access to, and control by the Palestinian Authority over,

Area C. Social and economic developments in Area C are of critical importance for the viability of a future Palestinian State, since Area C is its main land reserve.

The European Union remains the largest donor to the Palestinian Authority and has constantly encouraged and supported the Palestinian State-building process. However, we are particularly concerned with the slowing economic development in the Palestinian territory and the difficult fiscal situation that is producing. We will continue to play our part. At the same time, we call on other donors, especially those in the region, to increase their financial support to the Palestinian Authority.

The European Union followed with great concern the hostilities that affected the Gaza Strip and Israel in November 2012, and regretted the loss of civilian lives on both sides. We renew our condemnation in the strongest terms of any violence deliberately targeting civilians. We welcomed the ceasefire that put an end to those hostilities, and we urge all parties to fully comply with its provisions.

At the same time, we must recognize and underline that the present situation in Gaza is unsustainable and will remain so as long as it remains politically and economically separated from the West Bank. Fully recognizing Israel's legitimate security concerns, including with regard to vital threats in the region, and expressing its appreciation for some recent positive measures by Israel with regard to the opening of the crossings for commercial goods, the European Union continues to call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip. To that end, the European Union calls for the full implementation of Security Council resolution 1860 (2009), full respect for international humanitarian law and the full implementation of the 2005 Agreement on Movement and Access.

The European Union also continues to call for intra-Palestinian reconciliation behind President Abbas in line with the principles set out in his speech of 4 May 2011, as an important element for the unity of a future Palestinian State and for reaching a two-State solution.

*Mr. Beck (Solomon Islands), Vice-President, took the Chair.*

In conclusion, the European Union reaffirms its commitment to the two-State solution. We have before us a historic opportunity to reach an agreement to finally end this conflict. We are convinced that such

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15/29

an agreement would open the door to deepened and enhanced cooperation between the European Union and all the countries of the region, thereby contributing to the prospect for a new era of peace, security and prosperity.

**Mr. Alotaibi** (Kuwait) (*spoke in Arabic*): At the outset, we wish to align ourselves with the statement delivered by the representative of Tunisia on behalf of the Arab Group and the statement made by the representative of the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries.

The General Assembly debate on this important item coincides with the commemoration of the International Day of Solidarity with the Palestinian People and the first anniversary of resolution 67/19, on the recognition of Palestine as a non-member observer State at the United Nations. In that context, we express our thanks and appreciation to the Secretary-General and the various United Nations entities, in particular the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

We support all regional and international efforts to reach a final solution, especially the ongoing negotiations between the Palestinian and Israeli sides to achieve a solution on all final-status issues, including borders, settlements, water, Jerusalem, refugees and security. We commend the United States for its role in facilitating the resumption of negotiations. However, Israeli practices may undermine the possibility of reaching a final solution. Israel continues to build new settlement units and to expand existing settlements in complete disregard for its international obligations and for the calls of the international community to end those illegal practices, which contravene the Fourth Geneva Convention of 1949. The Israeli Government also continues to confiscate land and to restrict the movement of people and goods by dividing up the Palestinian territories. The economic blockade imposed by Israel on Gaza has entered its seventh year, exacerbating the suffering of the Palestinian people. The fact that thousands of Palestinian citizens, including women and children, remain in Israeli jails also contravenes international law and international humanitarian law and is a major source of continuing tension in the region.

We call on the international community to put pressure on Israel to unconditionally cease its aggressive practices and its illegal blockade of Gaza, to open all border crossings and to stop all illegal settlement activities in the occupied territories. We urge Israel to put an end to its repeated attacks on the Al-Aqsa Mosque and its attempts to alter the geographic and demographic nature of Jerusalem and to comply with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009), which call for Israel to withdraw from all territories occupied in 1967.

In that context, we call for the immediate release of all Palestinians detained in Israeli jails, specifically the sick and the children, as well as those detained before the Oslo Agreement. We call on the international community to put pressure on Israel to ensure the fair treatment of Palestinian prisoners in accordance with international law, the Fourth Geneva Convention and international humanitarian law, as a first step towards their release.

We call on Israel to implement Security Council resolution 497 (1981), which calls for Israel to withdraw from the occupied Syrian Golan to the pre-June 1967 borders.

We also support the brotherly country of Lebanon and its efforts to protect its security and to preserve its territorial integrity. We call on Israel to put an end to its aggression against Lebanon from the land and the air and to withdraw from all occupied Lebanese territories, in accordance with Security Council resolution 1701 (2006).

In conclusion, we support all legitimate aspirations of the brotherly and steadfast Palestinian people. The people of Kuwait and its leadership will continue to provide political, moral and financial support to the brotherly people of Palestine in order to put an end to the Israeli occupation and to establish a Palestinian State, with Al-Quds Al-Sharif as its capital, in accordance with the provisions of international law and international terms of reference. We hope that the Palestinian State will soon become the 194th State Member of the United Nations.

**Mr. Reyes Rodríguez** (Cuba) (*spoke in Spanish*): Cuba welcomes the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/68/35) and fully associates itself with the statement made earlier by the representative of the

Islamic Republic of Iran on behalf of the Non-Aligned Movement.

With today's debate we add to the long list of discussions in the United Nations on the question of Palestine that have not led to an effective solution that can put an end to Israel's crimes against the Palestinian people and that will make it possible for them to fully exercise their inalienable right to self-determination in a fully independent State of Palestine.

Israel, the occupying Power, continues to defy the international community by persisting in its transgression of international norms and treaties and in its non-compliance with General Assembly and Security Council resolutions.

The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People notes the worsening situation in the region, in particular in the occupied Palestinian territories, including East Jerusalem. That is particularly as a result of Israel's excessive use of force against the Palestinian civilian population and the many other illegal policies and practices, such as the expansion of Israeli settlements, continuing human rights violations and collective punishment, which cause the Palestinian people immense suffering.

On 29 November 2012, the General Assembly adopted by an overwhelming majority resolution 67/19, which granted Palestine the status of non-member observer State at the United Nations. That led to Israel's announcement of its intention to build more than 3,000 housing units in the occupied territories, including in occupied East Jerusalem, and to withhold from Palestine the tax and customs revenue collected on behalf of the Palestinians.

Cuba reiterates its condemnation of the ongoing expansion of all illegal Israeli settlements in the occupied Palestinian territories, including East Jerusalem, as well as the continuing violation of Security Council resolutions and the Fourth Geneva Convention.

The Independent International Fact-Finding Mission on the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the occupied Palestinian territory, including East Jerusalem, appointed by the Human Rights Council, concluded that the settlement policy contravened a multitude of human rights of the Palestinian people and that the violations

were interrelated and formed part of an overall pattern of violations that was primarily characterized by the denial of the right to self-determination and institutionalized discrimination against the Palestinian people.

The aggressive acts of Israeli settlers against Palestinians in the West Bank and East Jerusalem continue. The illegal construction of the wall in the occupied West Bank continues, in violation of the advisory opinion of the International Court of Justice of 9 July 2004 (see A/ES-10/273). The restrictions have caused severe losses to the majority of the population, who do not have access to medical, educational and social services or the markets and holy sites in East Jerusalem.

During the period covered by the report of the Fact-Finding Mission, Israel carried out the demolition of at least 594 Palestinian-owned structures, displacing at least 924 people. During the reporting period, Israeli forces killed at least 196 Palestinians and injured more than 1,600 people in the Gaza Strip. In addition, Israeli forces caused the deaths of 20 Palestinians and injured more than 4,200 people in the West Bank and East Jerusalem during clashes.

The restrictions on the movement of people and goods from and to the Gaza Strip continued to cause a deterioration in the living conditions of the 1.7 million Palestinian residents, including women and children.

I have mentioned only some of the alarming data provided to us by the recent report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which vividly depicts the serious violations that Israel continues to perpetrate against the Palestinian people.

Cuba renews its strong condemnation of those actions and of Israel's illegal occupation of the Palestinian territories, including East Jerusalem. Cuba demands that the occupying Power immediately halt its acts of aggression. The international community must not remain unmoved any longer at the continued deterioration of the situation and must take action to ensure that the relevant resolutions of the General Assembly and the Security Council are respected.

The Security Council must take the responsibility incumbent upon it and must accept, without any further delay, the request made by the State of Palestine in 2011 for recognition as a State Member of the United

Nation. That is the express wish of the overwhelming majority of the States that make up the Organization. The passivity of the Security Council before Israel's crimes, owing to the threat or the use of the veto by one of its permanent members, is the highest expression of hypocrisy on the part of those who are self-appointed paragons in defending and respecting human rights when it comes to criticizing or punishing developing countries that disagree with their policies or defy the political, social or economic order they want to impose.

Cuba supports the initiative of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to have the General Assembly proclaim an international year of solidarity with the Palestinian people in order to increase international awareness of the cause.

Before I conclude, I wish to commend, on behalf of Cuba, the decision of Guyana and El Salvador to establish diplomatic relations with the State of Palestine. Furthermore, Cyprus, Denmark, Finland, Lithuania and Switzerland have decided to give the Palestinian delegations in their countries the status of embassies or a similar entity.

Just a few days ago, we bore witness to a historic moment in the General Assembly, when the representative of the State of Palestine participated for the first time in an election in this organ (see A/68/PV.53). Cuba congratulates the Government and the people of Palestine for that event, which is a new step towards what should be the final objective, that is, the participation of the State of Palestine as a full Member of the United Nations. Cuba will continue to support the Palestinian people in their legitimate struggle for justice, peace, dignity and the right to self-determination. We also reiterate our desire for peace for the rest of the peoples of the Middle East.

**Mr. Waheed** (Maldives): Last week, the State of Palestine cast its first ballot in a General Assembly election (see A/68/PV.53). It was a symbolic step by a nation determined to become a full Member of the Organization. It was one step of many towards recognition. No matter how long it takes or how difficult the path, the Republic of the Maldives will walk shoulder to shoulder with our Palestinian brothers and sisters. The vast majority of the United Nations membership supports Palestine in that journey. The work of the Organization will continue to support the aspirations of its people, as manifested today in the

work of the Secretary-General and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

My delegation thanks the Secretary-General for the compilation of his report (A/68/363), in accordance with resolution 67/23, and we thank the Committee of for its report (A/68/35).

Next Friday will mark the International Day of Solidarity with the Palestinian People. I wish to reiterate the solidarity of my Government and that of the people of Maldives with the Palestinian people's inalienable right to self-determination. The Maldives will remain steadfast in support of Palestine, and we will not falter in our condemnation of the serious injustices being committed in the occupied territories. The political and religious authorities of both sides need to ensure that the cultural and religious rights of all people are respected, and that the right to live free from fear and abuse is respected.

It has been 66 years since the General Assembly adopted resolution 181 (II), on the partition of Palestine. Yet we still find ourselves in this Hall today expressing our concerns about how little progress has been made. The situation has become a never-ending conflict that takes place not only on the battlefield but on city streets and in the homes of innocents.

The Secretary-General's report notes that, during the previous reporting period, 338 Palestinians were killed, including 232 Palestinian civilians and eight Israelis. Those figures not only represent an increase in the violence of an ongoing conflict, but demonstrate the true nature of the conflict. Although this is a war zone, it is not a war: it is an occupation. It is the disenfranchisement of a nation to exist and of a people to be free. It is the theft of their economic right to prosper and their right to hope for a brighter future.

We have not given up hope. Our Government welcomed the resumption of Israeli-Palestinian peace talks in August with the active mediation of the United States. In that regard, my delegation commends the Arab Peace Initiative, the Government of Egypt, the United States and the United Nations for their exemplary leadership. My delegation is fully in line with the principled position that a permanent settlement of the question of Palestine can be reached only by ending the occupation that began in 1967, achieving the independence of the State of Palestine on the basis of the pre-1967 borders, with East Jerusalem as its capital,

25/11/2013

A/68/PV.57

and achieving a just and agreed solution to the Palestine refugee issue on the basis of resolution 194 (III).

The unfortunate reality, however, is that a comprehensive solution is still years away. We believe in a two-State solution, but expert after expert has told us at the United Nations that the window for such a solution is closing. It is being closed by new settlements changing the demographics of Palestine. It is being closed by an economic embargo meant to leave a people destitute. It is also being closed by a refusal to grant Palestinians access to Palestinian land.

Discriminatory practices by the occupying Power have had a devastating impact on the most vulnerable and have had dire impacts on social and economic sectors, as well as on Palestine's natural resources and its environment. The 1993 Oslo Accords stipulated that area C of the West Bank was to be transferred to the Palestinian Authority by 1998. That has not happened. The World Bank released a report last month that attests that the refusal is costing the Palestinian economy \$3.4 billion.

The occupation is one that inherently leads Palestine to being poor and dependent on foreign aid. The occupation makes it a breeding ground for extremism. The occupation also stands in the way of every measure that would afford them an ounce of dignity, and it is perpetuating a cycle of oppression that has already lasted generations.

There has to be a way forward. There has to be compromise. Despite the advisory opinion of the International Court of Justice on 9 July 2004 (A/ES-10/273), the occupying Power continues with the illegal construction of the wall in the occupied West Bank and around occupied Jerusalem. The wall is estimated to be twice the length of the 1949 armistice demarcation line and would isolate and entrap 11,000 Palestinians, who would then be dependent on the occupying Power granting them permits to them to live in their own homes.

Underground and surface water resources are almost exclusively controlled by the occupying Power. The report of the Committee states that

“approximately 1 million Palestinians in 492 communities in the West Bank access or consume 60 litres of water per capita per day or less, significantly below the World Health Organization recommendation of 100 litres per capita per

day ... Israeli settlers in the West Bank consume approximately six times the water consumed by Palestinians” (A/68/35, para. 37).

The expansion of settlements is detrimental to the peace process and undermines the basis for a future Palestinian State. Yet the Government of Israel has approved the construction of approximately 24,000 residential units in the occupied territories and has retroactively legalized others. Under international law, settlement activity in the occupied Palestinian territory, including that in East Jerusalem, is illegal. The Government of Israel, however, continues to issue construction tenders for housing units that will stop the development of the Palestinian people. Furthermore, they refuse to act when illegal construction takes place on the private property of Palestinians. The Republic of the Maldives strongly condemns those actions. We furthermore condemn the unjust demolition and evictions that took place in Area C and resulted in the displacement of some 907 individuals, including 458 children. In the interests of pursuing meaningful negotiations and a lasting peace, it is up to the occupying Power to cease all illegal activity in the occupied territories.

The Maldives commends the efforts made by the Palestinians to advance their State-building programme despite the serious budget deficits and restrictions imposed by the occupying Power. The Maldives believes unequivocally in the need for an independent, free and sovereign Palestinian State. We also believe in the right of Israel to security, safety and peace. It is the occupation that is the problem for both nations. It is the occupation that perpetuates hatred, fear and violence. We, the States Members of the United Nations, beat this drum year after year, and we make little progress. The ancestors of those two nations built the pyramids in less time than we have taken to find a just and lasting solution to this question. Generations have lived under oppression and fear. It is our hope that this is the last generation — the one that will see the end of this journey.

**Mrs. Nusseibeh** (United Arab Emirates) (*spoke in Arabic*): On the occasion of the International Day of Solidarity with the Palestinian People, I would first like to emphasize a message from His Highness Sheikh Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates, to the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, regarding the firm position of the Government

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and people of the United Arab Emirates on supporting the State of Palestine until its territories and all its legitimate rights, including the right of return and self-determination, are fully restored, and it is established as an independent State with Jerusalem as its capital. I would also like to take this opportunity to express our appreciation and continued support for the Committee and its efforts to advance the Palestinian cause and promote a peaceful solution to all the aspects of the issue, in accordance with the decisions of international law.

My delegation welcomes the Palestinian delegation's participation, for the first time since the establishment of the United Nations, in a vote in a General Assembly election (see A/68/PV.53). We regard it as a significant and historic step and look forward to its culmination soon in international recognition of Palestine as a full Member and independent State of the United Nations, like all others.

The United Arab Emirates strongly supports all the positive regional and international political efforts that for decades have attempted to achieve a peaceful, fair settlement of the Palestinian question, including those made recently by the United States, leading three months ago to the resumption of direct political negotiations between the Palestinian and Israeli sides with a view to reaching a final peace agreement settling all the core issues. In that connection, my delegation emphasizes the essential role played by the United States in resuming negotiations. However, if negotiations fail we cannot go back to square one.

We also emphasize the importance of the commitment on the part of Israel, the occupying Power, to lifting the unjust siege imposed on the Gaza Strip, releasing thousands of Palestinian detainees and withdrawing from all occupied Palestinian territories. That is a prerequisite for creating an environment conducive to continuing the negotiations and reaching, within the nine-month deadline, an acceptable peace agreement based on a two-State solution and peaceful coexistence and that complies with the relevant United Nations resolutions, the Arab Peace Initiative and the agreed principles of the peace process. We strongly condemn Israel's ongoing settlement activities, and hold the Israeli Government responsible for the current breakdown in negotiations and other efforts aimed at achieving a just settlement of the issue. Now more than ever, we urge the international community, especially the Quartet and the Security Council, to take serious

and concrete measures to force Israel to immediately cease all its illegal settlement activities.

The economic and social conditions in the occupied Palestinian territories have deteriorated severely owing on the one hand to ongoing Israeli practices and on the other to the Palestinian Authority's inadequate resources. We hope that donors will provide more emergency aid to the Palestinian people and continue their development assistance contributions in a timely manner, in order to enable the Palestinian Authority to overcome its current financial crisis and alleviate the negative effects of the occupation.

In closing, my delegation, which is a sponsor of the four draft resolutions (A/68/L.12, A/68/L.13, A/68/L.14 and A/68/L.15) under this agenda item in the General Assembly, believes that a just, comprehensive and lasting peace in the Middle East is the only strategic option for countries that support peace and stability in the region. That cannot be achieved without addressing the root causes of the Arab-Israeli conflict, including Israel's withdrawal to the pre-June 1967 borders, and the establishment of an independent Palestinian State with full sovereignty and East Jerusalem as its capital.

**Mr. Alrowaiei** (Bahrain) (*spoke in Arabic*): I would like to take the opportunity afforded by the forthcoming International Day of Solidarity with the Palestinian People to reiterate Bahrain's support and backing for the Palestinian people in their just journey towards recovering their inalienable rights and creating an independent State on their national territory with Jerusalem as its capital, so they can be like all other peoples.

In this context, His Majesty King Hamad bin Issa Al Khalifa of Bahrain has sent a letter to the Committee on the Exercise of the Inalienable Rights of the Palestinian People in which he urges the international community to remain vigilant and to monitor the situation carefully so as to bring an end to all activities resulting from Israeli practices that might impede or hamper negotiations — to the illegal settlement activity in the occupied Palestinian territories, especially Jerusalem; to the repeated Israeli attacks on religious sites, especially the Al-Aqsa Mosque; and to the unjust blockade of Gaza. It is also important that negotiations ensure that all religious sites are treated equally. His Majesty also noted that it is a propitious time to achieve a just and lasting peace.

The international community should therefore step up its efforts to make the Israeli-Palestinian negotiations a success, and we hope that we will be able through negotiations to rapidly put an end to the conflict. We have no doubt that the creation of an independent Palestinian State that is lasting and viable, living side by side with Israel, within safe and recognized borders, is an urgent matter and can be achieved. That is especially true following the adoption by an overwhelming majority of resolution 67/19, granting Palestine the status of non-member observer State in a mark of support for the struggle of the brave Palestinian people. His Majesty the King has also stated that those are feasible and legitimate aspirations insofar as the United Nations is working for a just and lasting peace with the support of all its Member States, and that we will achieve our objective through the creation of two States living side by side in peace and cooperation with each other.

We thank Ambassador Diallo, Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and all members of the Committee for their diligent and praiseworthy efforts to draft the report before us (A/68/363). We highly appreciate their efforts to enable the Palestinian people to exercise their inalienable rights, as recognized by the General Assembly in 1974. The Security Council resolutions of 1967 also recognized the inalienable rights of the Palestinian people and all Arabs in the occupied Palestinian territories.

We would also like to thank the Chair for raising the awareness of the international community with regard to the suffering and needs of the Palestinian people, and for all media activity within the framework of the General Assembly, including the awareness-raising and training programme for Palestinian journalists held last year, which shed light on various aspects of developments and progress related to the issue of Palestine and the Middle East peace process.

The report before us contains detailed information that reflects the deterioration of the situation in the occupied Palestinian territories. That deterioration is ongoing, day after day, and includes constraints and limitations on the freedom of movement, closures, the blockade of Gaza, and the continued building of the wall of separation by Israel. A just, comprehensive and lasting peace is a strategic option that will require the adoption of United Nations resolutions and the implementation of all relevant documents and resolutions, including

respect for the road map, the principle of land for peace, and the Arab Peace Initiative. The International Day of Solidarity with the Palestinian People closely reflects the aspirations and the feelings of the international community towards the brotherly Palestinian people.

**Mr. Masood Kahn** (Pakistan): Resolution 67/19, adopted last year, is a landmark in the struggle of the Palestinian people to realize their right to self-determination. The resolution sparked the dream that an independent State of Palestine would soon emerge on the map of the world. Today we express once again our solidarity with the Palestinian people.

Earlier this year, hopes for a State of Palestine were revived with the reactivation of the peace process. In that regard, we pay tribute to the United States Secretary of State, Mr. John Kerry, whose persistent and resolute diplomacy brought the Palestinian Authority and the Israeli Government back to the negotiating table. What we have seen in the past five months is that the dialogue between the two sides is fragile. Despite that, we must not lose hope. The talks should not break down. We understand and respect the vow of secrecy between the sides on the sensitive and difficult negotiations they are conducting. Public signs about those talks are, however, not very encouraging. The resignations of the Palestinian negotiators point to serious problems behind closed doors.

There are four obstacles to the success of the negotiations that must be removed.

First, the two sides, the people of Israel and Palestine, and not just their official representatives, should believe in and support a two-State solution. Two independent States, Palestine and Israel, with their border drawn as it existed before the 1967 war, should plan to live side by side in peace and security. East Jerusalem, Al-Quds Al-Sharif, will be the Palestinian State's capital.

A two-State solution is the best solution on the table. All others — a binational State or a unitary, singular State — are mirages that would further fracture the two States and shatter all hopes for peace. The vision of the two-State solution should be owned and backed by multiple religious communities and secular constituencies on both sides. To that end, the leaders on both sides have to inspire and instil confidence. Palestine and Israel must heed Secretary Kerry's call for a sense of urgency, because if no progress is made in the nine-month talks, the window of opportunity will

start to close and the peace process will plunge back into free fall and uncertainty.

Secondly, Israel must roll back its plans for expanding illegal settlements. The Secretary-General, in his report entitled "Peaceful settlement of the question of Palestine" (A/68/363), maintains that settlements are illegal under international law and has warned that the situation on the ground presents a growing cause of concern over the viability of a two-State solution. Israel knows that those settlements are the single biggest impediment to peace talks. Yet on 3 November, it chose to announce plans for over 1,700 units, followed by plans for the construction of another 20,000 units in the West Bank, including in the E-1 area.

That frantic surge in settlements should be halted to give the talks a chance to succeed. In that regard, we urge the United States to use its special relationship and influence with Israel. That is also necessary to prevent the Palestinian State from turning into disjointed enclaves. The new Palestinian State must have a geographically viable, contiguous territory. We welcome the release of Palestinian prisoners by Israel, but regret that the impact of that gesture has been neutralized by the announcement of new settlements.

Thirdly, dispossessions in the occupied territory, especially in East Jerusalem, must be stopped. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/68/35) registers a significant increase in demolitions and displacements. The number of people displaced from East Jerusalem in the first eight months of 2013 was more than the combined total for 2011 and 2012. Media reports suggest that while the number of settlers is growing, thousands of Palestinians are being forced to leave Jerusalem.

Fourthly, in Gaza the collective punishment meted out to the Palestinians continued into its seventh year. An average of fewer than 200 people were allowed out of Gaza per day in the first half of 2013, compared to around 26,000 in the same period before the blockade. Nineteen out of 20 projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East have ground to a halt due to the shortage of construction materials.

The international community should not remain silent while Palestine continues to disappear before our eyes. We appreciate the European Union guidelines on the funding of projects in the occupied Palestinian

territories. The Quartet should also become more active in supporting the peace process. Pakistan believes that the resolution of the Arab-Israeli conflict, including through the Israeli withdrawal from Lebanese territories and the Syrian Golan, is the only guarantee of sustainable peace in the region.

The Palestinian Authority undertook the ambitious task of building infrastructure and institutions for the future Palestinian State three years ago. They have made considerable progress towards achieving that objective, but there is still a long way to go. The international community must step forward to help the Palestinians more vigorously in that endeavour.

Palestine sits at the United Nations today as a State and was able to vote in the General Assembly for the first time last week (see A/68/PV.53). This is a reality that must be recognized by all. There is no alternative. The sooner this realization sinks in, the less will be the suffering on all sides and the better it will be for the peace and stability of the region.

**Mr. Al-Naama** (Qatar) (*spoke in Arabic*): Allow me at the outset to thank President Ashe for having convened this meeting and to extend my thanks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts to ease the suffering of the Palestinian people and to ensure that all of their rights are restored. I pay tribute to the important role played by the Division for Palestinian Rights for its efforts to that end.

We align ourselves with the statements made by the representatives of Tunisia on behalf of the Arab Group and of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

This year, we are celebrating the first anniversary of the historic decision of the General Assembly to grant the State of Palestine the status of non-member observer State. That historic decision repaired a great injustice done to the Palestinian people. It was also in keeping with the ultimate objective of creating a Palestinian State within the pre-1967 borders, with East Jerusalem as its capital, in order to restore the rights of the Palestinian people and work for lasting peace in the Middle East.

We have always stated that the only viable solution is a two-State solution on the basis of the Madrid terms of reference, the concept of land for peace, the road map and the Arab Peace Initiative. The achievement of

that objective, unfortunately, is hampered by Israel's strategy of *fait accompli*, occupation, use of brutal force and rejection of the option of peace and of the creation of a Palestinian State, and by its continuing illegal settlement activities in the occupied territories, in addition to the statements made by its representatives rejecting the concept of a just, comprehensive and lasting peace on the basis of the relevant decisions of the United Nations.

Israel continues to violate international law and international humanitarian law, as is quite clear from such international documents as the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/68/35). Palestinians, including women and children, continue to be detained in Israeli prisons and detention centres, buildings continue to be bulldozed, the separation wall keeps growing, and the violence against the Palestinian people continues unabated. We are especially concerned by the Israeli Government's strategy of sabotaging the Palestinian economy and depriving the Palestinian people of access to water. Qatar rejects and condemns any attempt to Judaize Jerusalem and to desecrate holy sites, Muslim or Christian, including attacks on the holy Al-Aqsa Mosque and the excavation work being carried out beneath it. We urge the United Nations and all other relevant international organizations to ensure that the national and Arab character of Jerusalem is respected.

The unfair blockade imposed by Israel on Gaza continues, despite the deterioration of the humanitarian and economic situation there. Building materials, for example, have been prohibited from being imported into the territory, despite the calls of the United Nations to lift that prohibition. The electricity supply in Gaza is unreliable, which undermines basic living conditions there.

The deterioration of Palestinian living conditions in the occupied territories, in particular Gaza, the ongoing suffering of the Palestinian diaspora, the repression by the occupying forces, the repeated military aggression against the Palestinian people and violations of international law by the occupying Power remind us today of the need to lend our support to the Palestinian people whenever possible. We urge the international community to work for a lasting, comprehensive and just peace and to support the Palestinian movement towards the creation of a Palestinian State, with East Jerusalem as its capital, that includes all the territory occupied since 1967.

Qatar underscores that Israel's occupation of the Syrian Golan is a threat to peace and security throughout the region and a violation of international law and decisions of international legitimacy. Israel's attempts to annex the Syrian Golan are null and void. We condemn the illegal Israeli practices seeking to appropriate natural resources in the area, including water resources.

In conclusion, on the occasion of the International Day of Solidarity with the Palestinian People, I express our full solidarity with the Palestinian people and their Government in their struggle to put an end to foreign occupation and recover their inalienable rights. Qatar will continue to provide aid and assistance to the brotherly Palestinian people until their inalienable rights have been restored.

**Mr. Dabbashi** (Libya) (*spoke in Arabic*): About a year ago, in a historic gesture, the General Assembly adopted resolution 67/19, whereby it acknowledged the existence of the State of Palestine, which was accepted as a non-member observer State in the United Nations. With that step, the international community affirmed its resolve to move towards responding to the aspirations of the Palestinian people and the achievement of their dream of establishing their own independent sovereign State over their entire territory.

However, the General Assembly resolution was soon met by arbitrary, provocative actions by the Israeli authorities, including the pursuit of new, aggressive settlement policies to build thousands of residential units within the occupied Palestinian territories with the aim of placing more new Jewish immigrants on the Palestinian land that is still in the hands of Palestinians and of undermining the possibility of the establishment of any form of a Palestinian State on less than 20 per cent of the historical land of Palestine. That was borne out by the 355 per cent increase in settlement activities during the first quarter of this year compared with the same period last year.

Despite broad international condemnation of the Israeli settlement policy and the continuous affirmation by the United Nations of Israel's breaches of international law, the Israeli occupation authorities have persisted in their arrogance, illegitimate practices, violations of international law and refusal to acknowledge the inalienable rights of the Palestinian people. The Palestinian people have been oppressed for decades through the usurpation of their territory and their

dispersal throughout the world. Palestinian suffering increases every day. Zionist settlers — armed to the teeth, shielded by impunity and not held accountable by any authority — perpetrate daily actions of aggression against the actual owners of the land, who are the Palestinians. Instead, they are encouraged by the Israeli occupation forces to persist in such barbaric practices, which have inflicted gross damage on people, land and property.

The Israeli occupation authorities seek to depopulate Palestinian territories through detention, intimidation, the demolition of homes and displacement, especially in East Jerusalem, which has been subjected to a fierce campaign of Judaization and demographic manipulation. In blatant violation of the most basic human rights and principles of international law, including the Geneva Conventions, the Israeli occupation authorities have imposed an embargo on more than 1.5 million Palestinians in the largest prison on the face of the Earth, the so-called Gaza Strip. I do not think I need to recall the details of the various atrocities perpetrated by the Israeli occupation authorities, because they are practices carried out every day in full view of all and always present in our memory.

The question of Palestine is the only issue that is as old as the United Nations. Yet unlike all other international questions, it has remained without a solution or even the prospect of one. That is due to the failure to implement the relevant resolutions of the Organization, because Israel is treated as a State above the law. It acts on that basis and always finds those to protect it, at the expense of the rights of the Palestinian people. Israel has never wanted to achieve a peace agreement with the Palestinians that would allow the Palestinians to exercise self-determination and establish a sovereign, independent State. Therefore, since 1993, Israel has consistently used the so-called peace process to buy time to further assimilate Palestinian territories, rendering the establishment of a viable Palestinian State impossible. That is the current status quo, with settlements metastasizing like cancer in the occupied Palestinian territories.

I do not know what will be achieved by the Palestinian-Israeli talks if the Israelis have never officially recognized an inch of the land of Palestine as occupied Palestinian territory. They also call on the Palestinians to recognize Israel as a State for the Jewish people, without defining the borders of such a State. That clearly means the expulsion of the remaining

Palestinians from the territories that were occupied in 1948 and the establishment of a so-called greater Israel as envisaged by the leaders of the racist Zionist movement and the Israeli religious extremists, with the displacement of Palestinians from the remaining Palestinian territory.

We have heard the representative of Israel refuse to tell the story of the past century but instead invoke the history of the past 3,000 years. He does not want to know that the number of Jews in historical Palestine in 1917 was no more than 7 per cent of the population, and that in 1947 their number — despite the Balfour Declaration, which gave land to those who did not deserve it — was no more than 36 per cent of the population of historical Palestine. They do not want to acknowledge those facts, and they always say that the whole of Palestine belongs to the Israeli Jews, who have come from every corner of the world and have displaced the indigenous owners, who are the Palestinians.

Israel's continued intransigence, its rejection of all attempts at settlement and its continued construction of new settlements in the Palestinian territories will lead only to further bloodshed and will block international initiatives to establish peace in the region. It is incumbent on the Security Council and the international community to alter the way they deal with Israel. They should see to it that the Palestinian people have their own independent State. If peace is to endure in the region, it will be achieved only by supporting the efforts of the State of Palestine to obtain full membership in all international organizations. I say that peace will not be achieved except through support for the efforts of the State of Palestine to obtain full membership in all international organizations, as it has in UNESCO, and through the withdrawal of the Israeli occupation forces from all occupied Arab and Palestinian territories, including the occupied Syrian Golan and the Lebanese Shaba'a Farms.

**Mr. Mukerji** (India): At the outset, I would like to express our appreciation to the President for convening this important discussion in the General Assembly on the question of Palestine.

We are marking the International Day of Solidarity with the Palestinian People. Let me begin, therefore, by quoting from the message of my Prime Minister, His Excellency Mr. Manmohan Singh, to the friendly people of Palestine on this occasion.

“On the occasion of the International Day of Solidarity with the Palestinian People, I reaffirm India’s strong and steadfast support for the Palestinian cause. We welcome the recent efforts of Palestine and Israel, mediated by the United States, for resumption of direct peace talks, and remain hopeful that the negotiations will lead to a comprehensive peace process for the final resolution of the conflict within an agreed timeline. India supports a negotiated resolution, resulting in a sovereign, independent, viable and united State of Palestine with East Jerusalem as its capital, living within secure and recognized borders, side by side and at peace with Israel, as endorsed in the Arab Peace Initiative, the Quartet road map and relevant United Nations Security Council resolutions.

“I also take this opportunity to extend heartiest congratulations to the people of Palestine and their leadership on obtaining non-member observer State status in the United Nations General Assembly last year. India has always played a proactive role in supporting the Palestinian cause in multilateral forums. We sponsored the resolution enhancing Palestine’s status in the General Assembly and will continue to support Palestine’s bid for full and equal membership of the United Nations.

“India has also supported the nation-building efforts of Palestine through technical and economic assistance, including budgetary support. We are supporting the construction of schools and setting up an information technology centre and vocational training centre in Palestine. Additionally, India contributes \$1 million annually to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. We are also implementing development projects in Palestine jointly with Brazil and South Africa as partners in IBSA. India will continue to support those efforts.

“On this important occasion, on behalf of the people of India, I convey our best wishes and greetings to the friendly people of Palestine.”

It has been almost a year since the Assembly voted to upgrade Palestine’s status in the United Nations to that of non-Member observer State (resolution 67/19), along with other resolutions that are voted on every year. While that was an important milestone, the aspirations of the Palestinian people and leadership to full membership of the United Nations still remain to be achieved.

The resolution of the Palestinian question is a prerequisite for building a sustainable and lasting peace in the Middle East region. Given the fragile and unpredictable situation in the Middle East with the ongoing conflict in Syria, there should be no more delay in addressing the Israeli-Palestinian issue. The situation in the occupied Palestinian territories has been deteriorating, due to settlement activities in the West Bank and East Jerusalem. Those activities are creating new realities on the ground, threatening the very premise of a two-State solution. The blockade of Gaza has also had serious consequences for the lives of Palestinians. It has adversely affected essential services, economic activities and infrastructure development. The Palestinian Authority is also facing a severe financial crisis that could erode the significant progress it has made in building State institutions.

All those issues must be addressed in a timely manner if a just and durable peace in the region is to be achieved. While there has been improvement in restrictions on the West Bank and movement of humanitarian supplies and construction material into Gaza, we continue to hold that it is necessary for Israel to lift the blockade on Gaza and allow the normal and unrestricted movement of persons and goods within Palestine. We also join others in urging Israel to stop settlement activities.

India has a long history of solidarity with the Palestinian people. As it has demonstrated over the past six decades, including during its memberships in the Security Council, India also stands ready to support all measures that the Palestinian leadership may take towards political resolution of the final-status issues. In conclusion, I would like to reiterate India’s continued support for the Palestinian cause.

**Mr. Kommasith** (Lao People’s Democratic Republic): My delegation endorses the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Last Monday, 18 November, in this very Hall, we witnessed a historic first vote by the State of Palestine in the General Assembly of the United Nations in the election of a judge to the Residual Mechanism of the International Criminal Tribunal for the former Yugoslavia (see A/68/PV.53), and I congratulate the Palestinian people on that auspicious occasion.

As many of us have said today, making progress in that direction is a critical issue of global justice and

a defining test of this Organization. Member States must therefore work further to enable Palestinians to realize their inalienable rights, including the rights of return and self-determination, as well as their earnest aspirations to freedom, prosperity, peace and justice in an independent sovereign State of Palestine, based on the pre-1967 borders and with East Jerusalem as its capital.

We must acknowledge that the Palestinian people's changed United Nations status and right to be a recognized State does not alter their firm commitment to resolving the conflict through dialogue and peaceful means. We are well aware of how they have suffered and struggled over the last several decades without a glimmer of hope, while the international community has been unable to take decisive action at the level where it matters most. Over time, we can see the growing ability of the Palestinian Authority to establish the institutional foundations essential for international recognition of Palestinian statehood, as endorsed by all major international organizations and institutions. We commend the Palestinians for that heroic effort, despite the serious obstacles and challenges they confront.

The continued illegal settlement activity and destruction of property, homes and businesses in the occupied territories have not only worsened the already critical socioeconomic situation facing the Palestinian population, they also constitute a breach of international law, including international humanitarian and human rights law, as well as an obstacle to the peace process and opportunities for negotiation.

The Lao People's Democratic Republic wishes to see a just, lasting, comprehensive and peaceful solution to the Palestinian-Israeli conflict under the relevant United Nations resolutions and the Quartet road map, which envisage a sovereign, independent and viable State of Palestine with East Jerusalem as its capital, living side by side in peace and security with the Jewish State of Israel. We therefore strongly support the renewed engagement of the United States of America, supported by the Arab League follow-up committee and many world leaders, and call on the parties to live up to their commitments, negotiate in good faith and refrain from steps that could jeopardize negotiations. We should give negotiation a chance. Peace comes only through dialogue.

The Lao People's Democratic Republic has long recognized the State of Palestine, and I wish to reaffirm its consistent support to the Palestinian people in

attaining the long-delayed goal of a viable, peaceful and prosperous State of Palestine that is a full-fledged Member of the United Nations. I take this opportunity to commend the role played and work done by United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to assist millions of Palestinians in need during all these years amid multiple difficulties. We also wish the Committee on the Exercise of the Inalienable Rights of the Palestinian People every success in its noble endeavour for a peaceful, just, comprehensive and lasting solution to the question of Palestine.

**Mrs. Rubiales de Chamorro** (Nicaragua) (*spoke in Spanish*): My delegation aligns itself with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The Government of Reconciliation and National Unity of Nicaragua wishes to take the opportunity afforded by this debate on the question of Palestine to salute the heroic Palestinian people and their authorities on this International Day of Solidarity. We reaffirm our solidarity and support for their just struggle to establish a sovereign and independent Palestinian State.

We find ourselves at this debate almost a year after the adoption of historic resolution 67/19, in which, together with the rest of the international community, we renew our solidarity with the cause of the Palestinian people and, at the same time, our hopes for, and commitment to, the search for a solution to the problem of Palestine, which is the core of the Arab-Israeli conflict, and the need to achieve a just, complete and lasting peace.

The greatest desire of the Palestinian people is to find peace and to live in harmony with its neighbours in a free, independent and viable State. However, that cannot be achieved as long as the Israeli occupation and its aggression continue and as long as the Palestinian people, who have struggled heroically to resist under very difficult conditions, cannot redeem their legitimate ancestral rights, recover their occupied land, or experience the return of refugees, the release of prisoners, the lifting of the blockade, and the rights to water and to live freely within their own borders.

Nicaragua is concerned about the stalemate in the peace negotiations, which has lasted for months. Israel continues to construct more settlements in the occupied territories, especially in East Jerusalem. Putting an end to the construction of those illegal settlements

is an indispensable prerequisite to committing to the negotiations in good faith. We demand a halt to any further construction of settlements in the occupied territories and to the ethnic cleansing being conducted by Israelis.

Israel must negotiate on the basis of the various United Nations resolutions. The international community must redouble its efforts, especially those of its permanent member ally in the Security Council, so that Israel will put an end to its arbitrary behaviour and truly commit itself to negotiate in order to achieve a new era of peace and stability in the Middle East.

We cannot waste this historic opportunity. It is enough to read the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/68/35), presented today, for the entire community of nations to realize that the massive violations of human rights and the economic, political, social and cultural rights of our Palestinian brothers and sisters are continuing.

Nicaragua believes it is important to adopt the necessary confidence-building measures to drive forward effective negotiations by the parties, which will make it possible to progress towards the ultimate achievement of a just peace based on the recognition and existence of two free and sovereign States. Our Government advocates a politically just solution to the Palestinian problem on the basis of the various resolutions adopted by the United Nations, especially those establishing the right of return of Palestinian refugees and calling for Israel's withdrawal from Arab territories occupied in 1967, in accordance with the land-for-peace principle, established at the Madrid Conference, and the Arab Peace Initiative, which would make it possible to create a Palestinian State that is independent, with East Jerusalem as its capital.

We welcome the release of 104 Palestinian political prisoners. But we also urge the release, as a show of goodwill, of the thousands of Palestinian prisoners who continue to be incarcerated by Israel in an arbitrary manner.

Now more than ever and after the demonstration of support by an overwhelming majority of the international community for resolution 67/19, we have an opportunity to redress the injustice committed against these brotherly people. Nicaragua, as a newly elected member of the Coordinating Bureau of the Committee on the Exercise of the Inalienable Rights

of the Palestinian People, along with its people, will continue to support the just cause of the Palestinian people as a point of principle. Together with the Committee and the rest of the international community, will intensify our efforts to seek a peaceful solution that will lead to the creation of a Palestinian State as a way of achieving a just and lasting peace in the Middle East.

My delegation is a sponsor of all of the draft resolutions (A/68/L.12, A/68/L.13, A/68/L.14 and A/68/L.15) to be adopted today by the General Assembly, which aim at finding a solution to the question of Palestine and to a just and lasting peace in the Middle East. We call upon members to join the initiative to declare 2014 as the year of solidarity with Palestine, which should lead to Palestine's entry as the 194th State Member of the Organization.

**Mr. Mamabolo** (South Africa): A few days from today, on 29 November, we will join the Palestinian people in celebrating the first anniversary of their statehood. Speaking on the day of the acceptance of Palestine as a non-member observer State of the Assembly last year (see A/67/PV.45), we expressed our disappointment that the Palestinian people were not granted full membership in the Organization, as they so deserved. Knowing full well the constraints faced by the people of Palestine and the inaction of the Security Council on that important matter, we recorded that historic achievement as a positive step towards the full implementation of the much-awaited two-State solution. Almost a year from that momentous occasion, the status of Palestine has not changed.

The negotiations between the two parties are ongoing, but the environment within which they are being held is far from being conducive. The reasons for the stalemate in the negotiations are well known. They include the increasing expansion of old and the building of new settlements, the obliteration of Palestinian homes, the blockade of Gaza; attacks on Palestinian holy sites, the limitation of movement, and the confiscation of land. The settlement construction activities are perhaps the most deleterious act of aggression, as they result in the transfer of the Israeli population into the occupied Palestinian territories, thereby limiting or thwarting the possibility of creating two contiguous States. It is said that these activities have also led to the resignation of the Palestinian negotiation team as they feel that these irresponsible activities undermine the spirit of negotiations.



We all know that these egregious activities are a violation of article 49 of the Fourth Geneva Convention and the relevant resolutions of the Security Council. Amazingly, all of this happens in full view of the mighty Security Council, but it continues to do nothing about the situation. If Israel were negotiating in good faith, it would have stopped its illegal practices and allowed a positive spirit to prevail during this critical time. It is the responsibility of those who protect and have influence over Israel to use their leverage over the Israelis to abandon their obstructive behaviour and work towards a peaceful and lasting solution. Clearly, Israel is emboldened by the fact that it has influential partners who have the wherewithal to protect it, even as it plunges the region into even deeper chaos

Having said that, however, we welcome the positive role played by such parties as the United States, the European Union, the Quartet and the United Nations in making the negotiations a possibility. We hope that they will be able to help the parties realize their noble goals and finally bring to a conclusion the protracted peace process in the Middle East.

South Africa stresses the urgent need for Israel to lift the illegal blockade on Gaza, which entered its seventh year in June. The blockade continues to worsen the already dire socioeconomic and humanitarian situation in Gaza. We are disappointed that the measures that were enacted by the Israeli Government in order to ease the implementation of the economic initiative for Palestine, including approval for the importation of greater quantities of construction materials and water into Gaza, have now been suspended. We were hopeful that those measures would continue to the revival of Gaza, which has suffered a great deal due to the blockade, which continues to frustrate the lives of its inhabitants and has contributed directly to the increase in unemployment and poverty. All of our hopes have once again been dashed.

In conclusion, we welcome the decision to proclaim 2014 the International Year of Solidarity with the Palestinian People. We hope that the international community will exert all necessary efforts in 2014 to finally ensure the implementation of the two-State solution and guarantee the inalienable right of the Palestinian people to self-determination. South Africa stands ready to contribute robustly to that effort.

**The Acting President:** We have heard the last speaker in the debate on this item for this meeting.

Several representatives have requested to take the floor in exercise of the right of reply. I remind them that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by representatives from their seats.

**Mr. Roet (Israel):** Today we heard a number of Arab delegations liberally spreading condemnation and accusations. It would appear that those delegations are attempting to trample on the democratic process in the General Assembly in the same way they trample on the freedom of their own people. One would think that their efforts would be better spent improving the human rights situation in their own backyards. These cynical attacks undermine the professional nature of this forum. It is unfortunate that certain delegations insist on politicizing and monopolizing the valuable time of this body, as they have done throughout most of this discussion.

Many have used this forum to launch a range of baseless accusations against my country, acting as cheerleaders for a Palestinian cause and thereby distancing us from peace instead of assisting us in reaching it. It is truly absurd to hear some of the world's most oppressive tyrannies lecture the Middle East's only true democracy about human rights. One has to wonder what rights these representatives might be referring to. Perhaps they mean religious rights, such as those exercised by Libya, whose representative spoke today.

Let me take the example of Libya. It is a tragedy that after all of the international efforts to better the lives of the Libyan people and to free them from one of the world's worst dictators, its representative chose to use the same rhetoric and language as in Al-Qadhafi's time, calling my country a racist Zionist movement and calling people and settlements, whether one likes them or not, cancerous. If Libyans truly care about the situation, I would advise them that a great deal of the weapons being wielded in my country and hampering the peace process are coming from Libya. Perhaps the Libyan authorities would be better off, instead of lecturing Israel, taking care of their own people. For the sake of the Israeli and Palestinian cause, perhaps they could improve their border control.

One-sided, dogmatic and cheap propaganda is not productive. Name-calling does not lead us towards real peace, but takes us farther away.

25/11/2013

A/68/PV.57

A few countries congratulated the Palestinian delegation on having voted in the election for the International Tribunal for the Former Yugoslavia. I would like to remind representatives that that vote has nothing to do with attaining a Palestinian State. A Palestinian State can be achieved by negotiation. The road to peace, for which we all pray, goes through Ramallah and Jerusalem, and not via such discussions as heard here.

I would not like to use the whole 10 minutes of time that I am allocated, but simply refer to the member of the Non-Aligned Movement (NAM) who spoke here. We heard many representatives of NAM criticize Israel today. I would like to point out that these same representatives chose to ignore the crimes of the State that is the Chair of NAM, Iran. Some countries spoke of their honour in agreeing to the statement delivered by the representative of Iran. Iran is actively supporting a murderous regime in Damascus and at the same time leading the chorus of attack in this Hall against Israel. The rhetorical hypocrisy of NAM must stop. Countries that care about the peace process should assist not only Israel but primarily the Palestinians in making the right, proud and courageous choice of negotiating on the ground instead of in the General Assembly.

**Mr. Hamed** (Syrian Arab Republic) (*spoke in Arabic*): I did not wish to take the floor at this late hour. However, the lies and allegations submitted by the representative of the Israeli occupation authorities deserve a reply, albeit a very brief one. Israel, whose representative boasted of its human rights record, is the last State — and I reaffirm and underscore, the very last State — that has the right to invoke human rights, given the tremendous and countless human rights violations it has committed since 1948 in the occupied Palestinian territories, the occupied Golan and Lebanon.

The representative of the Israeli occupation authority said that Israel helps the Syrian people. At first I thought that I had misheard, but it seems that what I heard was true. If anything, it shows that the representative of Israel is hallucinating wildly. The only assistance provided by Israel is to armed terrorist groups in the disengagement area in the occupied Syrian Golan. The Israeli representative acknowledged that in his statement today. Is such assistance to terrorist groups, including Al-Qaida affiliates, not a violation of international law and the disengagement agreement? It endangers the United Nations Disengagement Observer

Force (UNDOF) in the occupied Golan. That is precisely what happened when armed groups, assisted by the occupying Power, received medical treatment in Israeli hospitals and the staff and premises of UNDOF were repeatedly kidnapped or attacked by these armed groups.

**Mr. Taguri** (Libya) (*spoke in Arabic*): I thank you, Sir, for giving me the floor to speak in exercise of my right to reply. Like the representative who spoke before me, I did not want to take the floor and further postpone the adjournment of this meeting, but given what I have heard I feel forced to respond.

What we and other Arab delegations have said regarding violations of human rights by Israel is not something that we invented. It is a reality documented by numerous reports of human rights entities and bodies and international organizations. We are here to consider the Palestinian issue and the reports prepared by various international bodies dealing with the Palestinian question. All reaffirm exactly what has been said by the Arab States regarding settlement policies, Palestinian prisoners and detainees, violations of human rights, violations of the rights of the Palestinian people, and the blockade of Gaza. All of those facts have been documented and cannot be denied. They are a simple reality, regardless of anything that might be said to the contrary, especially by the Israeli representative.

#### Programme of work

**The Acting President:** I should like to consult members regarding an extension of the work of the Second Committee. Members will recall that at its 2nd plenary meeting, on 20 September, the General Assembly approved the recommendation of the General Committee that the Second Committee should complete its work by Friday, 29 November. However, I have been informed by the Chair of the Second Committee that the Committee requests an extension of its work to Friday, 6 December, as such an extension would facilitate reaching consensus on the pending draft resolutions before the Committee.

May I take it that the General Assembly agrees to extend the work of the Second Committee until Friday, 6 December?

*It was so decided.*

*The meeting rose at 6.15 p.m.*



## Seventy-sixth session

Agenda item 38

## The situation in the Middle East

**Resolution adopted by the General Assembly  
on 1 December 2021***[without reference to a Main Committee (A/76/L.16 and A/76/L.16/Add.1)]***76/12. Jerusalem***The General Assembly,**Recalling* its resolution [181 \(II\)](#) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,*Recalling also* its resolution [36/120 E](#) of 10 December 1981 and all its subsequent relevant resolutions, including resolution [56/31](#) of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as “the capital of Israel”, were null and void and must be rescinded forthwith, as well as its previous resolutions on Jerusalem,*Recalling further* the Security Council resolutions relevant to Jerusalem, including resolutions [250 \(1968\)](#) of 27 April 1968, [251 \(1968\)](#) of 2 May 1968, [252 \(1968\)](#) of 21 May 1968, [267 \(1969\)](#) of 3 July 1969, [271 \(1969\)](#) of 15 September 1969, [298 \(1971\)](#) of 25 September 1971, [476 \(1980\)](#) of 30 June 1980, [672 \(1990\)](#) of 12 October 1990, [1073 \(1996\)](#) of 28 September 1996 and [1322 \(2000\)](#) of 7 October 2000,*Recalling*, in particular, Security Council resolution [478 \(1980\)](#) of 20 August 1980, in which the Council, inter alia, decided not to recognize the “Basic Law” on Jerusalem, and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem, and calling upon States to act in accordance with the provisions therein, as well as Council resolution [2334 \(2016\)](#) of 23 December 2016, in which the Council affirmed that it would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations,*Deploring* any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions, and reiterating that all measures which

have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>1</sup> and recalling also its resolution ES-10/15 of 20 July 2004,

*Deploring*, in particular, Israeli construction and expansion of settlements in and around East Jerusalem, including measures regarding the so-called E-1 plan, construction of the wall, demolition of Palestinian homes and other civilian infrastructure, expulsions and displacement of numerous Palestinian families, including Bedouin families, restrictions on Palestinian access to and residence in East Jerusalem, including revocation of residency rights, and the further isolation of the city from the rest of the Occupied Palestinian Territory, and expressing grave concern over the continued closure of Palestinian institutions in the city as well as acts of provocation and incitement, including by Israeli settlers, including against holy sites,

*Expressing its serious concern* about the possible displacement of Palestinian families from homes that they have lived in for generations in the Sheikh Jarrah and Silwan neighbourhoods in East Jerusalem, and stressing its opposition to all such unilateral actions, which are illegal under international law and risk exacerbating the already tense and fragile environment,

*Expressing its concern* about the Israeli excavations undertaken in the Old City of Jerusalem, including in and around religious sites,

*Recalling* the Security Council press statement on Jerusalem of 17 September 2015, in which the Council called, inter alia, for the exercise of restraint, refraining from provocative actions and rhetoric and upholding unchanged the historic status quo at the Haram al-Sharif – in word and in practice, as well as for full respect for international law, including international human rights law and international humanitarian law, as may be applicable in Jerusalem,

*Reaffirming* that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and in the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

*Reaffirming also* the importance and holiness of the City of Jerusalem for the three monotheistic religions,

*Having considered* the report of the Secretary-General on the situation in the Middle East,<sup>2</sup>

1. *Reiterates its determination* that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and calls upon Israel to immediately cease all such illegal and unilateral measures;

2. *Stresses* that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the

<sup>1</sup> See A/ES-10/273 and A/ES-10/273/Corr.1.

<sup>2</sup> A/76/194.

Palestinian and Israeli sides, in accordance with international law, and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by people of all religions and nationalities;

3. *Also stresses* the need for the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, and expresses its grave concern, in particular, about the recent series of serious negative incidents in East Jerusalem;

4. *Calls for* respect for the historic status quo at the holy places of Jerusalem, in word and in practice, and urges all sides to work immediately and cooperatively to defuse tensions and halt all provocations, incitement and violence at the holy sites in the City;

5. *Requests* the Secretary-General to report to the General Assembly at its seventy-eighth session on the implementation of the present resolution.

*42nd plenary meeting  
1 December 2021*



## Remarks by His Majesty King Abdullah II At the 77th Plenary Session of the UN General Assembly

New York, US  
20 September 2022

In the name of God, the Compassionate, the Merciful

Mr President,  
Mr Secretary General,  
Your Excellencies:

We meet today, in this General Assembly, as the alarm bells ring all around us. Numerous crises batter our world; crises that are increasingly interlocked—regional conflicts with international impact, devastating climate change, pandemic disruptions, extremist violence, spiralling inflation, looming recession, and—for all too many around the world—the growing reality of hunger. Developing countries have been hardest hit .

Is this the future we will leave to the generations yet to come?

We must deliver a different world—a world of expanded horizons, a more equitable world, sustainable economic growth, exciting new opportunities, more and better jobs, and the inclusive peace for prosperity, in which all people can thrive.

To reach these goals, our countries must unite behind effective, collaborative action. The question now is will we have the vision and determination to get the job done?

Consider the climate crisis. No country can heal our injured earth alone. We need global partnerships that can create real change. And Jordan is part of these efforts. We have been building strong partnerships to manage and sustain vital water resources. And we see more opportunities to work with partners to preserve precious world heritage sites and natural wonders—the unique Dead Sea, the sacred Jordan River, and the resilient coral reefs of the Gulf of Aqaba—which are all threatened by climate change.

Food security is another global priority. Hundreds of millions of people go to bed hungry, and the numbers are rising. How can parents raise healthy children? How can students learn? How can workers do their best, when they are hungry and hopeless?

Since the beginning of the pandemic, and now with the crisis in Ukraine, global supply chains have been disrupted. Many well-off countries experienced empty food shelves for the first time in living memory. They are discovering a truth that people in developing countries have known for a long time—for countries to thrive, affordable food must get to every family's table. On a global level, this demands collective measures to ensure fair access to affordable food, and speed the movement of staples to countries in need.

My friends,

Sustainable, inclusive economic growth has too often been a victim of global crises, but it can also be a defence that strengthens us to endure the storms. In my region, we are looking to build integrated partnerships that tap the capabilities and resources of each of our countries for the benefit of all.

We see 'regional resilience packs' coming together to stimulate fresh opportunities and growth. Jordan has established multilateral partnerships with Egypt, Iraq, the UAE, Saudi Arabia, Bahrain, and others in the region to capitalise on these opportunities. Our country is a bridge for regional partnerships and cooperation, international crisis response, and humanitarian action.

Jordan has always been a source of regional stability, as well as a refuge for those in need. In this context, let me say a word about refugees and the communities which host them. In 2012, I came before the 67th General Assembly, and spoke for the first

time about the Syrian refugee flow and its pressure on Jordan's scarce resources. At that point, 200,000 Syrians had sought refuge in our small country. Today, 10 years later, we host more than 1.3 million.

Meeting the needs of these and other refugees is an international responsibility, and host countries look to the international community to honour its commitments.

My friends,

For decades, the Middle East has been synonymous with conflict and crisis. But we are hopeful that a new-found spirit of collaboration can make our region an exemplar of resilience and integration.

Though politics may sometimes fail our world, one absolute remains—always put people first. To keep hope alive for all peoples means rising above politics to ensure every individual's prosperity. Such efforts will be fruitless if they are exclusionary. Inclusion of the Palestinian people in regional economic projects should be an integral part of our efforts.

In the Palestinian-Israeli conflict, peace continues to be elusive. Neither war nor diplomacy has held the answer to this historic tragedy.

It is the people themselves, not politics and politicians, who will have to come together and push their leaders to resolve this.

What would our world look like now if the conflict had been settled long ago? If walls had never gone up, and people had been allowed to build bridges of cooperation instead? What if extremists had never been able to exploit the injustices of occupation? How many generations of youth could have grown up in the optimism of peace and progress?

As we continue our efforts to achieve peace, we must not abandon refugees. This year, the General Assembly will vote on renewing UNRWA's mandate. The international community should send a strong message of support for the rights of Palestinian refugees, ensuring that Palestinian refugee children have schools to go to, and access to appropriate medical care.

My dear friends,

A founding UN principle is the right to self-determination for all peoples. The Palestinian people, with their resilient national identity, cannot be denied this right. And the road forward is the two-state solution, in accordance with UN resolutions—a sovereign, viable, and independent Palestinian state, on the 4th of June 1967 lines, with East Jerusalem as its capital, living side-by-side with Israel in peace, security, and prosperity.



Today, the future of Jerusalem is an urgent concern. The city is holy to billions of Muslims, Christians, and Jews around the world. Undermining Jerusalem's legal and historical status quo triggers global tensions and deepens religious divides. The Holy City must not be a place for hatred and division.

As Custodians of Jerusalem's Muslim and Christian Holy Sites, we are committed to protecting their historical and legal status quo and to their safety and future. And as a Muslim leader, let me say clearly that we are committed to defending the rights, the precious heritage, and the historic identity of the Christian people of our region. Nowhere is that more important than in Jerusalem.

Today, Christianity in the Holy City is under fire. The rights of churches in Jerusalem are threatened. This cannot continue. Christianity is vital to the past and present of our region and the Holy Land. It must remain an integral part of our future.

Distinguished Delegates,

We can weather the most serious crises if we join together.

Do let us, here in this General Assembly, honour our shared interest in a brighter future, a future of dignity and hope that brings new opportunities for all our peoples.

And let us not ignore the alarm bells ringing around us.  
We must act.

Thank you.

**UNITED  
NATIONS**

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**General Assembly**

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HUMAN RIGHTS COUNCIL  
Twelfth special session  
15 – 16 October 2009

**Resolution adopted by the Human Rights Council\***

**S-12/1. The human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

**A**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights,

*Affirming* the responsibility of the international community to promote human rights and ensure respect for international law,

*Emphasizing* the particularity of The Occupied East Jerusalem in its rich religious and cultural heritage,

*Recalling* all relevant United Nations resolutions including Security Council resolutions on Occupied East Jerusalem,

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\* The resolution and decision adopted by the Human Rights Council will be contained in the report of the Council on its twelfth special session (A/HRC/S-12/1), chap. I.

GE.09-16807

*Deeply concerned at the actions by Israel undermining the sanctity and inviolability of religious sites in the Occupied Palestinian Territory including East Jerusalem,*

*Deeply concerned also at the policy of closure and severe restrictions of Israel, including the permit regime, which continue to be imposed on the movement of Palestinians hindering their free access to their Christian and Muslim holy sites, including Al- Aqsa Mosque,*

1. *Strongly condemns* all policies and measures taken by Israel, the occupying Power, including those limiting access of Palestinians to their properties and holy sites particularly in Occupied East Jerusalem, on the basis of national origin, religion, sex, age or any other discriminatory ground, which are in grave violation of the Palestinian People's civil, political, economic, social and cultural rights;

2. *Condemns further* the recent violations of human rights by Israel in Occupied East Jerusalem, particularly the confiscation of lands and properties, the demolishing of houses and private properties, the construction and expansion of settlements, the continuous construction of the separation Wall, changing the demographic and geographic character of East Jerusalem, the restrictions on the freedom of movement of the Palestinian citizens of East Jerusalem, as well as the continuous digging and excavation works in and around Al-Aqsa mosque and its vicinity;

3. *Demands* Israel, the occupying Power, to respect the religious and cultural rights in the Occupied Palestinian Territory as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions, and the Geneva Conventions, and to allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

4. *Also demands* that Israel, the occupying Power, immediately cease all digging and excavation works and activities beneath and around Al-Aqsa Mosque and its vicinity, and refrain from any acts or operations that may endanger the structure or foundations or change the nature of holy sites both Christian and Islamic in the Occupied Palestinian Territory, including East Jerusalem;

5. *Requests* the United Nations High Commissioner for Human Rights, pursuant to resolution S-9/1 of 12 January 2009 and in the context of her periodic reports, to monitor,

document and report on the state of implementation by Israel, the occupying Power, of its human rights obligations in and around East Jerusalem;

**B**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

*Reaffirming* the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

*Acknowledging* that peace, security, development and human rights are the pillars of the United Nations system,

*Affirming* the applicability of international human rights law and the international humanitarian law, namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem,

*Expressing serious concern* at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* its resolution S-9/1 of 12 January 2009, in which the Council decided to dispatch an urgent, independent international fact-finding mission, and its call upon the occupying Power, Israel, not to obstruct the process of investigation and to fully cooperate with the mission,

*Condemning* all targeting of civilians and stressing the urgent need to ensure accountability for all violations of international human rights law and international humanitarian law to prevent further violations;

A/HRC/RES/S-12/1

page 4

1. *Condemns* the non-cooperation by the occupying Power, Israel, with the independent international fact-finding mission;
2. *Welcomes* the report of the Independent International Fact-Finding Mission (A/HRC/12/48);
3. *Endorses* the recommendations contained in the report of the Independent International Fact-Finding Mission, and calls upon all concerned parties including United Nations bodies, to ensure their implementation in accordance with their respective mandates;
4. *Recommends that* the General Assembly consider the report of the Independent International Fact-Finding Mission, during the main part of its sixty-fourth session;
5. *Requests* the United Nations Secretary-General to submit to the Council, at its thirteenth session, a report on the status of implementation of paragraph 3. above;

**C**

*The Human Rights Council,*

*Emphasizing* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention, and *reaffirming* that each High Contracting Party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is under the obligation to respect and ensure the respect for the obligations arising from that Convention,

*Stressing* that the right to life constitutes the most fundamental of all human rights,

*Recognizing* that the siege by Israel imposed on the occupied Gaza Strip, including its closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Welcomes* the first periodic report of the United Nations High Commissioner for Human Rights on the implementation of the Human Rights Council resolution S-9/1(A/HRC/12/37);
2. *Endorses* the recommendations contained in the first periodic report of the High Commissioner, and calls upon all concerned parties including United Nations bodies to ensure their implementation in accordance with their respective mandates;
3. *Requests* the High Commissioner for Human Rights to submit to the Council, at its thirteenth session, a report on the status of implementation of this resolution;
4. *Decides* to follow up on the implementation of section A, section B and section C of the present resolution at its thirteenth session.

*2nd meeting  
16 October 2009*

[Adopted by a recorded vote of 25 to 6, with 11 abstentions. The voting was as follows:

*In favour:* Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Chile, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

*Against:* Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;

*Abstaining:* Belgium, Bosnia and Herzegovina, Burkina Faso, Cameroon, Gabon, Japan, Mexico, Norway, Republic of Korea, Slovenia, Uruguay.]

# Advance Edited Version

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HUMAN RIGHTS COUNCIL  
Thirteenth session  
Agenda item 7

## **HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES**

**The grave violations of human rights in the Occupied Palestinian  
Territory, particularly due to the recent Israeli military attacks  
against the occupied Gaza Strip**

**Report of the United Nations High Commissioner for Human Rights on  
the implementation of Human Rights Council resolutions S-9/1 and S-12/1\***

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\* Late submission.

**CONTENTS**

|                                                                                                                  | <i>Paragraphs</i> | <i>Page</i> |
|------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
| I. INTRODUCTION .....                                                                                            | 1 - 2             |             |
| II. FOLLOW-UP TO THE FIRST PERIODIC REPORT .....                                                                 | 3 - 9             |             |
| III. THE HUMAN RIGHTS SITUATION IN GAZA .....                                                                    | 10 - 36           |             |
| A. Rule of law and accountability.....                                                                           | 10 - 24           |             |
| B. Implementation of the recommendations of the United Nations<br>Fact-Finding Mission on the Gaza Conflict..... | 25                |             |
| C. General human rights situation in Gaza .....                                                                  | 26 – 28           |             |
| D. The right to water .....                                                                                      | 29 – 31           |             |
| E. The right to health .....                                                                                     | 32 - 36           |             |
| IV. EAST JERUSALEM .....                                                                                         | 37 – 46           |             |
| A. Home demolitions .....                                                                                        | 40 – 44           |             |
| B. Freedom of religion.....                                                                                      | 45 - 46           |             |
| V. SETTLEMENTS AND RELATED VIOLENCE.....                                                                         | 47 - 53           |             |
| VI. VIOLENCE AND DISCRIMINATION AGAINST WOMEN .....                                                              | 54 - 59           |             |
| VII. CONCLUSIONS AND RECOMMENDATIONS .....                                                                       | 60 - 67           |             |



## **I. INTRODUCTION**

1. This is the second periodic report submitted pursuant to Human Rights Council resolution S-9/1, in which the Council requested the High Commissioner to monitor, document and report on the violations of human rights of the Palestinian people. The report covers the period from 1 May 2009 to 3 February 2010.

2. The present report also contains information regarding the implementation of the recommendations of the first periodic report of the High Commissioner (A/HRC/12/37) and the situation in East Jerusalem, as requested by the Human Rights Council in resolution S-12/1.

## **II. FOLLOW-UP TO THE FIRST PERIODIC REPORT**

3. During the reporting period the human rights situation in the Occupied Palestinian Territory (OPT) remained of serious concern. Recommendations made previously by the Secretary-General and the High Commissioner remain valid and need to be implemented as a matter of urgency.

4. Peace negotiations and intra-Palestinian reconciliation remained at a standstill. The occupation continued to be the main cause of widespread violations of Palestinians' civil, political, economic, social and cultural rights. While arbitrary detention, torture and other ill-treatment were perpetrated by all parties, Israeli settlements continued to expand in the West Bank, including in East Jerusalem, as did home demolitions and forced evictions of Palestinians by Israeli authorities.<sup>1</sup>

5. Demonstrations against the wall continued, especially in the villages of Ni'lin and Bil'in. According to Yesh Din, an Israeli non-governmental organization, over the past six months 31 residents of Bil'in have been arrested by Israeli authorities, including 10 children. It is reported that 12 remain in custody.<sup>2</sup> Demonstrators are frequently responded to with excessive force by Israeli security forces (ISF).<sup>3</sup> This includes the use of rubber-coated steel

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<sup>1</sup> A/HRC/12/37, paras. 38, 42-45 and 50-56. A report recently published by the Public Committee against Torture in Israel notes that impunity for torture continues. See "Accountability denied: the absence of investigation and punishment of torture in Israel" (December 2009). Available from [www.stoptorture.org.il/files/Accountability\\_Denied\\_Eng.pdf](http://www.stoptorture.org.il/files/Accountability_Denied_Eng.pdf).

<sup>2</sup> Information obtained by the OHCHR-OPT directly from Yesh Din during a 15 December 2009 meeting in Tel Aviv.

<sup>3</sup> The term Israeli security forces (ISF) is used in the present report when it is unclear which agency or body (police, security or military) is involved.

bullets and live ammunitions. During the reporting period, the Office of the High Commissioner for Human Rights in the OPT (OHCHR-OPT) recorded the death of one demonstrator due to excessive force by ISF.<sup>4</sup>

6. The fragmentation of the West Bank continued, as did the severing of the West Bank hinterland from East Jerusalem through a system of checkpoints and permits. Severe restrictions on the freedom of movement in the West Bank – as well as in Gaza through the blockade – persisted throughout the reporting period. While there were no further substantial efforts to construct the wall, its associated regime of checkpoints, bypass roads and related permits resulted in violations to a broad range of Palestinians' rights, in particular the rights to education, family, health, non-discrimination and work.<sup>5</sup>

7. An encouraging development, with respect to existing restrictions on the freedom of movement of Palestinians, relates to a recent judgment of the Israeli High Court of Justice regarding Route 443. This is one of the main thoroughfares that connect Jerusalem and Tel Aviv. Private Palestinian land was expropriated for the purpose of constructing Route 443. Yet in 1982 the High Court of Justice ruled that its construction was lawful since it would benefit the Palestinian population.<sup>6</sup> Subsequently, in 2002, Palestinians were banned from using the road.<sup>7</sup> On 29 December 2009 the Court ruled that this prohibition was “inconsistent with the rules of international law regarding a belligerent occupation.”<sup>8</sup> The full implementation of this ruling would constitute a positive development in terms of respect for the right of Palestinians to freedom of movement.

8. The blockade of Gaza has become more severe since the conclusion of Operation Cast Lead. The population of Gaza has not received adequate assistance or support to recover from the impact of this operation. While the rights to health and water are given special attention

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<sup>4</sup> On 5 June 2009, Yousef Akil Srour, a Palestinian, was shot in the chest with 0.22 calibre live ammunition and pronounced dead upon arrival at the hospital. On the same day, four other demonstrators were injured by 0.22 calibre live ammunition. See B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories), [www.btselem.org/English/Firearms/20090618\\_Firing\\_live\\_ammunition\\_on\\_demonstrators.asp](http://www.btselem.org/English/Firearms/20090618_Firing_live_ammunition_on_demonstrators.asp).

<sup>5</sup> See, for example, B'Tselem, *A Wall in Jerusalem: Obstacles to Human Rights in the Holy City* (Jerusalem, 2006), which refers to the effects of the wall. Available from [www.btselem.org/download/200607\\_A\\_Wall\\_in\\_Jerusalem.pdf](http://www.btselem.org/download/200607_A_Wall_in_Jerusalem.pdf).

<sup>6</sup> See *Jami'at Ascan el-Malimun el-Mahdudeh el-Masauliyeh, Communal Society Registered at the Judea and Samaria Area Headquarters v. The Commander of IDF Forces in the Judea and Samaria Area*, HCJ 393/82.

<sup>7</sup> See, for example, Association for Civil Rights in Israel, “Ban on Palestinian movement on Route 443: background information” (June 2009).

<sup>8</sup> *Abu Safiya v Minister of Defence*, HCJ 2150/07 (official English synopsis).

below, the full range of human rights of the Gaza population continues to be violated on a regular basis, in particular as a consequence of the blockade.

9. Impunity for human rights violations remains a critical concern in the OPT. There is an urgent need to improve accountability for violations, with a view towards preventing future violations and ensuring justice for victims.

### **III. THE HUMAN RIGHTS SITUATION IN GAZA**

#### **A. Rule of law and accountability**

10. Under international human rights law victims have the right to an effective remedy following substantive violations of their rights.<sup>9</sup> The right to an effective remedy requires that the State carry out investigations promptly, thoroughly and impartially.<sup>10</sup> It also requires that reparation be made to individuals whose rights (under the International Covenant on Civil and Political Rights) have been violated. The rights of victims to an effective remedy require urgent attention, since time is of the essence in meeting such obligations.

#### **Investigations carried out by Israel in connection with Operation Cast Lead**

11. Information received by the High Commissioner as well as information that can be found in the public domain<sup>11</sup> indicate that approximately 150 incidents have been the subject of investigation by the Israeli armed forces.<sup>12</sup> A total of 36 incidents are or have been the subject of criminal investigations by the Military Police Criminal Investigations Division (MPCID),<sup>13</sup> the rest have been the subject of command investigations. The report published by the Government of Israel in January 2010 indicates that all investigations begin with the

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<sup>9</sup> Art. 2, para. 3, of the International Covenant on Civil and Political Rights; see also Human Rights Committee general comment No. 31 (2004) (CCPR/C/21/Rev.1/Add.13).

<sup>10</sup> See General Assembly resolution 60/147, annex, para. 3. The text was a statement of existing law (see preamble, p. 3). See also Human Rights Committee, general comment No. 20 (1992), para. 14; and Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions recommended by the Economic and Social Council in its resolution 1989/65 (1989), para. 9.

<sup>11</sup> There are five documents: (a) Israeli Defense Forces, "Conclusion of investigations into central claims and issues in Operation Cast Lead" (April 2009); (b) Israel (Ministry of Foreign Affairs), "Initial Response to the Fact-Finding Mission on Gaza pursuant to resolution S-9/1 of the Human Rights Council" (September 2009); (d) letter from the Permanent Mission of Israel to the United Nations Office and Specialized Institutions in Geneva to the High Commissioner for Human Rights (November 2009); and (e) Israel, "Gaza operation investigations: an update" (January 2010).

<sup>12</sup> The reports from the Government suggest that an investigation is taking place in respect of each incident. Therefore 150 investigations correlate to 150 incidents. There may be investigations that cover multiple incidents, but certainty is not possible on the basis of available information.

<sup>13</sup> Seven of these were referred by the Military Advocate General at the conclusion of command investigations, according to information provided by the Government of Israel.

A/HRC/13/54  
page 6

Military Advocate General (MAG), and may be referred either for a command investigation or a criminal investigation. The latter are carried out by the MPCID, trained in the exercise of criminal investigation, while the former are carried out by military officers with operational, rather than criminal investigation, expertise.

12. A total of 68 command investigations<sup>14</sup> have concluded with the MAG determining that no criminal investigation is warranted. Seven criminal investigations have concluded that no prosecution is warranted. A total of 45 command investigations and 28 criminal investigations are ongoing. One case has resulted in the conviction of a soldier, in relation to the theft of a credit card. Investigations in relation to half of the above-mentioned 150 incidents therefore appear to have been concluded. No information has been provided indicating that any of the decisions not to proceed with investigations have been the subject of a request for judicial review or review by the Attorney General.

13. Effective investigations must be independent, thorough and prompt.<sup>15</sup> All of the command investigations, special and ordinary, appear to rely predominantly if not exclusively on information provided by those potentially implicated in the violations. They do not appear to meet the standards required for practical independence.<sup>16</sup>

14. Ordinary command investigations appear to fall short of the required standard of hierarchical independence<sup>17</sup> and carry with them a risk of a conflict of interest that cannot be overcome by the fact that the final decision lies with the MAG. More information is required to ascertain the degree of institutional independence of special command investigations.

15. The Government of Israel points out that the review by the MAG is central to the system, not the command investigation.<sup>18</sup> However, the MAG relies on the information

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<sup>14</sup> See Israel, "Gaza operation investigations: an update" (2010), pp. 16-19.

<sup>15</sup> See footnotes 12 and 13 above. See also, on procedural and institutional considerations, concluding observations of the Human Rights Committee: Lithuania (CCPR/CO/80/LTU), para. 10; and Committee against Torture communication No. 56/1996 (CAT/C/20/D/59/1996).

<sup>16</sup> See *Finucane v. the United Kingdom* (2003) 22 EHRR 29, para. 68: "For an investigation into alleged unlawful killing by State agents to be effective, it may generally be regarded as necessary for the persons responsible for and carrying out the investigation to be independent from those implicated in the events (see, for example, *Güleç v. Turkey*, judgment of 27 July 1998, *Reports* 1998-IV, §§ 81-82; *Ogur v. Turkey*, [GC] no. 21954/93, ECHR 1999-III, §§ 91-92). This means not only a lack of hierarchical or institutional connection but also practical independence (see, for example, *Ergi v. Turkey*, judgment of 28 July 1998, *Reports* 1998-IV, §§ 83-84, and the recent Northern Irish cases, for example, *McKerr v. the United Kingdom*, no. 28883/95, § 128, *Hugh Jordan v. the United Kingdom*, no. 24746/94, § 120, and *Kelly and Others v. the United Kingdom*, no. 30054/96, § 114, ECHR 2001-III)."

<sup>17</sup> See for example *Finucane v. the United Kingdom* and *McKerr v. the United Kingdom*.

<sup>18</sup> Israel, "Gaza operation investigations", para. 60.

provided by the command investigation.<sup>19</sup> If there is reason to doubt the impartiality or independence of the evidence gathering process, this cannot be overcome by a subsequent reviewer, even if that reviewer can be considered independent.<sup>20</sup>

16. United Nations treaty bodies consistently reiterate that investigations must be thorough and effective.<sup>21</sup> There are at least three significant examples which on their own indicate a lack of thoroughness in the command investigations in relation to extremely serious allegations.<sup>22</sup> The absence of substantive information on other investigations makes evaluation of their thoroughness difficult at this point.

17. As regards criminal investigations, the Government of Israel indicates that 36 criminal investigations, out of a total of 150 investigations, have been opened. Nineteen concern the alleged shooting towards civilians, while the remainder deal with allegations of the use of human shields, mistreatment of detainees or civilians, pillage or theft.<sup>23</sup>

18. The degree to which MPCID and prosecutors to whom it presents its findings can be viewed as institutionally independent from those carrying out military operations cannot be assessed without more detailed information.

19. The High Commissioner is aware of reports and criticisms contending that the investigations of MPCID have consistently failed to lead to adequate prosecutions for offences allegedly committed by ISF, and that they have fostered a culture of impunity. In particular, B'Tselem and Yesh Din have catalogued criticisms related to investigative techniques and charging practices.<sup>24</sup>

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<sup>19</sup> The Government states that command investigations “serve as a means of compiling an evidentiary record for the Military Advocate General, enabling him, from his central vantage point, to determine whether there is a factual basis to open a criminal investigation”. It is not clear how that point allows the MAG to consider the facts other than those presented by the command investigation.

<sup>20</sup> See *Finucane v. the United Kingdom*, paras. 68 and 69 and *McKerr v. the United Kingdom*, para. 128. Cited in footnote 19 above.

<sup>21</sup> See General Assembly resolution 60/417, Human Rights Committee general comments Nos. 6, 7, 20 and 31, and Committee on Economic, Social and Cultural Rights general comment No. 16. See also *Finucane v the United Kingdom*, para. 69.

<sup>22</sup> These include the alleged aerial missile attack on the Al-Maqadma Mosque, the incident alleged to have occurred at the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) compound, and the strike against the El-Bader flour mill.

<sup>23</sup> Israel, “Gaza operation investigations”, paras. 134 and 135.

<sup>24</sup> See A/HRC/12/48, paras. 1828-1831. See also Yesh Din, “Investigation of criminal offences by IDF soldiers against Palestinians and their property – Figures for 2000-2007”. Available from [www.yesh-din.org/site/images/ds1eng.pdf](http://www.yesh-din.org/site/images/ds1eng.pdf), and B'Tselem, “Military investigations of harm to civilians in Operation Cast Lead are insufficient”. Available from

A/HRC/13/54  
page 8

20. To be effective a remedy must also be provided promptly. While the standard for promptness will vary from case to case, the High Commissioner notes the frequent reference of treaty bodies to the need for prompt investigations, especially in cases of alleged unlawful killings.<sup>25</sup> In this regard she is concerned that it appears that the investigation into one of the most serious incidents of Operation Cast Lead – relating to the death of over 20 people in the Al Samouni family home in Zeitoun – was not opened until November 2009.<sup>26</sup>

21. The High Commissioner notes that neither criminal nor command investigations are adequate to investigate whether policies, rules of engagement or orders that guided ISF during Operation Cast Lead were in violation of international law, or the responsibility of relevant senior officials – military or civilian. An independent inquiry into these matters is required, in addition to the investigation of specific incidents, for an effective right to remedy.

#### *Palestinian initiatives*

22. On 25 January 2010, the Palestinian Authority issued a decree<sup>27</sup> establishing a commission to follow up on the report of the United Nations Fact-Finding Mission. According to the decree, the commission is independent, is comprised of five members, is authorized to carry out investigations into the violations alleged in the report, will report to relevant authorities with respect to the outcomes of its activities, and is empowered to appoint experts and specialists to assist it to fulfil its duties.

23. The de facto authorities in Gaza state that two committees have been formed to follow up on the implementation of the recommendations in the report of the United Nations Fact-Finding Mission on the Gaza Conflict. The de facto authorities in Gaza also state that the committees are comprised of experts in international law and will immediately and independently follow up on the allegations of violations of international humanitarian law

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[www.btselem.org/English/Gaza\\_Strip/20091111\\_IMP\\_Investigations\\_of\\_Cast\\_Lead\\_Operation.asp](http://www.btselem.org/English/Gaza_Strip/20091111_IMP_Investigations_of_Cast_Lead_Operation.asp). See also Human Rights Watch, “Promoting Impunity: The Israeli Military’s Failure to Investigate Wrongdoing” (June 2005).

<sup>25</sup> See Human Rights Committee communication No. 373/1989 (CCPR/C/55/D/373/1989), para. 9.2; See also communication No. 587/1994 (CCPR/C/59/D/587/1994) and communication No. 599/1994 (CCPR/C/57/D/599/1994), para. 9; report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2004/56), para. 39. See also *Cantoral Benavides v. Peru*, Judgment of 18 August 2000, Inter-American Court of Human Rights, (Ser. C) No.69 (2000); and concluding observations of the Committee against Torture: Egypt (CAT/C/CR/29/4), para. 5(b).

<sup>26</sup> Israel, “Gaza operation investigations”, paras. 124 and 125.

<sup>27</sup> Palestinian Authority, “Decree No. 0105 of 2010 concerning the formation of an independent commission to follow up the Goldstone Report.”.

contained in the Fact-Finding Mission report, in accordance with Palestinian laws and practices.

24. There is insufficient information available at this time to draw conclusions regarding the compliance of responsible Palestinian authorities with the obligation to provide effective remedies. The High Commissioner notes that, at this point, there is no indication of credible investigations having taken place. In addition, the late launching of these initiatives brings into question the commitment of responsible Palestinian authorities to satisfying the criterion that a remedy be prompt.

### **B. Implementation of the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict**

25. The Secretary-General has submitted a report to the Human Rights Council on the status of implementation of paragraph 3 of Council resolution S-12/1 (A/HRC/13/55). The Secretary-General's report provides information on the implementation of the recommendations of the United Nations Fact Finding Mission.

### **C. General human rights situation in Gaza**

26. Sporadic violence within the armed conflict between Israel and Palestinian armed groups continued during the reporting period, with Israel launching airstrikes on Gaza<sup>28</sup> and Palestinian armed groups firing rockets and mortar shells into Israel.<sup>29</sup> Since the end of Operation Cast Lead, 89 Palestinians and one Israeli have been killed, while 154 Palestinians and seven Israelis have been injured in such incidents.<sup>30</sup>

27. The blockade of Gaza continues to further deprive the population. Denied basic supplies and services, 1.5 million persons are subjected to a worsening humanitarian crisis that disregards their human dignity. The blockade has had a devastating impact on a broad range of human rights of Gazans – more than half of whom are children – most notably impeding

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<sup>28</sup> See, for example, "Israel air strike kills Gaza militants," BBC News, 10 January 2010. Available from [http://news.bbc.co.uk/2/hi/middle\\_east/8450891.stm](http://news.bbc.co.uk/2/hi/middle_east/8450891.stm).

<sup>29</sup> Ambassador Aharon Leshno Yaar, Letters to the High Commissioner dated 9 November 2009, 26 November 2009, 14 December 2009, 5 January 2010, and 12 January 2010.

<sup>30</sup> Office for the Coordination of Humanitarian Affairs (OCHA), Protection of Civilians, weekly report (16–22 December 2009), p. 2. Available from [www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_weekly\\_report\\_2009\\_12\\_24\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2009_12_24_english.pdf).

A/HRC/13/54  
page 10

the fulfilment of core human rights such as the rights to health, water, food, shelter, work and education.

28. Restrictions in place on the importation of construction materials into Gaza have left over 6,000 houses that were destroyed or seriously damaged during Operation Cast Lead unrepaired.<sup>31</sup> This exacerbates the difficult living conditions of families still living in tents or makeshift shelters near the remains of their homes, in particular during the winter season.<sup>32</sup> Moreover, winter will increase electricity needs, resulting in an expected electricity shortage of up to 35 per cent.<sup>33</sup>

#### **D. The right to water**

29. The water and sanitation situation in Gaza is perilous. The United Nations Humanitarian Coordinator recently stated that “the deterioration and breakdown of water and sanitation facilities in Gaza is compounding an already severe and protracted denial of human dignity in the Gaza Strip. At the heart of this crisis is a steep decline in standards of living for the people of Gaza, characterized by erosion of livelihoods, destruction and degradation of basic infrastructure, and a marked downturn in the delivery and quality of vital services in health, water and sanitation.”<sup>34</sup> A September 2009 report by the United Nations Environment Programme (UNEP) warns that Gaza is on the verge of water and sanitation collapse. UNEP points to increased salinity from salt water intrusion caused by over-abstraction of ground water as a key concern, alongside pollution from sewage and agricultural runoff.<sup>35</sup> Reinforcing this assessment, Amnesty International reports that the water situation in Gaza has reached a crisis point and highlights that today 90-95 per cent of Gaza’s water is unfit for human consumption due to sewage and seawater infiltration.<sup>36</sup>

30. The blockade has prevented the entry of materials necessary to repair, rehabilitate and maintain the water and sanitation infrastructure. Materials have been allowed in only on an

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<sup>31</sup> Humanitarian Coordinator for the Occupied Palestinian Territory and the Association of International Development Agencies (AIDA), press release on winter needs in Gaza (11 November 2009). Available from [www.ochaopt.org/documents/ocha\\_opt\\_humanitarian\\_coordination\\_winterization\\_gaza\\_joint\\_statement.pdf](http://www.ochaopt.org/documents/ocha_opt_humanitarian_coordination_winterization_gaza_joint_statement.pdf).

<sup>32</sup> OCHA, *The Humanitarian Monitor*, October 2009, p. 10.

<sup>33</sup> Ma’an News Agency, “Gaza power cuts up to 32 hours per week” 15 December 2009. Available from [www.maannews.net/eng/ViewDetails.aspx?ID=246552](http://www.maannews.net/eng/ViewDetails.aspx?ID=246552).

<sup>34</sup> United Nations Humanitarian Coordinator and AIDA, press release, 3 September 2009. Available from [http://ochaopt.org/documents/hc\\_aida\\_statement\\_gaza\\_watsan\\_20090803\\_english.pdf](http://ochaopt.org/documents/hc_aida_statement_gaza_watsan_20090803_english.pdf).

<sup>35</sup> UNEP, *Environmental Assessment of the Gaza Strip Following the Escalation of Hostilities in December 2008 – January 2009* (Nairobi, 2009), p. 56. Available from [www.unep.org/PDF/dmb/UNEP\\_Gaza\\_EA.pdf](http://www.unep.org/PDF/dmb/UNEP_Gaza_EA.pdf).

<sup>36</sup> Amnesty International, *Troubled Waters – Palestinians Denied Fair Access to Water* (London, 2009).



exceptional basis. For example, construction of the North Gaza Emergency Sewage Treatment Plant has been slowed by the shortage of critical materials. Once completed the plant will treat the sewage of more than 500,000 people and filter the treated wastewater back into the ground aquifer.<sup>37</sup>

31. The dire water situation is illustrated by the situation of Al Shoka municipality (estimated population of 15,000), which is located at the easternmost part of Rafah. Since residents of Al Shoka do not have access to water through the public water network, they must purchase water from private vendors for all their needs. Thus, the average daily consumption of water in the municipality is less than half the 100 litres per day recommended by the World Health Organization (WHO). One of the local staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East explained to OHCHR-OPT that he spends as much as 30 per cent of his salary purchasing water for his family. According to the chief municipal engineer, new wells are required. A project of the Coastal Municipalities Water Utility includes plans to dig three wells in Tel El Sultan and build a carrier line from these new wells to the existing networks, which would allow access to water for some 60,000 people, including the Al Shoka residents. Yet the blockade prevents the importation of materials needed to complete this project.

### **E. The right to health**

32. The right to the highest attainable standard of physical and mental health is a fundamental human right.<sup>38</sup> This includes the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups. It also encompasses access to minimum essential food that is nutritionally adequate and safe, access to shelter, housing and sanitation and an adequate supply of safe drinking water, the provisions of essential drugs, and equitable distribution of all health facilities, goods and services.

33. The availability and quality of health care in Gaza has deteriorated over recent years because of political turmoil, Operation Cast Lead and the blockade.<sup>39</sup> The blockade hinders the effective functioning of the health care system on multiple levels, including by restricting

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<sup>37</sup> OCHA, *The Humanitarian Monitor*, October 2009, p. 12.

<sup>38</sup> Art.12, para. 1, of the International Covenant on Economic, Social and Cultural Rights.

<sup>39</sup> As of 31 October 2009, the Gaza Central Drug Stores reported that 78 of the list of 480 essential drug items and 119 of the list of 700 essential disposable items were at zero stock level. Information communicated directly to OHCHR-OPT by WHO, 15 November 2009.

access to basic supplies, such as drugs and consumables, such as syringes, gloves; basic medical equipment, such as x-ray machines; other equipment, such as computers and printers; and supplies to rehabilitate hospitals, such as glass, cement and wood. At present, it is only possible to import a minimum of essential medical supplies and equipment.

34. During the reporting period, there continued to be enormous difficulties for patients from Gaza who required emergency medical care available in the West Bank, East Jerusalem, Israel or abroad. From February 2009 until the end of October 2009, 25 persons died due to being unable to access medical treatment outside Gaza.<sup>40</sup> Many applications to exit Gaza for medical treatment were delayed or denied by Israeli authorities.<sup>41</sup>

35. Patients applying for medical care outside of Gaza are typically summoned for questioning by ISF at the Erez checkpoint, in advance of obtaining an exit permit. This can be a difficult experience. For example, “K.”, a resident of Gaza, was referred by the Ministry of Health to Al-Makassed Hospital in East Jerusalem for back surgery. In July 2009 a permit request was sent to ISF to allow him into Israel. ISF called him for a meeting. During this meeting the security officer questioned him about the circumstances in which his son was killed, by ISF, in 2002, as well as about his other sons. The security officer reportedly stated that his sons were “terrorists” and told him to return to Gaza. In October 2009 a new referral for treatment was issued. With the help of a local non-governmental organization (NGO), K. again requested a permit. The permit was denied on “security grounds” and K.’s health continues to deteriorate. Without surgery K. risks paralysis.

36. According to WHO, from January to November 2009 ISF summoned approximately 590 patients to Erez for such interrogations.<sup>42</sup> In May 2009 Physicians for Human Rights-Israel (PHR-Israel) presented data to the Committee against Torture regarding new measures employed by ISF during the interrogation of patients at Erez. New measures reportedly include photographing patients against their will; detaining patients for undisclosed periods of time; harassing, accusing, cursing and intimidating patients; and forcing uncooperative

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<sup>40</sup> OCHA, *The Humanitarian Monitor*, October 2009, p. 12.

<sup>41</sup> *Ibid.* In October 2009, the Israeli District Liaison Office for Erez Crossing approved 71.4 per cent of applications to exit Gaza for medical treatment, 25.5 percent were delayed and 2.9 percent were denied. Of those delayed, 83 patients were asked to be questioned by Israeli security forces before approval of their application, of which 51 did not go to the interview, 29 were asked to submit new applications and one was approved after the interview.

<sup>42</sup> Information communicated directly to OHCHR-OPT by WHO, 1 December 2009.

patients to return to Gaza without receiving a permit to exit.<sup>43</sup> PHR-Israel has informed OHCHR-OPT that these practices have increased since November 2009, often resulting in patients missing medical appointments. In two cases, patients summoned for interrogation were immediately detained and transferred to the Shikma prison in Ashkelon, where they remained for approximately 20 days before being released.<sup>44</sup> While before June 2009 PHR-Israel's mobile clinic was allowed into Gaza on three occasions (out of six requests), after June 2009 all 10 of its requests were refused.<sup>45</sup>

#### IV. EAST JERUSALEM

37. Palestinians who live or work in East Jerusalem face distinct challenges to the enjoyment of their human rights. Those who live in East Jerusalem are issued different identity documents than residents of the West Bank, with the former being more difficult to obtain and more easily revoked.<sup>46</sup> East Jerusalemites can lose their right to live in the city if they reside outside Israel or East Jerusalem for seven consecutive years, or if they obtain citizenship or permanent residency in another country. The information available to OHCHR-OPT indicates that this policy has been implemented by the Ministry of Interior of Israel since December 1995.<sup>47</sup> However, in 2008, the last year for which data is available, Israel revoked the residency permits of 4,577 East Jerusalemites. This is reported to be 21 times the average of each of the previous 40 years.<sup>48</sup>

38. Palestinians with West Bank or Gaza identity papers must apply for a permit to enter East Jerusalem. Even for those who are regularly employed in East Jerusalem, entry permits must be renewed every three or six months. West Bank identity-paper holders who are granted permits to enter Jerusalem are generally subject to a number of conditions, such as a time limit on the hours they can spend in Jerusalem and/or bans on driving or staying

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<sup>43</sup> PHR-Israel, "New data about GSS (Shabac) unorthodox methods at Erez Crossing", press release, 4 May 2009. Available from [www.phr.org.il/default.asp?PageID=190&ItemID=269](http://www.phr.org.il/default.asp?PageID=190&ItemID=269).

<sup>44</sup> Information on these two cases gathered from PHR-Israel and Al-Mezan, on file with OHCHR-OPT.

<sup>45</sup> These 10 consecutive refusals follow the publication by PHR-Israel of two reports on Operation Cast Lead: "Ill Morals," March 2009 and "Report of an independent fact-finding mission of medical experts", April 2009.

<sup>46</sup> See Civic Coalition to Defend Palestinian rights in Jerusalem at [www.ccdprj.ps/en/?page\\_id=89](http://www.ccdprj.ps/en/?page_id=89).

<sup>47</sup> This policy has its roots in the judgment in the *Mubarak Awad* case of the High Court of Justice delivered in 1988, which decided that the status of Palestinian residents should be regulated in accordance with the Entry in Israel Law, which is immigration legislation. See, for example, Hamoked and B'Tselem, "The quiet deportation", April 1997 and "The quiet deportation continues", September 1998, p. 7 and *Mubarak Awad v Yitzhak Shamir et al.*, H CJ 282/88.

<sup>48</sup> Nir Hasson, "Israel stripped thousands of Jerusalem Arabs of residency in 2008", Haaretz.com, last update 2 December 2009. Available from [www.haaretz.com/hasen/spages/1132170.html](http://www.haaretz.com/hasen/spages/1132170.html). Information confirmed by OHCHR-OPT during meeting with Hamoked.

A/HRC/13/54  
page 14

overnight. Restrictions on travel are often imposed, often during Israeli holidays, thereby preventing even permit holders from entering East Jerusalem. The extremely restrictive permit system impedes the freedom of movement of Palestinians between East Jerusalem, West Bank and Gaza.<sup>49</sup>

39. In addition, persons with East Jerusalem identification whose spouses hold West Bank identification (or are not Palestinian) are required to either surrender their residency and live in the West Bank, or apply for a family unification permit for the non-resident spouse.<sup>50</sup> The challenges of family unification are illustrated by the following case documented by OHCHR-OPT. “S.”, living in the Silwan area of East Jerusalem and a holder of West Bank papers, married a Palestinian woman with East Jerusalem residency. While he had managed to obtain a permit to stay in East Jerusalem since his marriage, his permit was revoked after his house was demolished in December 2008. Since then Israeli authorities have refused to renew his permit, citing unspecified “security reasons.” In 2009, upon the expiration of his permit, he was arrested and detained for over three weeks. While now released, he remains without a permit and “illegally” in East Jerusalem with his wife, living in fear of being arrested again. Israeli authorities have also refused to issue a “certificate of good conduct” (no criminal record) for his wife, making it difficult for her to find employment.

#### **A. Home demolitions**

40. Israel’s obligations under international humanitarian law prohibit it from destroying private or public property, or from forcibly displacing the civilian population, except as required for reasons of military necessity.<sup>51</sup> The Committee on the Elimination of Racial Discrimination has expressed serious concerns regarding house evictions and home demolitions in the OPT, including in East Jerusalem.<sup>52</sup> Furthermore, such home demolitions amount to forced evictions and are in violation of the right to adequate housing.<sup>53</sup>

41. Often the justification given by the Israeli authorities for home demolitions, particularly in East Jerusalem, is that Palestinian residents erect structures without building permits. Yet

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<sup>49</sup> Such concerns were also raised by the Human Rights Committee in its concluding observations for Israel (CCPR/C/79/Add.93), para. 22.

<sup>50</sup> See Jerusalem Centre for Social and Economic Rights, “Residency Rights”, 23 April 2009. Available from [www.jcser.org/index.php?option=com\\_content&view=article&id=12&Itemid=15](http://www.jcser.org/index.php?option=com_content&view=article&id=12&Itemid=15).

<sup>51</sup> Arts. 49 and 53 of the Fourth Geneva Convention of 1949.

<sup>52</sup> See CERD/C/ISR/CO/13, para. 35.

<sup>53</sup> Art. 11, para 1, International Covenant on Economic, Social and Cultural Rights..

in practice Palestinians lack meaningful access to such permits. Palestinians applying for building permits face an unnecessarily stringent and costly process to demonstrate land ownership.<sup>54</sup> Furthermore, it is important to note that only 13 per cent of the annexed East Jerusalem land area is currently zoned for Palestinian construction, and much of this land is already dense with construction.

42. While the Municipality of Jerusalem announced that 70 per cent of home demolitions in East Jerusalem would desist,<sup>55</sup> forced evictions and home demolitions have continued unabated. The Office for the Coordination of Humanitarian Affairs determined that, from 16 May to 18 November 2009, at least 214 persons, including 103 children, were displaced due to home demolitions or forced evictions. The Israeli Committee against Home Demolitions estimates that demolitions from 1 January to 18 November 2009 displaced at least 333 persons, including 157 children. It is estimated that there are more than 1,500 outstanding demolition orders in East Jerusalem alone. If these orders are implemented, as many as 60,000 further Palestinians would be displaced.<sup>56</sup>

43. Some cases documented by OHCHR-OPT indicate that Palestinian families being evicted are often not allowed to remove their belongings. On 26 October 2009 Israeli authorities demolished the home of four Palestinian families in the Al Ghezayel area of Sur Bahir, in the process displacing 15 persons, including 6 children. Persons in the house were separated into three different rooms and were not allowed to contact anyone by telephone. At 7 a.m. ISF arrived and the demolition began, with the families given little time to remove their belongings. OHCHR-OPT observed that items such as kitchenware and furniture were still in the house when it was demolished. Another home was demolished on 27 October 2009, with ISF arriving at 5 a.m. and immediately ordering all residents to exit. The four families residing in the house were forced to wait in the cold until workers arrived at 7 a.m. The workers proceeded to clear the house of its furniture and belongings for approximately 30 minutes, until bulldozers arrived and demolished the house with the remaining belongings still inside. In all cases documented by OHCHR-OPT, victims stated that workers who

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<sup>54</sup> OHCHR-OPT press release of 1 May 2009 issued on the occasion of the publication of the OCHA Special Focus Report: The Planning Crisis in East Jerusalem.

<sup>55</sup> See, for example, Israeli Committee against Home Demolitions, "Jerusalem municipality plans to freeze 70% of home demolitions in East Jerusalem: a step forward?", 29 June 2009; "After U.S. pressure, Barkat to halt 70% of East Jerusalem demolitions," Haaretz.com, 29 June 2009.

<sup>56</sup> OCHA, "Overview of the situation in East Jerusalem with regard to forced evictions, house demolitions and displacement: update for donor briefing", 11 November 2009.

cleared their homes hurled furniture out the windows and caused further damage to their belongings.

44. With respect to Israel's continuing policy and practice of carrying out home demolitions in East Jerusalem, it is recalled that on 3 November 2009 the Secretary-General issued a statement in which he declared that he was "dismayed at continued Israeli actions in occupied East Jerusalem, including the demolition of Palestinian homes, the eviction of Palestinian families and the insertion of settlers into Palestinian neighbourhoods".<sup>57</sup> In a 1 December 2009 statement, the Special Coordinator for the Middle East Peace Process reiterated the call of the Secretary-General for such actions to cease immediately.

### **B. Freedom of religion**

45. During Ramadan Israeli authorities customarily allow Palestinians with West Bank identity papers to enter East Jerusalem to attend Friday prayers at the Al-Aqsa Mosque. However, in 2009 access for holders of West Bank identification was restricted to men over 50 years of age, women over 45, and boys and girls under 12.<sup>58</sup> On 16 September 2009 OHCHR-OPT sent a communication to the head of the Civil Administration of the West Bank, requesting that he take measures to "ensure that the many Palestinians wishing to access religious sites in East Jerusalem are able to exercise their right to manifest their religion in an orderly and secure manner." No response was received.

46. Restrictions on Palestinians accessing Al-Aqsa Mosque raise concerns under article 18 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of thought, conscience, and religion, including freedom to manifest one's religion, be it individually or in community with others, in public or private.<sup>59</sup> On 27 September 2009 restrictions of Palestinians accessing Al-Aqsa Mosque led to clashes, which spread from the

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<sup>57</sup> "'Dismayed' by continued settlement activity in occupied East Jerusalem, Secretary-General calls on Israel to cease such 'provocative actions,'" statement of the Secretary-General, 3 November 2009.

<sup>58</sup> OCHA, *The Humanitarian Monitor*, September 2009, p. 7.

<sup>59</sup> In para. 8 of its general comment No. 22 (1993) on this article, the Human Rights Committee stated that the article "permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. ... In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination ... restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner."

Old City into other parts of East Jerusalem. By the end of October 2009, 102 Palestinians and 31 Israelis had been injured, mostly due to clashes relating to access to the Al-Aqsa Mosque and anti-wall demonstrations. The situation turned tense on 25 October 2009, when Jewish clerics called on their followers to perform rituals inside the Al-Aqsa compound.<sup>60</sup>

## V. SETTLEMENTS AND RELATED VIOLENCE

47. Settlement activity in the OPT, including in East Jerusalem, violates international human rights and international humanitarian law. Article 49 of the Fourth Geneva Convention stipulates that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.<sup>61</sup> As of late November 2009 the number of settlers in the West Bank is approximately 300,000, which includes approximately 200,000 in East Jerusalem.<sup>62</sup> Settlement activity equally has an impact on the rights to life, property and basic services.

48. A related issue is that of settlements that are unauthorized under Israeli law, commonly known as “outposts”. Unlike settlements that are established and maintained as a matter of policy by the Government of Israel, outposts are established by groups of settlers and are illegal under Israeli law. Irrespective of authorization under Israeli law, all settlements in the OPT, including in East Jerusalem, are illegal under international law.

49. Incidents of settler violence continued throughout the West Bank with impunity. During the reporting period there were an average of 29 settler-related incidents of violence per month, and an average of 13 Palestinians a month injured in such incidents.<sup>63</sup>

50. The olive harvest has for many years been the flashpoint for tension between settlers and Palestinian farmers living in communities near settlements. For example, the village of Burin is frequently subjected to settler violence and related destruction of property.

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<sup>60</sup> OCHA, *The Humanitarian Monitor*, October 2009, p. 3.

<sup>61</sup> Art. 55 of the Hague Regulations (annexed to the 1907 Convention respecting the Laws and Customs of War on Land) states that the “occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates”.

<sup>62</sup> According to Peace Now estimates provided to OHCHR-OPT. OCHA estimates that, as of December 2008, there were approximately 290,000 in the West Bank and 195,000 in East Jerusalem. See OCHA, “West Bank movement and access update”, May 2009, p. 13. In July 2009, an Israeli newspaper cited a military report stating that the settler population had increased to 304,000 in the West Bank. See “More than 300,000 settlers live in the West Bank”, *Haaretz.com*, 27 July 2009.

<sup>63</sup> OCHA, *The Humanitarian Monitor*, October 2009, p. 4.

Information provided to OHCHR-OPT indicates that over 1,500 olive trees had been burnt or destroyed by settlers from January through October 2009.

51. OHCHR-OPT is also aware of cases where ISF, present on the scene of settler violence, did nothing to prevent attacks. A woman and her family living in the Tel Rumeida area of the old city of Hebron, reported that she and her family are subject to severe movement restrictions by ISF and harassment and violence by settlers. On 11 April 2009 this woman, who is 70 years old and requires regular medical attention, was returning from the hospital and had received special permission from ISF to approach her home using the paved front way in the ambulance, as opposed to the usual restriction against using the front entrance and the prohibition from driving vehicles to their homes. The ambulance was stopped by ISF troops near her home. As ISF examined their identity documents, a group of settlers gathered around the ambulance. The crowd insulted the passengers and hurled large stones through the ambulance's back window, the first of which sent shattering glass throughout the ambulance. Throughout this time, the troops present did nothing to prevent the attacks or disperse the settlers, and eventually turned the ambulance back, where it was again attacked by settlers.

52. In another incident, on 13 July 2009, a 16-year-old boy was stopped by ISF approximately 150 metres from his home. The troops took him to a military camp, where he was handcuffed, blindfolded and placed in a chair in a concrete cubicle. The troops allowed a group of settlers to beat him until he was unconscious. It was only after members of his family, accompanied by a field worker from B'Tselem with a video camera, arrived at the scene that the beating ended. The boy was released and taken to the hospital. His family presented a complaint regarding this incident to the Israeli police on 8 June 2009. They have received no information regarding an investigation.

53. There are few cases where settlers have been prosecuted by Israeli authorities for crimes against Palestinians. In September 2009 the trial of a settler who refused to give the police the names of persons suspected of assaulting and beating Palestinian shepherds in March 2008 commenced.<sup>64</sup> However, the prevailing situation is one of impunity. With the announcement

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<sup>64</sup> Chaim Levinson, "Settler rabbi faces trial for not naming names to police", Haaretz.com, 16 September 2009. As of the finalization of this report, no information is available regarding the outcome of this trial.



in the end of November of a 10-month settlement freeze in the West Bank,<sup>65</sup> settler protests and related violent incidents are likely to increase.

## **VI. VIOLENCE AND DISCRIMINATION AGAINST WOMEN**

54. As Palestinians under occupation and as a group subject to a patriarchal value system, women in the OPT face multiple layers of violence and discrimination. Moreover, the current political, economic and humanitarian crisis has contributed to an increase in domestic violence.<sup>66</sup>

55. Palestinian NGOs report that violence against Palestinian women is widespread, and that women are discouraged from reporting abuses. Only 2 per cent of women victims of domestic violence seek legal assistance.<sup>67</sup> For example, “Y.” explained how difficult it is for her to file a complaint with the Palestinian Authority police against her husband, who beats and verbally abuses her. She stated that filing a complaint the police would disgrace her community, and that she would likely suffer stigmatization. She fears that filing a complaint would also mean that her husband would not allow her to see their children.<sup>68</sup>

56. One challenge in relation to violence against women is the lack of information-gathering by official institutions. In particular, there are no reliable statistics on so-called “honour crimes.” Yet NGOs and other observers report that “honour killings” take place in the OPT and, as a matter of practice, are not investigated. It is believed that such crimes are not investigated due either to a lack of willingness on the part of family and community members to cooperate with law enforcement authorities, or a lack of willingness of law enforcement authorities to rigorously investigate such crimes.<sup>69</sup>

57. Information collected by the Palestinian Independent Commission for Human Rights in Gaza indicates that the majority of “honour killings” in Gaza were committed by immediate relatives in the families’ homes, though the bodies of some victims were discarded away

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<sup>65</sup> This freeze does not include East Jerusalem, ongoing construction, or so-called “natural growth”.

<sup>66</sup> As communicated to OHCHR-OPT by the United Nations Development Fund for Women (UNIFEM).

<sup>67</sup> United Nations Inter-Agency Gender Task Force and UNIFEM, *Voicing the Needs of Women and Men in Gaza. Beyond the Aftermath of the 23 day Israeli Military Operations* (2009), p. 61.

<sup>68</sup> Case documented by OHCHR-OPT on 26 October 2009.

<sup>69</sup> According to the Palestinian Independent Commission for Human Rights, 10 Palestinian women were killed in the West Bank during 2008, 1 on grounds of “honour” and 7 in similar circumstances. During 2009 one case of a woman killed in relation to “honour” was reported in the West Bank.

from the home. Palestinian Authority police do not seem to have achieved any progress in investigating these crimes.

58. In May 2009 a Palestine Authority inter-ministerial committee drafted a presidential decree to amend existing legislation that discriminates against women. According to the decree, the killing of a spouse (male or female) suspected of or found to have committed adultery would be treated as murder and would be sentenced accordingly. The decree abolishes the exemption from punishment for killings committed in the name of “honour.” This decree, which has already been adopted by the legal working group of the Legislative Council, is currently with the president for signature.

59. An encouraging development is the signature by President Abbas of a decree accepting the applicability of the Convention on the Elimination of All Forms of Discrimination against Women. This decree offers Palestinians a point of reference to advocate for gender equality in all social and economic areas, constitutes a tool in the fight to end violence against women and girls, promises accountability for violations of women’s rights, and provides for the responsibility of the Palestinian Authority to fulfil the principles and measures enshrined in the Convention.<sup>70</sup>

## VII. CONCLUSIONS AND RECOMMENDATIONS

60. **The human rights situation between 1 May 2009 and 3 February 2010 remained of serious concern. A wide range of serious human rights violations occurred with disturbing frequency. The most critical violations that took place include a lack of respect for the right to life; arbitrary detention; impediments to the right to freedom of religion; obstacles to the fulfilment of the right to health; restrictions on freedom of movement; torture and other cruel, inhuman, or degrading treatment or punishment; a lack of remedy and redress for abuses and violations; and violence against women and children, in both the public and private spheres.**

61. **The recommendations contained in reports by the Secretary-General and the High Commissioner for Human Rights on the human rights situation in the OPT remain valid and need to be implemented as a matter of the highest urgency.**

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<sup>70</sup> See Joint Statement by OHCHR, UNICEF, UNIFEM, UNRWA in the OPT on Human Rights Day of 9 December 2009.

62. The blockade of Gaza results in grave and widespread human rights violations, including in relation to the fulfilment of the right to health and the right to adequate safe drinking water. Furthermore, Israel's blockade impedes the reconstruction or repair of thousands of homes destroyed or damaged during Operation Cast Lead, resulting in violations to the right to adequate housing.

63. Israel still has not fully complied with the International Court of Justice's Advisory Opinion on the wall. The continued expansion and establishment of settlements has further fragmented the West Bank. Notwithstanding a slight reduction in the number of Israeli checkpoints, severe restrictions on the movement of Palestinians within the West Bank and between East Jerusalem and the West Bank, in particular due to permit requirements, negatively affect a wide range of human rights on a daily basis. The extent of the fragmentation of the West Bank and the increasing separation of East Jerusalem from the rest of the West Bank brings into question the ability of Palestinians to effectively exercise their right to self-determination.

64. The situation in and around Jerusalem is particularly insecure. A dramatic increase in the revocation of Jerusalem residency permits for Palestinians in East Jerusalem was noted over the past year. Many Palestinian families in East Jerusalem and Area C of the West Bank were forcibly displaced, due to evictions and demolitions carried out by Israeli authorities.

65. Impunity for violations of human rights and international humanitarian law remains widespread, and needs to be addressed by all parties as a matter of the highest urgency. Investigations launched by the Government of Israel into alleged violations related to the military operations in Gaza of December 2008-January 2009 remain inadequate to provide effective remedies. While the processes put in place by responsible Palestinian authorities are recent and not much information is available, there is at this point no indication of credible investigations having taken place with regard to allegations of violations by Palestinian armed groups.

66. Taking into account the findings of this report, the High Commissioner recommends that the Government of Israel:

**(a) Abide by its obligations under its Basic Law: Human Dignity and Liberty (1992) and under the international instruments to which Israel is a party;**

**(b) Investigate without further delay, impartially and independently, in conformity with international standards, allegations of human rights violations committed by Israelis in the OPT. Bring those responsible for any violations to justice and provide effective redress to victims of violations;**

**(c) Immediately lift the blockade of Gaza;**

**(d) Fulfil its obligations under the Fourth Geneva Convention, as an occupying power, related to maintaining the normal life of the civilian population in Gaza;**

**(e) Ensure the supply of all essential humanitarian materials to Gaza;**

**(f) Ensure that all essential medicines, material and equipment necessary for the full functioning of the health care system can be delivered to Gaza;**

**(g) Immediately allow all necessary reconstruction materials to be delivered to Gaza, in order to reconstruct or repair homes that were destroyed or damaged during Operation Cast Lead;**

**(h) Immediately allow all material and equipment necessary for the construction and repair of water and sanitation facilities in Gaza, including the quantities of fuel necessary to operate such equipment;**

**(i) Seek to fulfil the right of Palestinians to freedom of movement, in particular in the West Bank, including by, as an initial measure, dismantling portions of the wall that were built beyond the Green Line, in accordance with the Advisory Opinion of the International Court of Justice;**

**(j) Ensure that Palestinians can fully realize their right to freely practice their religion, including by removing restrictions on freedom of movement;**

**(k) Desist from carrying out evictions or demolitions of Palestinian homes;**

**(l) Issue viable zoning plans and institute a less cumbersome, non-discriminatory process for obtaining building permits for East Jerusalem and Area C;**

**(m) Dismantle all Israeli settlements in the West Bank and East Jerusalem, in accordance with international law, and stop any and all illegal construction activity, including in East Jerusalem;**

**(n) Take immediate, effective measures to prevent violence against Palestinians by settlers, and bring those responsible for any such violence to justice.**

**67. The High Commissioner recommends that the Palestinian Authority:**

**(a) Fulfil its obligations under the Palestinian Basic Law, international human rights law and international humanitarian law;**

**(b) Investigate without further delay, impartially and independently, in conformity with international standards, all allegations of human rights violations in the OPT committed by any of its forces or agents, and that it bring those responsible for any such violations to justice and provide effective redress to victims;**

**(c) Immediately address patterns of violence against women, including violence committed in the private sphere, and put in place legislative mechanisms to appropriately sanction crimes committed in the name of “honour”;**

**(d) Carry out, in partnership with international organizations present in the OPT (including OHCHR), a campaign to raise awareness and prevent crimes committed in the name of “honour.”**

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**Human Rights Council**

Thirteenth session

Agenda item 7

**Human rights situation in Palestine  
and other occupied Arab territories****Resolution adopted by the Human Rights Council\*****13/8****The grave human rights violations by Israel in the Occupied  
Palestinian Territory, including East Jerusalem***The Human Rights Council,**Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of the international law is among the basic purposes and principles of the United Nations,*Affirming* the responsibility of the international community to promote human rights and ensure respect for international law,*Acknowledging* that peace, security, development and human rights are the pillars of the United Nations system,*Affirming* the applicability of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,*Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that convention,*Affirming* the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

\* The resolutions and decisions of the Human Rights Council will be contained in the report of the Council on its thirteenth session (A/HRC/13/56), chap. I.

*Emphasizing* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Guided* by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

*Stressing* that the right to life constitutes the most fundamental of all human rights,

*Deeply concerned* at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem,

*Expressing* serious concern at the lack of implementation by the occupying Power, Israel, of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

*Recognizing* that the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-States solution,

*Recognizing also* that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

4. *Condemns* the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the occupied Palestinian territories, including its recent announcement that it would add al-Haram al Ibrahimi in Hebron and Bilal Mosque (“Tomb of Rachel”) in Bethlehem and the walls of the old city of Jerusalem to its list of national heritage sites;

5. *Demands* that Israel, the occupying Power, respect the religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

6. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery

in the holy city of Jerusalem in order to construct a “museum of tolerance”, and calls upon the Government of Israel to immediately desist from such illegal activities therein;

7. *Demands* that Israel, the occupying Power, immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

8. *Calls for* the immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

9. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory;

10. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in the Al-Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem;

11. *Also demands* that the occupying Power, Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council;

12. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

13. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points, and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

14. *Decides* to continue the consideration of this question at its sixteenth session.

*41<sup>st</sup> meeting  
24 March 2010*

[Adopted by a recorded vote of 31 to 9, with 7 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:*

Belgium, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, Ukraine.]



**General Assembly**Distr.: General  
13 April 2011

Original: English

**Human Rights Council**

Sixteenth session

Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories****Resolution adopted by the Human Rights Council\*****16/29****Human rights situation in the Occupied Palestinian  
Territory, including East Jerusalem***The Human Rights Council,**Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,*Affirming* the responsibility of the international community to promote human rights and ensure respect for international law,*Acknowledging* that peace, security, development and human rights are the pillars of the United Nations system,*Affirming* the applicability of the fourth Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,*Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention, and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that Convention, in all circumstances,*Affirming* the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

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\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its sixteenth session (A/HRC/16/2), chap. I.

*Emphasizing* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Guided* by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated,

*Deeply concerned* at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in and around the holy city of Jerusalem,

*Expressing serious concern* at the lack of implementation by all parties to the conflict of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* all forms of violence against civilians by all the parties to the conflict, and deploring the loss of human lives in the context of the current situation,

*Recognizing* that the continuous Israeli military attacks and operations in the Occupied Palestinian Territory have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts to achieve a just and lasting peace in the region based on the two-State solution,

*Recognizing also* that the continuous launching of rockets from the occupied Gaza Strip against civilians constitutes a severe violation of international humanitarian and human rights law and undermines international efforts to achieve a peace settlement,

*Recognizing further* that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967 and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the continuous Israeli military attacks and operations in the Occupied Palestinian Territory, including its regular military incursions, and calls for their immediate cessation;

3. *Condemns* the indiscriminate rocket and mortar fire from the occupied Gaza Strip against civilians, and calls for their immediate cessation;

4. *Demands* that the occupying Power, Israel, stop the targeting of civilians and halt its administrative decisions and practices that directly or indirectly coerce Palestinian citizens to leave East Jerusalem, including evictions, demolitions, forced displacements, cancellation of residence permits and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

5. *Condemns* the disrespect of the religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the Occupied Palestinian Territory, including al-Haram al Ibrahimi in Hebron and Bilal Mosque ("Tomb of Rachel") in Bethlehem and the walls of the old city of Jerusalem, which are on its list of national heritage sites;

6. *Demands* that Israel, the occupying Power, respect religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

7. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery in the holy city of Jerusalem in order to construct a "museum of tolerance", and calls upon the Government of Israel to immediately desist from such illegal activities therein;

8. *Demands* that Israel, the occupying Power, immediately cease all ongoing diggings and excavation work beneath and around the Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

9. *Calls for* immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, applicable in the Occupied Palestinian Territory, including East Jerusalem;

10. *Demands* that the occupying Power, Israel, take the necessary measures to ensure the respect of internationally recognized sports principles as enshrined in the Charter of the International Olympic Committee, particularly the free movement and circulation of Palestinian sports teams and athletes within the Occupied Palestinian Territory, including administrative staff, and in relation with the external world, and facilitate the access of internationally donated equipment and sports materials, and that it grant regional and international teams and sports figures unhindered access to the Occupied Palestinian Territory and desist from imposing illegal measures on the construction of sports facilities throughout the Occupied Palestinian Territory, including in East Jerusalem;

11. *Also demands* that the occupying Power, Israel, immediately stop its illegal decisions to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in Al-Sheikh Jarrah and Beit Hanina areas of East Jerusalem, which is resulting in the displacement of a large number of resident Palestinians of East Jerusalem;

12. *Further demands* that the occupying Power, Israel, release Palestinian prisoners and detainees, including women, children and elected members of the Palestinian Legislative Council;

13. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

14. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip and that it open all borders and crossing points and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment for the reconstruction and rehabilitation of Gaza, as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

15. *Decides* to continue the consideration of this question at its nineteenth session.

48<sup>th</sup> meeting  
25 March 2011

[Adopted by a recorded vote of 30 to 1, with 15 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

*Against:*

United States of America

*Abstaining:*

Belgium, Cameroon, France, Guatemala, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia]

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**General Assembly**Distr.: General  
11 April 2014

Original: English

**Human Rights Council**

Twenty-fifth session

Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories****Resolution adopted by the Human Rights Council****25/29.****Human rights situation in Occupied Palestinian Territory, including  
East Jerusalem***The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

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*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Mindful* of the failure by Israel, the occupying Power, to live up to its obligations as set forth in international law and as reaffirmed in all relevant United Nations resolutions and the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Stressing* the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

*Expressing grave concern* about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Gravely concerned in particular* about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and the military operations between December 2008 and January 2009 and in November 2012, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

*Expressing deep concern* about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Emphasizing* that the destruction of property and the permanent displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, from their initial locations constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

*Expressing concern* about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population, and to help the parties implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Taking note* of the continued efforts and tangible progress made in the security sector by the Palestinian Government, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

3. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian Territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

4. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Also demands* that Israel, the occupying Power, cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

8. *Condemns* the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, and in the context of peaceful protests in the West Bank, resulting in extensive loss of life and vast numbers of injuries;

9. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

10. *Further condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including the torching of places of worship and the destruction of olive trees and crops by Israeli settlers;

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

12. *Also calls upon* Israel to end any harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies;

13. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May



2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

14. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

15. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

16. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

17. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

18. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

19. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

20. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

21. *Expresses grave concern* at:

(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

22. *Expresses serious concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

23. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

24. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

25. *Stresses* the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

26. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-eighth session;

27. *Decides* to remain seized of the matter.

*56th meeting  
28 March 2014*

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

*In favour:*

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

*Against:*

United States of America]

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**General Assembly**Distr.: General  
13 April 2015

Original: English

**Human Rights Council**

Twenty-eighth session

Agenda item 7

**Human rights situation in Palestine and other occupied Arab territories****Resolution adopted by the Human Rights Council****28/27. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem***The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and of other relevant recent reports of the Human Rights Council,

*Noting* the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Deploring* Israel's recurrent practice of withholding Palestinian tax revenues,

*Aware* of the responsibility of the international community to promote human rights and to ensure respect for international law,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

GE.15-07586 (E)



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*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Stressing the need* for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

*Stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

*Stressing* that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

*Affirming* the need to support the Palestinian national consensus government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

*Expressing deep concern* at the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, compounded by the fact that only about 5 per cent of pledged donations for reconstruction have reached the Gaza Strip, and calling upon the international community to step up its efforts in order to provide the Gaza Strip with the assistance that it requires,

*Stressing the need* to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

*Stressing the need also* for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

*Deploring* all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Emphasizing* that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem,

constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively under articles 53 and 49 of the Fourth Geneva Convention,

*Deeply concerned* at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

*Expressing concern* about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Recognizing* the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the International Covenants on Human Rights,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

6. *Stresses* the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

7. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

8. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

9. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

10. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

12. *Also calls upon* Israel to end any harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies;

13. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

14. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

15. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

16. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

17. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

18. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

19. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

20. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

21. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

22. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

23. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

24. *Expresses grave concern* at:



(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

25. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

26. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Deplores* the persistent non-cooperation of Israel with special procedures mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

28. *Requests* the Office of the High Commissioner to strengthen further the presence of its office in the Occupied Palestinian Territory by, inter alia, deploying the necessary personnel and expertise;

29. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its thirty-first session;

30. *Decides* to remain seized of the matter.

57th meeting  
27 March 2015

[Adopted by a recorded vote of 43 to 1, with 3 abstentions. The voting was as follows:

*In favour:*

Albania, Algeria, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, China, Congo, Côte d'Ivoire, Cuba, El Salvador, Estonia, Ethiopia, France, Gabon, Germany, Ghana,\* India, Indonesia, Ireland, Japan, Kazakhstan, Kenya, Latvia, Maldives, Mexico, Montenegro, Morocco, Namibia, Netherlands, Nigeria, Pakistan, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

*Against:*

United States of America

*Abstaining:*

Botswana, Paraguay, the former Yugoslav Republic of Macedonia]

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\* The delegation of Ghana subsequently stated that there had been an error in its voting and that it had intended to abstain.

**General Assembly**Distr.: General  
20 April 2016

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**Human Rights Council**  
Thirty-first session  
Agenda item 7**Resolution adopted by the Human Rights Council on 24  
March 2016****31/34. Human rights situation in the Occupied Palestinian  
Territory, including East Jerusalem***The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and of other relevant recent reports of the Human Rights Council,

*Noting* the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Deploring* Israel's recurrent practice of withholding Palestinian tax revenues,

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

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*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Stressing* the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

*Also stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Gravely concerned in this regard* by the ongoing demolition of Palestinian homes by Israel, the occupying Power, in particular in Occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, and by the revocation of residence permits and the eviction of Palestinian residents of the city,

*Deploring* the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, and about the firing of rockets into Israel,

*Stressing* that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

*Affirming* the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

*Expressing deep concern* about the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

*Stressing also* the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

*Convinced* that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Emphasizing* that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on the destruction of property and on forcible transfers, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

*Deeply concerned* at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

*Expressing deep concern also* at the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Expressing concern* at the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Recognizing* the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate access of medical supplies and medical practitioners to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release all Palestinian prisoners detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory,

including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern at:*

(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

30. *Requests* the Secretary-General to place the presence of the Office of the High Commissioner in the Occupied Palestinian Territory on a firmer basis under the regular budget, including by, inter alia, deploying the necessary personnel and expertise;

31. *Also requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the recurrence



and persistence of human rights violations and the underlying policies leading to such patterns, including those involving forcible displacement, at its thirty-fourth session;

32. *Decides* to remain seized of the matter.

*66th meeting  
24 March 2015*

[Adopted by a recorded vote of 42 to 0, with 5 abstentions. The voting was as follows:

*In favour:*

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of ), Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Panama, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

*Abstaining:*

Botswana, Ghana, Paraguay, the former Yugoslav Republic of Macedonia, Togo]

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**General Assembly**Distr.: General  
11 April 2017

Original: English

**Human Rights Council****Thirty-fourth session**

27 February–24 March 2017

Agenda item 7

**Resolution adopted by the Human Rights Council on 24 March 2017****34/30. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem***The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,<sup>1</sup> and other relevant recent reports of the Human Rights Council,

*Deeply regretting* the onset of the fiftieth year of the Israeli occupation, and stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

<sup>1</sup> A/71/554 and A/HRC/34/70.

GE.17-05882(E)



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*Deploring* Israel's recurrent practice of withholding Palestinian tax revenues,

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads and the wall, and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Stressing* the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

*Stressing also* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Gravely concerned* by the ongoing demolition by Israel, the occupying Power, of Palestinian homes and of structures provided as humanitarian aid, in particular in occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, the occurrence of which has escalated at unprecedented rates, and by the revocation of residence permits and the eviction of Palestinian residents of the City,

*Deploring* the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, and about the firing of rockets into Israel,

*Stressing* that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

*Affirming* the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

*Expressing deep concern* at the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts in order to provide the Gaza Strip with the assistance that it requires,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

*Stressing also* the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East

Jerusalem, and impair the Territory's contiguity, consequently violating the human rights of the Palestinian people and negatively affecting their socioeconomic and humanitarian situation, which remains dire in the Gaza Strip, and the efforts aimed at rehabilitating and developing the Palestinian economy,

*Convinced* that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Emphasizing* that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on the destruction of property and on forcible transfers, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

*Deeply concerned* at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

*Expressing deep concern also* at the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

*Expressing concern* at the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Stressing* the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East

Jerusalem, to allow them to carry out their work freely and without fear of attacks, harassment, arbitrary detention or criminal prosecution,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Recognizing* the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic

sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, including those on hunger strikes, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* the resumption by Israel of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern* at:



(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

30. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

31. *Requests* the High Commissioner to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the factors perpetuating the arbitrary detention of Palestinian prisoners and detainees in Israeli jails in consultation with the Working Group on Arbitrary Detention, at its thirty-seventh session;

32. *Decides* to remain seized of the matter.

*58th meeting  
24 March 2017*

[Adopted by a recorded vote of 41 to 2, with 4 abstentions. The voting was as follows:

*In favour:*

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

*Against:*

Togo, United States of America

*Abstaining:*

Congo, Panama, Paraguay, Rwanda]

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# General Assembly

Distr.: General  
13 April 2018

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## Human Rights Council

### Thirty-seventh session

26 February–23 March 2018

Agenda item 7

## Resolution adopted by the Human Rights Council on 23 March 2018

### 37/35. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,<sup>1</sup> and other relevant recent reports of the Human Rights Council,

*Stressing* the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> A/72/556 and A/HRC/37/75.



*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

*Stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing violation of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on school children and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

*Expressing deep concern* at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

*Stressing the need* for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Stressing the need also* to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Convinced* that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

*Stressing* the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to

help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions, in violation of their basic right to adequate housing and in violation of

international humanitarian law; the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

11. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

14. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

15. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

16. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

17. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

18. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical

treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

19. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

20. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

21. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

22. *Calls for* urgent attention to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

23. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

24. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

25. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

26. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

27. *Decides* to remain seized of the matter.

*56th meeting  
23 March 2018*

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, Ethiopia, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Tunisia, Ukraine, United Arab

Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela  
(Bolivarian Republic of)

*Against:*

Australia, Togo, United States of America

*Abstaining:*

Democratic Republic of the Congo, Rwanda]

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# General Assembly

Distr.: General  
16 April 2019

Original: English

## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 7

## Resolution adopted by the Human Rights Council on 22 March 2019

### 40/23. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,<sup>1</sup> and other relevant recent reports of the Human Rights Council,

*Stressing* the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> A/73/447 and A/HRC/40/73.



*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

*Stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing violations of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on schoolchildren and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

*Expressing deep concern* at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

*Stressing* the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Stressing also* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Convinced* that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of transfers and deportations of civilians from or to occupied territories,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

*Stressing* the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to

help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate, thereby dispensing with one of the few established mechanisms for conflict resolution between Israelis and Palestinians, which may therefore have a negative impact on the situation,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 and ES-10/13, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the

forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions; the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws; the excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

11. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* about the so-called Basic Law: Israel as the Nation-State of the Jewish People, adopted by the Knesset, currently under judicial review, which has raised further concerns regarding compliance with international law, including the law of occupation, insofar as it applies to the Occupied Palestinian Territory, including East Jerusalem;

14. *Also expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

15. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

16. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

17. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of protests in the West Bank and in the Gaza Strip;

18. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

19. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

20. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

22. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

23. *Calls for urgent attention* to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

28. *Decides* to remain seized of the matter.

*54th meeting  
22 March 2019*

[Adopted by a recorded vote of 39 to 3, with 5 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, China, Croatia, Cuba, Czechia, Egypt, Eritrea, Fiji, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovakia, Somalia, South Africa, Spain, Tunisia, Ukraine, Uruguay

*Against:*

Australia, Denmark, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Cameroon, Democratic Republic of the Congo, Hungary, Rwanda, Togo]

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# General Assembly

Distr.: General  
3 July 2020

Original: English

## Human Rights Council

### Forty-third session

24 February–13 March and 15–23 June 2020

Agenda item 7

### Human rights situation in Palestine and other occupied Arab territories

## Resolution adopted by the Human Rights Council on 22 June 2020

### 43/32. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all relevant conventions, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,<sup>1</sup> and other relevant recent reports of the Human Rights Council,

*Stressing* the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine, on the basis of international law,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

<sup>1</sup> A/74/507.

GE.20-08895(E)



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*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

*Stressing* the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* at the continuing violations of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on schoolchildren and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

*Expressing deep concern* at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the

international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

*Stressing* the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Stressing also* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli security concerns,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Convinced* that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Expressing deep concern* that thousands of Palestinians, including many children and women, and elected members of the Palestinian Legislative Council continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of transfers and deportations of civilians from or to occupied territories,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

*Stressing* the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate, thereby dispensing with one of the few

established mechanisms for conflict resolution between Israelis and Palestinians, which may therefore have a negative impact on the situation,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospect of a peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/15 and ES-10/13, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions; the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws; the excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and

demographic composition of the city and of the territory as a whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

11. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation of and peaceful access to all religious sites;

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* about the so-called “Basic Law: Israel as the Nation-State of the Jewish People”, adopted by the Knesset, currently under judicial review, which has raised further concerns regarding compliance with international law, including the law of occupation, insofar as it applies to the Occupied Palestinian Territory, including East Jerusalem;

14. *Also expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

15. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

16. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

17. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of protests in the West Bank and in the Gaza Strip;

18. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, while encouraging an end to all actions contrary to international law;

19. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical

treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

20. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

22. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

23. *Calls for* urgent attention to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

28. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem, and to recommend measures to ensure the implementation of equitable access to safe drinking water in the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law, and to present the report to the Human Rights Council at its forty-eighth session;

29. *Decides* to remain seized of the matter.

46th meeting  
22 June 2020

[Adopted by a recorded vote of 42 to 2, with 3 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Angola, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Chile, Czechia, Denmark, Eritrea, Fiji, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Senegal, Slovakia, Somalia, Spain, Sudan, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)

*Against:*

Australia, Marshall Islands

*Abstaining:*

Cameroon, Democratic Republic of the Congo, Togo]

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# General Assembly

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## Human Rights Council

### Forty-sixth session

22 February–24 March 2021

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## Resolution adopted by the Human Rights Council on 23 March 2021

### 46/3. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all relevant conventions, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the relevant rules and principles of international law, including international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,

*Recalling also* relevant United Nations reports, including the outcome reports of fact-finding missions and commissions of inquiry, and the important recommendations made therein, and calling upon all duty bearers and United Nations bodies to pursue the implementation of those recommendations,

*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

*Affirming* the obligation of all parties to respect international humanitarian law and international human rights law,

*Emphasizing* the need for States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law,



to end impunity, to uphold their obligations to ensure respect and to promote international accountability,

*Regretting* the lack of progress made in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through settlement activities and other measures that are tantamount to de facto annexation of Palestinian land,

*Gravely concerned* that long-standing impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice and access to effective remedy, deter further violations, protect civilians and promote peace,

*Expressing grave concern* at reports of serious human rights violations and grave breaches of international humanitarian law, including of possible war crimes and crimes against humanity, in the Occupied Palestinian Territory, including East Jerusalem, and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* the continuing and negative consequences of the conflicts in and around the Gaza Strip, including all casualties, particularly among Palestinian civilians, including children, and ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

*Gravely concerned* about the dire humanitarian, socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade, and about the short- and long-term detrimental impact of this situation, and the widespread destruction and continued impediments to the reconstruction process by Israel, the occupying Power, on the human rights situation,

*Expressing grave concern* at the firing of rockets into Israel,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli security concerns,

*Stressing also* the need to end the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian



goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Stressing further* the need for all parties, in conformity with relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Deploring* all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, restricted access to proper medical care, including in a time of pandemic, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of individual and mass forcible transfers, and of the deportation of protected persons, from occupied territory, and the prohibition of deportation or transfer by the occupying Power of parts of its own civilian population into the territory it occupies,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

*Recognizing* the work of Palestinian, Israeli and international civil society actors and human rights defenders in documenting and countering violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron, and regretting the unilateral decision by Israel not to renew its mandate,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, and stresses that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law and relevant United Nations resolutions;

2. *Stresses* the imperative of credible and comprehensive accountability for all violations of international law in order to establish a sustainable peace;

3. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Fourth Geneva Convention, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

4. *Deplores* the persistent non-cooperation of Israel with the special procedures of the Human Rights Council and other United Nations mechanisms seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and calls for full cooperation with the Council and all its special procedures,

relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

5. *Demands* that Israel, the occupying Power, cease all illegal actions in the Occupied Palestinian Territory, including East Jerusalem, including the construction of settlements; the demolition of residential structures, including punitive home demolitions; the forced eviction of Palestinian inhabitants and the revocation of residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the territory as a whole, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a just and peaceful settlement;

6. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

7. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

8. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to ensure non-discrimination on grounds of religion or belief and the preservation of and peaceful access to all religious sites;

9. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory, which has a broad impact on human rights, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

10. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and human rights law, and that it cease all measures and actions taken in breach of these bodies of law, and discriminatory legislation, policies and actions in the Occupied Palestinian territory that violate the human rights of the Palestinian people, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance, and that it fully respect human rights law and comply with its legal obligations in this regard;

11. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

12. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic rights, and which has a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip, while taking into account Israeli security concerns;

13. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including unlawful lethal and other excessive use of force by Israeli occupying forces against Palestinian civilians, including against civilians with special protected status under international law and who pose no imminent threat to life;

14. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, and calls for an end to all actions by militants and armed groups contrary to international law;

15. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

16. *Urges* all States to refrain from transferring arms when, in accordance with applicable national procedures and international obligations and standards, they assess that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law;

17. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

18. *Calls upon* Israel, the occupying Power, to comply immediately with its international law obligations to the protected occupied population, and ensure non-discriminatory access to vaccines for immunization against the coronavirus disease (COVID-19) in the Occupied Palestinian Territory, including East Jerusalem, including in coordination with the Government of the State of Palestine;

19. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

20. *Calls for* an end to all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

21. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, and at the continued use of administrative detention, and calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment; to fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, including ensuring access to medical care and vaccinations, including in the context of the ongoing pandemic; to implement fully the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody; and to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

22. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

23. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall

short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

24. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of an effective remedy for all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

25. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its forty-ninth session, to be followed by an interactive dialogue;

26. *Decides* to remain seized of the matter.

*48th meeting  
23 March 2021*

[Adopted by a recorded vote of 32 to 6, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Denmark, Eritrea, Fiji, France, Gabon, Germany, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Netherlands, Pakistan, Poland, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, Uruguay, Uzbekistan and Venezuela (Bolivarian Republic of)

*Against:*

Austria, Brazil, Bulgaria, Cameroon, Malawi and Togo

*Abstaining:*

Bahamas, Czechia, India, Marshall Islands, Nepal, Philippines, Ukraine and United Kingdom of Great Britain and Northern Ireland]

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# General Assembly

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## Human Rights Council

### Forty-ninth session

28 February–1 April 2022

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## Resolution adopted by the Human Rights Council on 31 March 2022

### 49/4. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all relevant conventions, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the relevant rules and principles of international law, including international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,

*Recalling also* relevant United Nations reports, including the outcome reports of fact-finding missions and commissions of inquiry, and the important recommendations made therein, and calling upon all duty bearers and United Nations bodies to pursue the implementation of those recommendations,

*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

*Affirming* the obligation of all parties to respect international humanitarian law and international human rights law,

*Emphasizing* the need for States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law,

to end impunity, to uphold their obligations to ensure respect and to promote international accountability,

*Regretting* the lack of progress made in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through settlement activities and other measures that are tantamount to de facto annexation of Palestinian land,

*Gravely concerned* that long-standing impunity for international law violations has allowed for the recurrence of grave breaches and serious violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure the access of victims to justice and effective remedies, deter further violations, protect civilians and promote peace,

*Expressing grave concern* at reports of serious human rights violations and grave breaches of international humanitarian law, including of possible war crimes and crimes against humanity, in the Occupied Palestinian Territory, including East Jerusalem, and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* the continuing and negative consequences of the conflicts in and around the Gaza Strip, including all casualties, particularly among Palestinian civilians, including children, and ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

*Gravely concerned* about the dire humanitarian, socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic impediments and movement restrictions that in effect amount to a blockade, and about the short- and long-term detrimental impact of this situation, and the widespread destruction and continued impediments to the construction and reconstruction process imposed by Israel, the occupying Power, on the human rights situation,

*Expressing grave concern* at the firing of rockets into Israel,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli security concerns,

*Stressing also* the need to end the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian

goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Stressing further* the need for all parties, in conformity with relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Deploring* all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians, including as a result of recurrent and escalating settler attacks,

*Expressing deep concern* that thousands of Palestinians, including many children, women, elected members of the Palestinian Legislative Council and human rights defenders, continue to be detained, including under terms of administrative detention with limited or no judicial recourse, and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, restricted access to proper medical care, including in a time of pandemic, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of inhumane treatment and torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of individual and mass forcible transfers, and of the deportation of protected persons, from occupied territory, and the prohibition of deportation or transfer by the occupying Power of parts of its own civilian population into the territory it occupies,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and international human rights law,

*Recognizing* the work of Palestinian, Israeli and international civil society actors, humanitarian agencies and human rights defenders in documenting and countering violations of international law and providing relief to affected persons in the Occupied Palestinian Territory, including East Jerusalem,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and stressing the importance of non-governmental organizations, which have been instrumental to human rights monitoring, protection and relief efforts undertaken by the international community, and expressing concern about the decision taken by Israel to proscribe certain Palestinian non-governmental organizations,

1. *Demands* that Israel, the occupying Power, withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, and stresses that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law and relevant United Nations resolutions;

2. *Stresses* the imperative of credible, timely and comprehensive accountability for all violations of international law in order to attain justice for the victims and establish a just and sustainable peace;

3. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

4. *Affirms* that no State shall recognize as lawful a situation created by a serious breach by a State of an obligation arising under a peremptory norm of general international law, nor render aid or assistance in maintaining that situation, and that all States shall cooperate to bring to an end through lawful means any serious breach;

5. *Deplores* the persistent non-cooperation of Israel with the special procedures of the Human Rights Council and other United Nations mechanisms seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and calls for full cooperation with the Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

6. *Demands* that Israel, the occupying Power, cease all illegal actions in the Occupied Palestinian Territory, including East Jerusalem, including the establishment and expansion of settlements; the demolition of privately owned and residential structures belonging to Palestinians, including punitive home demolitions; the forcible transfer of Palestinian inhabitants and the revocation of residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the territory as a whole, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a just and peaceful settlement;

7. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

8. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, to facilitate the return of Palestinian families and communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

9. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to ensure non-discrimination on grounds of religion or belief and the preservation of and peaceful access to all religious sites;

10. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory, which has a broad impact on human rights, including in the Jordan Valley area, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

11. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and international human rights law, and that it cease all measures and actions taken in breach of these bodies of law, and discriminatory legislation, policies and actions in the Occupied Palestinian territory that violate the human rights of the Palestinian people, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance and independent and impartial action of civil society, and that it fully respect international human rights law and comply with its legal obligations in this regard;

12. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East



Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

13. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic rights, and which has a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip, while taking into account Israeli security concerns;

14. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including unlawful lethal and other excessive use of force by Israeli occupying forces against Palestinian civilians, including against civilians with special protected status under international law and who pose no imminent threat to life;

15. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, and calls for an end to all actions by militants and armed groups contrary to international law;

16. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

17. *Urges* all States to refrain from transferring arms when, in accordance with applicable national procedures and international obligations and standards, they assess that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law;

18. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, the entry of humanitarian equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

19. *Calls upon* Israel, the occupying Power, to comply immediately with its international law obligations to the protected occupied population, and ensure non-discriminatory access to vaccines for immunization against the coronavirus disease (COVID-19) in the Occupied Palestinian Territory, including East Jerusalem, including in coordination with the Government of the State of Palestine;

20. *Urges* Member States to continue to provide emergency assistance, including humanitarian relief and development assistance, to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls* for an end to all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of the Palestinian people, including by cooperating with United Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

22. *Calls upon* Israel to revoke any unsubstantiated designations of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations, and to

refrain from using anti-terrorism legislation to undermine civil society and its valuable work and contributions to the pursuit of accountability;

23. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, and at the continued use of administrative detention, and calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment; to fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, including by ensuring access to medical care and vaccinations, including in the context of the ongoing pandemic; to implement fully the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody; and to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of an effective remedy for all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

27. *Requests* the United Nations High Commissioner for Human Rights to end the reporting on the implementation of Human Rights Council resolutions S-9/1 of 12 January 2009 and S-12/1 of 16 October 2009;

28. *Also requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its fifty-second session, to be followed by an interactive dialogue;

29. *Decides* to remain seized of the matter.

*55th meeting  
31 March 2022*

[Adopted by a recorded vote of 37 to 3, with 7 abstentions. The voting was as follows:

*In favour:*

Argentina, Armenia, Benin, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malaysia, Mauritania, Mexico, Montenegro, Namibia, Netherlands, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of)

*Against:*

Brazil, Malawi, United States of America

*Abstaining:*

Cameroon, Honduras, India, Marshall Islands, Nepal, Ukraine, United Kingdom of Great Britain and Northern Ireland]

**General Assembly**Distr.: General  
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**Human Rights Council****Fifty-second session**

27 February–4 April 2023

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General****Resolution adopted by the Human Rights Council  
on 3 April 2023****52/3. Human rights situation in the Occupied Palestinian Territory, including  
East Jerusalem, and the obligation to ensure accountability and justice***The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and all relevant conventions, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,*Recalling also* the relevant rules and principles of international law, including international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), which is applicable to the Occupied Palestinian Territory, including East Jerusalem,*Recalling further* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,*Recalling* relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,*Recalling also* relevant United Nations reports, including the outcome reports of fact-finding missions and commissions of inquiry, and the important recommendations made therein, and calling upon all duty bearers and United Nations bodies to pursue the implementation of those recommendations,*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967,*Affirming* the obligation of all parties to respect international humanitarian law and international human rights law,*Emphasizing* the obligation of States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian

law, to end impunity, to uphold their obligations to ensure respect and to promote international accountability,

*Regretting* the lack of progress made in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force and the prohibition on discrimination, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through settlement activities and other measures that are tantamount to de facto annexation of Palestinian land,

*Gravely concerned* that long-standing impunity for international law violations has allowed for the recurrence of grave breaches and serious violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure the access of victims to justice and effective remedies, deter further violations, protect civilians and promote peace,

*Expressing grave concern* at reports of serious human rights violations and grave breaches of international humanitarian law, including of possible war crimes and crimes against humanity, in the Occupied Palestinian Territory, including East Jerusalem, and all other actions designed to change the legal status, geographical character and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* the continuing and negative consequences of the conflicts in and around the Gaza Strip, including all casualties, particularly among Palestinian civilians, including children, and ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

*Gravely concerned* about the dire humanitarian, socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic impediments and movement restrictions that in effect amount to a blockade, and about the short- and long-term detrimental impact of this situation, and the widespread destruction and continued impediments to the construction and reconstruction process imposed by Israel, the occupying Power, on the human rights situation,

*Expressing grave concern* at the firing of rockets into Israel,

*Stressing* the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli security concerns,

*Stressing also* the need to end the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian

goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Stressing further* the need for all parties, in conformity with relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the rapid and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Deploring* all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians, including as a result of recurrent and escalating settler attacks,

*Expressing deep concern* that thousands of Palestinians, including many children, women, elected members of the Palestinian Legislative Council and human rights defenders, continue to be detained, including under terms of administrative detention with limited or no judicial recourse, and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, restricted access to proper medical care, including in a time of pandemic, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of inhumane treatment and torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of individual and mass forcible transfers, and of the deportation of protected persons, from occupied territory, and the prohibition of deportation or transfer by the occupying Power of parts of its own civilian population into the territory it occupies,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and international human rights law,

*Recognizing* the work of Palestinian, Israeli and international civil society actors, humanitarian agencies and human rights defenders in documenting and countering violations of international law and providing relief to affected persons in the Occupied Palestinian Territory, including East Jerusalem,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and stressing the importance of non-governmental organizations, which have been instrumental to human rights monitoring, protection and relief efforts undertaken by the international community, and expressing concern about the decision taken by Israel to proscribe certain Palestinian non-governmental organizations,

1. *Demands* that Israel, the occupying Power, end its occupation of the Palestinian territory occupied since 1967, including East Jerusalem, and stresses that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law and relevant United Nations resolutions;

2. *Stresses* the imperative of credible, timely and comprehensive accountability for all violations of international law in order to attain justice for the victims and establish a just and sustainable peace;

3. *Expresses grave concern* regarding the decision of the Government of Israel to impose punitive measures on the Palestinian people, leadership and civil society following the adoption by the General Assembly of its resolution 77/247 of 30 December 2022;

4. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

5. *Affirms* that no State shall recognize as lawful a situation created by a serious breach by a State of an obligation arising under a peremptory norm of general international law, nor render aid or assistance in maintaining that situation, and that all States shall cooperate to bring to an end through lawful means any serious breach;

6. *Deplores* the persistent non-cooperation of Israel with the special procedures of the Human Rights Council and other United Nations mechanisms seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and calls for full cooperation with the Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all illegal actions in the Occupied Palestinian Territory, including East Jerusalem, including the establishment and expansion of settlements; the demolition of privately owned and residential structures belonging to Palestinians, including punitive home demolitions; the forcible transfer of Palestinian inhabitants and the revocation of residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the territory as a whole, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a just and peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, to facilitate the return of Palestinian families and communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

10. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to ensure non-discrimination on grounds of religion or belief and the preservation of and peaceful access to all religious sites;

11. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory, which has a broad impact on human rights, including in the Jordan Valley area, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

12. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and international human rights law, and that it cease all measures and actions taken in breach of these bodies of law, and discriminatory legislation, policies and actions in the Occupied Palestinian territory that violate the human rights of the Palestinian people, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance and

independent and impartial action of civil society, and that it fully respect international human rights law and comply with its legal obligations in this regard;

13. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

14. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic rights, and which has a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip, while taking into account Israeli security concerns;

15. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including unlawful lethal and other excessive use of force by Israeli occupying forces against Palestinian civilians, including against civilians with special protected status under international law and who pose no imminent threat to life;

16. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury, and calls for an end to all actions by militants and armed groups contrary to international law;

17. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

18. *Urges* all States to refrain from transferring arms when, in accordance with applicable national procedures and international obligations and standards, they assess that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law;

19. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, the entry of humanitarian equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

20. *Urges* Member States to continue to provide emergency assistance, including humanitarian relief and development assistance, to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

21. *Calls* for an end to all ongoing policies of harassment, threats, intimidation and reprisals against human rights defenders, journalists, media workers and civil society actors who peacefully advocate for the rights of the Palestinian people, including by cooperating with United Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

22. *Calls upon* Israel to revoke any unsubstantiated designations of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations, and to

refrain from using anti-terrorism legislation to undermine civil society and its valuable work and contributions to the pursuit of accountability;

23. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, and at the continued use of administrative detention, and calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment; to fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, including by ensuring access to medical care and vaccinations, including in the context of the ongoing pandemic; to implement fully the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody; and to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

24. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

25. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

26. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of an effective remedy for all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

27. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its fifty-fifth session, to be followed by an interactive dialogue;

28. *Decides* to remain seized of the matter.

55th meeting  
3 April 2023

[Adopted by a recorded vote of 38 to 2, with 7 abstentions. The voting was as follows:

*In favour:*

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Honduras, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Montenegro, Morocco, Pakistan, Paraguay, Qatar, Romania, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

*Against:*

Malawi and United States of America

*Abstaining:*

Cameroon, Czechia, Georgia, India, Nepal, Ukraine and United Kingdom of Great Britain and Northern Ireland]





# Cultural heritage of Jerusalem – UNESCO Director-General report

**ex**

**Hundred-and-twentieth Session**

120 EX/14  
PARIS, 27 August 1981  
Original: English/French

Item 5.3.1 of the provisional agenda

**JERUSALEM AND THE IMPLEMENTATION OF 22 C/RESOLUTION 11.8**

**SUMMARY**

In resolution 11.8 adopted at its twenty-second session, the General Conference requested the Director-General to keep the Executive Board informed of developments in the situation regarding cultural property in Jerusalem. In this document the Director-General submits to the Executive Board the information relating to the cultural heritage of Jerusalem available to him at 10 August 1984.

## I. INTRODUCTION

1. At its twenty-second session, the General Conference considered the Director-General's report on 'Jerusalem and the application of 21 C/Resolution 4/14' (documents 22 C/90 and 22 C/90 Add.) and adopted resolution 11.8, the text of which is annexed hereto. In the operative part of that resolution the General Conference:

1. Reaffirms the previous resolutions and decisions of the General Conference and the Executive Board concerning cultural property in Jerusalem;
2. Endorses decision 5.4.1 adopted by the Executive Board at its 116th session;
3. Strongly condemns Israel's persistent refusal to abide by those resolutions and decisions, and its policy of

**1676**

judaization and annexation of the City of Jerusalem;

4. Invites the Member States of Unesco to undertake all necessary action, by such means as they may deem appropriate, to put an end to this situation;
5. Thanks the World Heritage Committee for its decision to include the Old City of Jerusalem and its walls on the List of World Heritage in Danger and invites it to continue its activities for the protection and safe guarding of cultural property in the city;
6. Thanks the Director-General for the continued efforts he has made to ensure implementation of the relevant resolutions and decisions, while maintaining Unesco's presence in the city;
7. Requests the Director-General to keep the Executive Board informed of developments in the situation;
8. Decides to include this question in the agenda of its twenty-third session.

## II. COMMUNICATIONS RECEIVED BY THE DIRECTOR-GENERAL CONCERNING JERUSALEM

2. On 31 January 1984 the Director-General received a cable from the Director- General of the Arab Educational, Cultural and Scientific Organization (ALECSO), informing him of an incident that occurred during the night of 26-27 January 1984 in the Haram al-Sharif enclosure. The text of that cable, which was transmitted by the Secretariat to the Permanent Delegate of Israel to Unesco in a letter dated 16 March 1984, with a request for his government's comments, is reproduced below:

'During the night of Friday, 27 January, a group of thugs, attempted to make their way on to the holy terrace of the hallowed sanctuary of Islam, the Haram al-Sharif in el Qods (Jerusalem), to plant grenades and explosives. Had it not been for the vigilance of the nightwatchmen, this dastardly attack would have succeeded ... The reactions of international public opinion and the justifiable indignation of the Muslim and Christian religious authorities, obliged the occupation forces to hold an inquiry and to acknowledge, on 30 January, as reported by Reuter's: firstly, that once the alarm had been raised, the group fled, leaving behind nineteen grenades and thirteen kilos of explosives, as well as ladders and ropes; secondly, that, according to the police, the grenades came from stores belonging to the Israeli army and that, according to the Mosque guards, the criminals were armed with Uzi machine—guns which form part of the Israeli army's standard equipment. All these undisputed facts therefore confirm, if confirmation were needed, that el Qods (Jerusalem) is in constant danger ... It is now clear that while the inclusion of el Qods on the "List of World Heritage in Danger" is a necessary measure, it is no longer enough; it is now in fact the duty of Unesco's Member States to give more vigorous support to the work being done by the Organization's Director-General for the safeguarding of cultural property in the Holy City and to act in unison to ensure that the resolutions adopted by the General Conference are put into effect and that an intolerable situation is ended.

I should therefore be most grateful if you would kindly keep the Executive Board informed of developments in the situation in el Qods following this criminal attempt and would duly inform the Member States of our deep concern and our appeal to their solidarity.

Please accept, Sir, the assurances of my highest consideration and regard.'

3. On 8 February 1984, the Director-General received, through the Permanent Delegate of Jordan to Unesco, a communication from the Minister of Foreign Affairs of Jordan, concerning the above-mentioned incident. This communication was transmitted by the Secretariat to the Permanent Delegate of Israel to Unesco under cover of a letter dated 15 March 1984, accompanied by a request for his government's comments. The text of the communication is reproduced below:

'To His Excellency the Ambassador of Jordan in Paris:

I shall be grateful if you will kindly communicate the following information to the Director-General of Unesco. On 26 January 1984, a considerable quantity of explosives was discovered inside the Haram al-Sharif. Immediately after this discovery, the Muslim guards of the Haram reported that they had seen a group

**1677**

of people fleeing as soon as their plot was discovered, leaving the said explosives behind. Concordant accounts indicate that the explosives were intended to blow up the Dome of the Rock the following morning when the faithful would be at prayer. The Israeli newspapers published detailed information showing that the explosives were identical with those used by the Israeli army and that the assailants escaped, once they had been discovered, in an Israeli military vehicle that was awaiting them.

The Government of the Hashemite Kingdom of Jordan would like to draw your attention to the fact that this plot continues the series of acts perpetrated by the Israeli authorities since 1967, the date of the occupation of el-Qods (Jerusalem), in order to profane, damage and destroy Muslim monuments in particular, but also the Christian holy places. Jordan has supplied detailed information, at the appropriate times, about the violations of holy places, beginning with the excavations, the fire at the Al-Aqsa Mosque in 1969, and the previous attempts against the buildings of the Mosque and the faithful at prayer, particularly those carried out last year by a soldier of the Israeli army and the followers of Rabbi Meir Kahane.

The Government of Jordan emphasizes the fact that the holy places have been damaged and attacked only since the Israeli occupation, that is to say, since 1967. We cannot regard the constant assaults carried out by the Israeli authorities as unrelated to the plans for effacing any Arabo-Islamic traces from the town, since the time when they annexed it in defiance of all the resolutions adopted by the United Nations. We hold the Israeli occupation authorities responsible for all these happenings and call upon the international community to dismiss Israel's attempts to place the blame on groups or individuals that it describes as extremist or mentally retarded. We must also stress that the absence of any effective international reaction would enable Israel to persist in its plans and would help to prepare the ground for Israel to carry out its plans in future.

The Government of Jordan would like to draw attention to the fact that the stepping up of assaults on the holy places of el-Qods, and their viciousness and brutality, pose a threat to those places. The international community must recognize the seriousness of Israel's machinations and take effective steps, worldwide, without further delay, to thwart them.

Accept, Sir ...

Minister of Foreign Affairs'

4. The Director-General has received a letter dated 29 February 1984, in which the Permanent Delegate of Saudi Arabia, on behalf of the Arab Group, drew his attention to the incident which occurred in the Haram al-Sharif. This letter was communicated by the Secretariat to the Permanent Delegate of Israel to Unesco on 4 April 1984, with a request for his government's comments. The text of the letter was as follows:

'Paris, 29 February 1984

Sir,

On behalf of the Arab Group at Unesco which has instructed me to do so, I have the honour to bring to your notice the special situation of the Al-Aqsa Mosque in Jerusalem resulting from an attempt to blow it up.

During the night of 27 January 1984, a group of thugs tried to make their way into the sanctuary of the Haram al-Sharif in order to blow it up while the faithful were at their dawn prayers.

Thanks to the vigilance of the night watchmen, this criminal attempt, which would have led to a terrible disaster, was foiled in the nick of time.

The perpetrators of this dastardly attempted crime, who were seen fleeing by several witnesses, left behind on the terrace of the sanctuary nineteen grenades, thirteen kilos of explosives, ladders and ropes.

As the police of the Israeli occupying authorities actually admit, these explosives came from an Israeli army arms store.

Moreover, according to the Mosque guards, the assailants were armed with Uzi machine guns, which form part of the Israeli army's standard equipment.

**1678**

This criminal attempt follows the pattern of concerted action, methodically developed since 1967, designed to efface all trace of Islam from the city of el Qods, especially the Al-Aqsa Mosque.

It continues a series of criminal acts already perpetrated., including the burning of part of the Mosque in 1979 and the attack on it, and on worshippers in it, committed in 1982 by an Israeli soldier.

All these acts confirm, if confirmation were still needed, that the city of el Qods in general and its Muslim and Christian cultural and religious historical monuments in particular, are in danger and that, unless energetic measures are taken by the international community, and by Unesco in particular the criminal goal pursued will inevitably be finally achieved sooner or later.

The inclusion of the city of Jerusalem on the World Heritage List is not enough by itself, to thwart these plans and remove this danger, for which the occupying Israeli authorities bear full responsibility.

Referring to the relevant resolutions of the General Conference on this subject, and in particular to 22 C/Resolution 11.8, I have the honour to request you to:

1. Inform the Member States of Unesco of this situation.
2. Have any necessary inquiries and investigations carried out.
3. Bring this matter before the Executive Board at one of its forthcoming sessions so that it may take the appropriate measures required by the gravity of this situation.

I should be grateful if you would inform me of the action which you intend to take on this request.

Accept, Sir, the assurances of my highest consideration.

S. Bawazeer  
Permanent Delegate of Saudi Arabia

President'

5. Furthermore, the Ministry of Education and the National Commission for Education, Culture and Science of Jordan have sent a memorandum to the Director-General on this incident. The text of this memorandum, which the Director-General received on 12 March 1984, is reproduced below:

'The Ministry of Education (Jordan National Commission for Education, Culture and Science) denounces the criminal attack of Israeli's grenades on Al-Aqsa Mosque on 26 January 1984.

The attempt which is not the first incident of Israeli plans in an intention of carrying out measures aiming at the judaization of the occupied Arab territories and the obliteration of the Islamic and Christian holy sites (is) in defiance of United Nations' resolutions and in total disrespect of world public opinion.

Noting the danger inherent in such series of violations and attacks on the holy places which started with 1969 burning of the Al-Aqsa Mosque and continued by the ongoing excavations of the Islamic historical monuments and ending with this last attempt of bombing the holy shrines which re-emphasizes the Israeli plots and its consequent challenges to the Islamic and the international communities where a big quantity of explosives were discovered at Al-Aqsa Mosque manufactured by Israeli army which notifies that the Israeli Government and army were co-operating in this conspiracy.

The Ministry of Education (Jordan National Commission for Education, Culture and Science) appeals to Unesco to shoulder its responsibilities referred to in its resolutions and to implement its commitment towards one of the important historical sites included on the List of World Heritage in Danger by continuing its activities for the protection and safeguarding (of) the cultural property of the city.'

6. The Director-General has received from the Permanent Delegate of Israel to Unesco a communication, dated 2 May 1984, referring to the letter sent to the Director-General on 29 February 1984 by the Permanent Delegate

of Saudi Arabia on behalf of the Arab Group. This communication reads as follows:

‘Paris, 2 May 1984

Sir,

I have received a copy of the letter dated 29 February 1984 from the Permanent Delegate of Saudi Arabia, transmitted according to your instructions under cover of letter No. CLT/CH/01/308/18 of 4 April 1984.

With regard to this communication, we should like to make the following comments:

Following the attempt to invade the Temple Mount, the competent authorities of the Government of Israel immediately started an extensive investigation. Suspects were arrested a few days later and the indictment was duly submitted to the courts.

According to the information available to date, the persons involved were a small group of religious extremists.

As the matter is at present ‘sub judice’, the court’s decision must be awaited and I shall certainly inform you of the progress of this case and of the verdict when it is returned.

Accept, Sir, the assurances of my highest consideration.

Meir SHAMIR  
Minister Plenipotentiary  
Permanent Delegate of Israel’

7. The Communication of 2 May 1984 from the Permanent Delegate of Israel to Unesco was transmitted on 5 June 1984 by the Secretariat to the Chairman of the Arab Group, the Permanent Delegate of Saudi Arabia.

8. The Permanent Delegate of Jordan to Unesco also addressed to the Director-General, by letter dated 1 June 1984, a note from the Ministry of Foreign Affairs of Jordan dated 19 May 1984 informing him of a subsidence which occurred on 26 March 1984 in the steps leading to the entrance to the Higher Islamic Council, located in the vicinity of the Al-Aqsa Mosque in Jerusalem. The texts of this letter and note were transmitted by the Secretariat to the Permanent Delegate of Israel to Unesco under cover of a letter dated 27 July 1984 requesting the observations of her government, and are reproduced below:

‘1 June 1984

Mr Director-General,

His Excellency the Minister of Foreign Affairs of Jordan has informed me of a subsidence which occurred on 26 March 1984 in the steps leading to the entrance to the Higher Islamic Council, located in the vicinity of the Al-Aqsa Mosque in the city of Jerusalem. According to the architects’ reports, this subsidence is due to the excavations being carried out under the direction of the Israeli authorities in the general area of the Al-Aqsa Mosque and the Al-Haram al-Sharif, as indicated in the attached note.

The Jordanian Minister of Foreign Affairs and the Minister of Education and Chairman of the National Commission of Jordan for Unesco have kept you informed of these aggressive acts perpetrated with the full knowledge of the Israeli authorities and under their auspices, endangering the integrity of the monuments, property and holy places of Jerusalem and threatening them with destruction. These measures are part of an uninterrupted series of aggressive actions, the last of which took place on 26 January 1984 when a group of Israelis planted explosives obtained from the Israeli armed forces with a view to destroying the Al-Aqsa Mosque. On behalf of the Government of the Hashemite Kingdom of Jordan, I submit this complaint in the hope that Unesco and its subsidiary bodies will take appropriate measures to put an end to the repeated acts of aggression committed by Israel against the religious and archaeological monuments of the city of Jerusalem and to ensure the protection of these monuments, particularly since the World Heritage Committee has placed

**1680**

the Old City of Jerusalem and its remains on the List of the World Heritage in Danger.

Please accept, Mr Director—General, the assurances of my highest consideration.

Hani Al-Khasawneh  
Ambassador, Permanent  
Delegate to Unesco

Note from the Jordanian Ministry of Foreign Affairs

(19 May 1984)

On 26 March 1984 a subsidence took place in the stairs leading to the entrance to the Higher Islamic Council in the vicinity of the Al-Aqsa Mosque. A hole three metres long, two metres wide and over ten metres deep appeared, revealing a long tunnel dug by the Israeli Department of Antiquities parallel to the outside western wall of the Al-Aqsa Mosque. This tunnel runs from the Al-Maghariba Gate past the Chain Gate, the Cotton Market and the Iron Gate to the Gate of the Higher Islamic Council (also known as Al-Madrassa Al Manjaqiyya Gate), which houses the Waqf administration.

The digging of this tunnel caused the destruction of four steps and the appearance of cracks in the outside and inside walls of the Council building.

Mr Adnan Al-Hussaini, architect of the Waqf, has established that this subsidence was caused by the excavations carried out under the auspices of the Israeli Ministries of the Interior and Religious Affairs in the search for what are described as the remains of the northern part of the Wailing Wall.

He stated that these excavations are endangering not only the Waqf administration buildings but also all the historic Islamic monuments situated along the ramparts and within the area of the Haram al-Sharif. In effect, earth has been removed during these excavations and this has weakened the foundations which can no longer support the buildings above them. Cracks will gradually appear, threatening the buildings with total collapse.

In its issue of 30 March 1984, the newspaper Al-Sha'b reproduced an item published by the newspaper Haaretz in which Mr Moshé Zakulowitch, director of the Holy Places Division of the Israeli Ministry of Religious Affairs, stated that the excavations would be continued and would be extended to the northern part of the Haram and the courtyards of the Al-Aqsa Mosque, which are located between Al-Ghawanima Gate and the Tribes' Gate. The present digs are an extension of the excavations begun by the Israeli authorities in 1967 and extended first to the southern and then to the western parts of the Al-Aqsa Mosque.

This statement shows once again that the Israeli occupying authorities refuse to take into consideration the disastrous consequences of the excavations in contempt of all the decisions taken by international bodies, particularly the Security Council and Unesco. Despite the efforts of the Islamic organizations of Jerusalem to repair the cracks which have begun to appear in most of the historic Islamic monuments around the Al-Aqsa Mosque, due to the continuation of the Israeli excavations, the collapse of these monuments appears to be imminent. Accordingly, a global plan needs to be drawn up for the strengthening of these monuments and the repair of the cracks which have begun to appear, and the excavations must be halted at once.'

III. MISSION OF THE PERSONAL REPRESENTATIVE OF THE DIRECTOR-GENERAL

9. In pursuance of 22 C/Resolution 11.8, the Director-General instructed his personal representative, Mr Raymond Lemaire, Professor at the University of Louvain, to visit Jerusalem, which he did from 21 to 27 July 1984. Following his mission, which was carried out after consultation with the Government of Israel, Professor Lemaire delivered to the Director-General his report, which is reproduced in full below:

'1. Purpose of the mission: to examine the cultural heritage in Jerusalem. The contents of this report refer

back to the earlier general report dated 6 May 1983.

2. Persons met:

Israeli:

- Mr P. Eliav, Deputy Director-General of the Ministry of Foreign Affairs;
- Mr U. Manor, Deputy Director of the Human Rights Department of the Ministry of Foreign Affairs;
- Mrs A.M. Lambert-Finckler, Ambassador, former Director of the Human Rights Department of the Ministry of Foreign Affairs;
- Mrs Vered, Adviser for Jerusalem to the Minister of Foreign Affairs;
- Mr Minerbi, Inspector-General, Ministry of Foreign Affairs;
- Mr Gabai, Director-General of the Ministry of Justice;
- Mr U. Hasson, Deputy Attorney-General;
- Mr T. Kollek, Mayor of Jerusalem;
- Mr S. Ovnat, Deputy Mayor of Jerusalem;
- Mr M. Zylka, Adviser to the Mayor of Jerusalem;
- Mr Y. Yaacobi, Director of the Jerusalem Development Company;
- Mr N. Kidron, Engineering Adviser to the Ministry of Religious Affairs;
- Mr D. Bahat, Chief Archaeologist of the City of Jerusalem;
- Mr N. Avigad, Professor at the Hebrew University;
- Mr Y. Shilo, Professor at the Hebrew University;
- Mr P. Bugod, architect;
- Mr D. Cassouto, architect;
- Mr Rachmaninov, architect;

Arab:

- Mr F. Hazine, Director of the Waqf in Jerusalem;
- Mr Y. Natsheh, Director of the Department of Islamic Archaeology;
- Mr Y. Awad, Resident Architect of the Al-Aqsa Restoration Committee;
- Mr A. Husseini, architect of the Waqf;
- Mr K. Salameh, Director of the Al-Aqsa Library;

Except for the attempted attack on the Haram al-Sharif, few new problems have arisen as regards the safeguarding of the architectural heritage of Jerusalem since my last visit from 13 to 16 October 1983. A number of questions raised in the previous reports can be considered no longer relevant.

3. The attempted attack of the Haram al-Sharif

During the night of 26-27 January 1984, the guards at the Haram al-Sharif discovered within its precincts a batch of explosives and weapons left behind by a group of people who fled the scene. Over the

next few days the Israeli police arrested twenty-seven people involved in this new attempted attack on the Islamic sanctuaries of the Haram. Mr Gabal, Director-General of the Ministry of Justice, and Mr U. Hasson, Deputy Attorney-General, gave me the following information on the state of the investigations and the legal action taken by the Israeli judicial authorities. According to this information, there was a complex and far-reaching plot aimed among other things at blowing up the mosques of Al-Aqsa and the Dome of the Rock. For this purpose, weapons and explosives had been stolen from the army. The conspiracy was in fact not new; it appears to have begun shortly after the visit of President Sadat to Jerusalem and the intention had been to put it into effect before the return of Sinai to Egypt.

A number of factors delayed the implementation of the plot including fears on the part of some concerning the international consequences of such an act. The strengthening of the Israeli guard at the entrance to the Haram following the attack carried out by Alan Goodman on 13 April 1982 made it more difficult to execute, and there were apprehensions among the conspirators at having to shoot at Israeli soldiers. Moreover, rumours of possible attacks had led the Israeli Government to strengthen the guard around the Haram still further.

The government takes an extremely serious view of this matter. All those involved have been arrested. Two of the conspirators, who pleaded guilty, have already been sentenced – one to ten years' imprisonment, the other to sixty months. The trial of those who have not pleaded guilty will begin next September.

#### 4. The excavations

4.1 The tunnel dug, under the auspices of the Religious Affairs authorities, beneath the Arab properties along the western wall of the Haram al-Sharif is in the same state as on my previous visit in November 1983, except for the fact that consolidation work using reinforced concrete has been carried out along three-quarters of the section dug during 1982 and 1983. This work has been supervised by the engineer N. Kidron and appears to have been solidly carried out in accordance with correct engineering procedures. It will probably be completed in two months' time. The tunnel's present length, from the arcade under the Al-Madrassa Al-Tankiziyya, is, according to Mr N. Kidron, 305 metres.

A new and very important element in this situation is the decision taken by the Prime Minister and the Minister of Religious Affairs to halt all work in the tunnel, except that required for consolidation and maintenance purposes. Following my last visit to the site, the Director-General of the Ministry of Religious Affairs had ordered a halt to the work. That order was confirmed by the Ministerial decision reported in the journal 'Haaretz' of 22 April 1984. The decision was taken following energetic representations by Mr T. Kollek, Mayor of the City, to the authorities concerned after serious damage had been detected in the Al-Madrassa Al-Manjakiyya, the headquarters of the Islamic Council of Jerusalem, which is situated above a section of the tunnel dug in 1983.

As was to be expected, the digging of the new section of the tunnel has caused movements in the mass of rubble and filling material extending to a height of some nine metres above the Roman soil level followed by the excavation. The same phenomenon had already occurred following the digging of the first part of the tunnel, which is at the root of the settlement and cracks to be found in a number of buildings constructed above, some of which form part of the fundamental Islamic heritage of Jerusalem. Of these, the Al-Madrassa Al-Jawhariyya and the Al-Kurd Hospice were the subject of comments in most of my reports in the period 1971 to 1976. I pointed out last November that movement was taking place in the Al-Madrassa Al-Manjakiyya, among other places in the great staircase and in certain walls and vaults. Since then, some of the cracks have worsened. More serious still is the collapse last April of part of the staircase; some of the steps have fallen into a hollow created by the movement of the soil above the tunnel. The Al-Madrassa Al-Manjakiyya is situated above a widened section of the tunnel which at that point incorporates some high cisterns whose vaulting was considerably weakened and therefore constitutes a fragile infrastructure for the building above it. Since the level at which the tunnel was dug remained constant, the result is that at certain points the earth has been excavated well below the walls of cisterns. These therefore rest on banked-up rubble which, though well compacted, is cut off vertically in the plane of the walls. I noted this very dangerous situation in November 1983 and at that time issued a serious warning about it. Since then



everything has been consolidated by a reinforced concrete sheathing. In my opinion, the structure of the tunnel is now solid and there is no danger of the building above it collapsing. However, it is very probable that slight movements will continue to cause cracks in the edifice for some time to come, probably for several years. The case of the Al-Madrassa Al-Jawhariyya, to which I shall return later, is a good example of such a process.

The staircase has been repaired according to correct engineering procedures and the entire building is under observation. Proposals for consolidation have already been made by Mr Kidron: they are completely inadequate from the structural point of view. In addition, they take no account of the fact that the Madrasa is a historical monument and that any work done should follow the rules prescribed for such edifices. But, from the point of view of stability and security, there appears to be no urgency. It is preferable to wait until the probable movement of the subsoil has stopped. In the interim, it would be advisable to carry out a complete expert survey of the building, and, depending on the results of such a survey possibly some temporary works. Given the importance of the building both as a monument and because of its symbolic significance (as the headquarters of the Islamic Council), I think it desirable that the survey should be carried out by a specialist engineer acceptable to both parties – the Waqf and the Ministry of Religious Affairs, which is responsible for the damage. In view of the tense atmosphere between the parties concerned, it is unlikely that an Israeli engineer would be acceptable to the Arab side. The choice of a foreign specialist would therefore seem to be the best solution. His report, describing the state of the building in detail, would serve as a reference document for the future; it should also contain whatever suggestions were necessary to ensure the stability of the building in the short term.

The idea of a survey seems to have been accepted on both the Israeli and the Waqf sides. The Israeli authorities favour the appointment of an engineer from the Technical University of Haifa. For the reasons given above, it is desirable that they should accept without delay the appointment of a foreign engineer, preferably an English speaker.

No precise chart of the tunnel, other than a partial surface map, seems to exist at present. This map does not show the location of the buildings above. Several requests have been made for a series of vertical cross-sections of the tunnel and the buildings above to be drawn. Such cross-sections would make for a better understanding of the processes taking place in certain buildings and would make it possible to identify in advance danger zones where precautionary measures should be taken. It is strongly recommended that such cross-sections be drawn up as soon as possible.

It has also been frequently suggested that those in charge of the tunnel should invite the Waqf engineers, Messrs A. Husseini and I. Awad, to inspect the tunnel and the substructure at the foot of the southern wall of the Haram at least once a year in their company. Such an inspection would help to clarify the situation and would ease the tensions surrounding the question of the tunnel and possible extensions under the Haram. When I spoke about this question with Minister Y. Burg on 6 April 1983, I believed that the principle of such an inspection had been accepted. However, it has not been authorized at the time of writing.

It is regrettable that the tunnelling, which constitutes an excavation in the deep subsoil of Jerusalem, has not been monitored by an experienced archaeologist. While not directing the work, which is in principle regrettable and can only be condemned, he could have been responsible for recording in scholarly fashion the archaeological information yielded by the subsoil. Now that the archaeological remains exposed by the digging have been covered for ever by concrete reinforcements, whole pages of the ancient history of Jerusalem may be lost for all time.

4.2 The work on the Ophel hill is practically complete. It consisted not so much of fresh excavations as of the cleaning, consolidation and presentation to good effect of the remains of the first Jerusalem wall brought to light by Kathleen Kenyon in 1961-1967. The area excavated by her has been slightly enlarged, mainly on the land acquired during the British mandate by the Rothschild family. Professor Y. Shilo, who directed the work, confirmed to me that no fresh excavation is planned on this site. According to him the whole operation, including removal of the unstable rubble, is coming to a close.

A system for monitoring the stability of the most critical area has been set up. Several clinometers have been installed on the slopes of the hill, which will make it possible in future to keep a check on any movements of old excavation rubble left in situ and to take action where necessary.

4.3 The second-century Roman remains at the Damascus Gate have been entirely uncovered. They can be reached beneath a concrete apron on which are laid the tiles of the small square within the walls behind the gate. New shops have been constructed and others renovated in this busy Arab commercial area. The Damascus Gate excavations were begun during the British mandate. The interiors of the flanking towers, one of which contains an Umayyad oil mill, have been cleared out over the last five years and the work is complete.

4.4 At the present time, it is to be noted that all the excavations have been halted inside and in the vicinity of the old city of Jerusalem. Except for the tunnel near the Haram al-Sharif, where work resumed two years ago after an interruption of nearly ten years, no notable excavation has been carried out since 1979. Since then, only occasional soundings connected with infrastructure or safety work have been made in the city.

For the first time, a governmental decision to halt excavations has been taken. It has the digging of the 'tunnel' in view. Furthermore, no other excavations are announced for other sites. What is new is the statement that no further excavations will be carried out on the Ophel site, where it was previously feared that a vast plan was going to be carried out in addition to the clearance work necessary for safety reasons.

5. The work on providing amenities and public areas is continuing in the old city but is proceeding more slowly than before. It chiefly comprises:

5.1 The renewal of sewers and pavings. Since November 1983 the work has been mainly taking place in the Christian quarters of the city, between the Holy Sepulchre and the Damascus Gate. As in every other part of the city, the new paving consists of slabs of natural Jerusalem stone. In several places, parts of the Roman paving discovered when the sewers were being renewed have been brought up to the present street level. Throughout the Armenian and Christian quarters, the television aerials have been removed and replaced by a cable distribution system.

5.2 The establishment of the green belt around the Wall of Süleyman the Magnificent is being completed. Work has been under way since 1968 and has consisted mainly of clearing rubble, uncovering the wall to its original height and, possibly, the rock on which it rests, planting trees and shrubs and, in the southern part where the wall runs through the City of Herod which extended well beyond the present limits, carrying out excavations described in many previous reports. All these excavations were halted several years ago except for a recent sounding between the Damascus Gate and Herod's Gate, where fragments of the glacis which protected the city wall in Crusader times have been brought to light.

6. Birkat Israel. Public works on this site, which covers the location of one of the largest open-air water cisterns of the ancient city, is at present a cause of tension between the municipality and the Waqf. The cistern was filled in at the beginning of the century and its site is now occupied by a car-park and by temporary UNRWA huts. The whole area looks extremely shabby. The Waqf, which is the owner of this site, and the municipality are in agreement over the need to do something about it since the site is in the neighbourhood of the Lion Gate used by millions of Muslim and Christian pilgrims. Talks are under way between the two parties on a project to satisfy both. As the Waqf leaders see it, it is important that property and tenure rights should in no way be called in question. They therefore consider that the plan approved by both parties must be carried out by them and at their expense. They also consider, rightly, that this work should show the inspiration of Islamic art.

7. The Al-Madrassa Al-Jawhariyya has been regularly examined by me since 1971. It will be remembered that the building, which dates from the fourteenth century, stands over the oldest section of the tunnel and its stability has been seriously impaired in recent years. The ground appeared to be stabilized but in the past few months, new movements have been observed which have caused the subsidence of a number of stone courses at the base of the wall supporting the covered passageway to Ribat Kurt. The recent ground movement caused by the digging of the tunnel, nearly ten years after the placing of permanent supports,

shows how dangerous this type of work is, even when carried out with care, and how long the stabilization period can be after ground has been disturbed by excavations. This leads one to be cautious in assessing the extent of the damage caused to buildings.

The Al-Madrasa Al-JaWhariyya was given temporary strengthening a few years ago. The work was causing a very crude technique, which although it did indeed stabilize the building, also led to extensive damage to the interior, chiefly in the upper rooms where the walls were reinforced with substantial concrete slabs to which the masonry outside was tied. Things cannot stay as they are, because this can in no way be described as the full and scientific restoration of the building that those responsible for the damage agreed to undertake. When the mayor of the city was informed of this, he decided to open talks with the Waqf and the Ministry of Religious Affairs so that the restoration can be undertaken without delay, by acknowledged specialists in co-operation with the architects of the Waqf.

8. The Citadel is one of the chief monuments of Jerusalem. It comprises elements of widely varying date, extending from the Hasmonean era to the Ottoman era. Major excavations have been carried out at various periods within the great central courtyard. The most recent were carried out in 1968-1969 under the direction of A. Amiran and A. Eytan. They brought to light many substructures, frequently of great interest from the point of view of the history of the site and the city. These remains have not been covered over but have been strengthened and partially restored. They give an appearance of clutter and seriously detract from the monumental form and indeed from the architectural comprehensibility of the Citadel. The present arrangement is thus scarcely advantageous to the building. It would be desirable for a scheme more consonant with the site to be studied and put into effect. This might be provided by a concrete platform coinciding with the original soil levels at the time of the construction of the Citadel and covering the most interesting parts of the excavations, which would still be accessible to specialists. An outline in natural materials of different colours, set into the paving of the courtyard, would give visitors to the monument an idea of its archaeological history.

#### 9. Work on the Haram al-Sharif

9.1 Restoration work on the Al-Aqsa Mosque is continuing. The restoration of the cupola has been completed and is of very high quality. The mosaics on the great arcades and pendentives need to be consolidated and restored. It is very much hoped that the help of an expert on the restoration of ancient mosaics will be available before the work is undertaken. Expert advice is also required for the covering of the exterior of the dome with lead plates. These have been reconstituted to the original measurements, using old lead. There is, however, no worker specialized in laying this type of covering available on site to teach local workers the techniques involved.

9.2 The restoration of the Dome of the Chain is being studied. The twelfth-century ceramic tiles have been carefully removed.

9.3 The restoration of the Golden Gate is nearing completion. The building has been cleaned and repainted with lime grouting. The work has been carried out in compliance with normal standards. It is perhaps regrettable, however, that the ancient flagstone paving should have been repointed with dark grey cement. From the technical standpoint, this is no doubt a good idea since cement mortar is more resistant, but the result is aesthetically unpleasing.

9.4 I revisited the Stables of Solomon which are one of the most remarkable sites in the Haram al-Sharif. The derelict state of the huge underground vaults is distressing. They have been taken over by the pigeons, which are the cause of damage resulting not only from soiling by a thick layer of droppings but also from the action of harmful salts deriving from those excrements, which may eventually endanger the stones of the building.

10. The Department of Islamic Antiquities of the Waqf is pursuing the task of drawing up a systematic inventory of the Islamic monuments of the Old City. This inventory includes very exact, large-scale architectural drawings of the most outstanding buildings. Several dozen monuments have been most carefully surveyed in this way.

11. Cleaning, consolidation and conservation work has just been started at the Al-Madrassa Al-Kilaniyya, one of the most important Mameluke monuments of the lower city. The programme of work as outlined to me by Mr Natsheh, is indicative of well-advised caution, in the absence of the specialized work-force required to embark on proper restoration work on a monument of this nature.

12. Considerable efforts have been made in recent months by Mr K. Salaineh, the Director of the Al-Aqsa Library. A great many manuscripts have been microfilmed and two catalogues published. There can be no doubt, however, that the situation remains critical as regards the state of conservation of many manuscripts suffering damage from mould and insects. According to Mr Salameh, the situation is equally disquieting in other depositories in the city. No equipment or specialized staff are available locally to give the works the necessary treatment. Urgent measures are required if basic source material concerning the history of Jerusalem is to be saved. In that connection, it might perhaps be desirable to consider the possibility of bringing all the Arab manuscripts of Jerusalem together centrally in one of the buildings of the Haram, which should be equipped for the treatment and conservation of books. Given the humid conditions in all the ancient buildings on the site, the equipment required would certainly need to include an adequate air-conditioning plant. The purchase of equipment for treating the books and the training of specialized staff are both matters of great urgency. A report on the question was drawn up in April 1983 by Mr G. Brannahi, President of the International Association of Archives, Library and Graphic Art Restorers.

13. A Museum of Palestinian Folk Arts and Folklore was established in 1979 in the Islamic Cultural Centre in Jerusalem. It is being most devotedly managed by Mrs Z Hussein. Many traditional costumes and everyday objects or things used in crafts which have disappeared or are disappearing have been assembled there. The museum has no proper basic equipment and is short of specialized staff more particularly for the conservation and restoration of fabrics. The curator's task is made very difficult by the fact that the museum has no independent financial resources. There can, however, be no doubt that the establishment of this museum was timely, since the very radical changes that are at present taking place in the Arab society of Jerusalem seem likely to result, very shortly, in the disappearance of many customs, particularly as regards traditional costumes and domestic equipment. It is important for the history of Arab culture in Jerusalem that evidence of these should be preserved.

Professor R.M. LEMAIRE  
4 August 1984'

#### IV. APPLICATION OF THE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT (THE HAGUE, 14 MAY 1954)

10. At its 114th session, the Executive Board was informed, firstly, that Professor H.R. Sennhauser (of Swiss nationality) had agreed to carry out the functions of Commissioner-General for Cultural Property accredited to the Government of Israel and, secondly, that the steps taken with a view to the appointment of a Commissioner-General for Cultural Property to be accredited to the Governments of the Hashemite Kingdom of Jordan, Lebanon and the Syrian Arab Republic had had to be started afresh, since Professor C. Brandi (of Italian nationality) had been unable to accept the appointment. As soon as these steps have been successfully completed, the Director-General will make the necessary arrangements to enable the Commissioners-General to discharge their task at the earliest possible date.

11. In this document, the Director-General conveys to the Executive Board all the information concerning Jerusalem in his possession at 10 August 1984. He will continue to do everything within his power to ensure that the resolutions of the General Conference and the decisions of the Executive Board are put into effect and he will spare no effort with a view to the preservation of the City of Jerusalem, which belongs to the heritage of all mankind.

ANNEX

**1687**

**Jerusalem and the application of 21C/Resolution 4/14**

*The General Conference,*

*Recalling* the Constitution of Unesco and its objectives relating to the preservation and protection of the world heritage of monuments of historical and scientific value,

*Considering* the exceptional importance of the cultural property in the City of Jerusalem, not only to the countries directly concerned but to all humanity,

*Recalling* all the relevant resolutions and decisions adopted by the General Conference and the Executive Board of Unesco, in particular 21C/Resolution 4/14,

*Recalling* that the General Conference, by that resolution, invited the Executive Board to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, and invited the Director-General to keep a constant watch on the execution of the resolutions and decisions concerning Jerusalem,

*Having noted* the report contained in document 22C/90, and in particular the report (116EX/18) submitted by the Director-General to the Executive Board at its 116th session,

*Considering* with consternation and concern that the Israeli occupying authorities are persisting in their refusal to apply the above-mentioned resolutions and decisions,

*Noting* specifically:

- (a) that those authorities are continuing to carry out excavations and are undertaking civil engineering and building operations detrimental to the historical and cultural character of the Holy City,
- (b) that the archaeological excavations and constructions begun and continued since 1967 are causing irreparable damage and harm to the Holy City of Jerusalem,
- (c) that the Al-Aqsa Mosque is more and more seriously and gravely endangered as a result of excavations and of the acts of armed aggression that have been perpetrated against it by fanatical groups,
- (d) that the objective of the establishment of Jewish colonies around the City of Jerusalem and of small Jewish religious communities inside the city is the judaization of the City of Jerusalem,

*Considering further* that, in persisting in their policy of annexation of Jerusalem, the Israeli authorities are deliberately refusing to abide by the decisions of the United Nations and Unesco in the matter,

*Considering* that the above-mentioned policy and practices, which have repeatedly been denounced and condemned by the international community, constitute a constant violation of the Charter of the United Nations, the Constitution of Unesco and the international conventions and recommendations relating to the protection of cultural property in the occupied territories,

1. *Reaffirms* the previous resolutions and decisions of the General Conference and the Executive Board concerning cultural property in Jerusalem;
2. *Endorses* decision 5.4.1 adopted by the Executive Board at its 116th session;
3. *Strongly condemns* Israel's persistent refusal to abide by those resolutions and decisions, and its policy of judaization and annexation of the City of Jerusalem;
4. *Invites* the Member States of Unesco to undertake all necessary action, by such means as they may deem appropriate, to put an end to this situation;
5. *Thanks* the World Heritage Committee for its decision to include the Old City of Jerusalem and its walls on the List of World Heritage in Danger and invites it to continue its activities for the protection and safeguarding of

cultural property in the city;

6. *Thanks* the Director-General for the continued efforts he has made to ensure implementation of the relevant resolutions and decisions, while maintaining Unesco's presence in the city;
7. *Requests* the Director-General to keep the Executive Board informed of developments in the situation;
8. *Decides* to include this question in the agenda of its twenty-third session.

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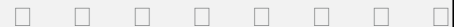
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**REPORT OF THE TECHNICAL MISSION TO THE OLD CITY OF JERUSALEM  
(27 February - 2 March 2007)**

12 March 2007

**I. Background**

1. In early February 2007, under the responsibility of the Israeli Antiquities Authority (IAA), excavation works were started in the Old City of Jerusalem on the pathway leading from the Western Wall Plaza to the Mughrabi Gate of the Haram es-Sharif.
2. As concerns were raised internationally regarding the nature and objectives of the works undertaken by the Israeli authorities, the Director-General decided to dispatch a technical mission to Jerusalem to study the reconstruction work and archaeological excavation of the Mughrabi ascent leading to the access to the Haram es-Sharif and to report to him on its findings.
3. The mission team was led by Mr Francesco Bandarin, Director of the World Heritage Centre of UNESCO, and included Mr Mounir Bouchenaki, Director-General of ICCROM, Mr Michael Petzet, President of ICOMOS, and Ms Veronique Dauge from the World Heritage Centre. The mission stayed in Jerusalem from 27 February to 2 March 2007.
4. The pathway leading from the Western Wall Plaza to the Mughrabi Gate of the Haram es-Sharif is what remains of the Mughrabi Quarter, demolished by Israel in the aftermath of the six-day war of June 1967.
5. This sloped pathway is composed of several strata of archaeological structures (from the Herodian times to the British Mandate period) and of earth and rubble.
6. The pathway has a length of approximately 75 metres and allows pedestrians to climb the six-metre difference in height between the Western Wall Plaza and the Mughrabi Gate. A height of 15 to 17 metres separates the Mughrabi Gate and the Roman ground level, at the foot of the Western Wall.
7. In the early 1970s, after the demolition of the Mughrabi Quarter, support walls were built on the northern and southern sides of the pathway, while a concrete structure was built over it to allow the construction of the pavement and the erection of a protective canopy.
8. Since that time, the pathway has been the main access to the Haram es-Sharif for visitors and for the Israeli police and, since 2004, for Jewish worshippers accompanied by the Israeli police. The Mughrabi Gate is not open to Muslims and is exclusively under the control of the Israeli authorities.
9. All the other gates of the Haram es-Sharif giving access to Muslim worshippers are under the control of the Islamic Waqf, but their access is regulated by the Israeli police.
10. The section of the pathway closer to the Western Wall comprises the remaining structures of a house, presently used as a prayer room by Jewish women since it is adjacent to the women's section of the Western Wall.



11. This house blocks the entrance of the so called Barclay Gate, possibly one of the ancient gates of the Herodian temple, located immediately under the Mughrabi Gate. On the other side of the wall, inside the Haram es-Sharif, a prayer room exists, sacred to the Muslims and believed to be the shelter of Al-Buraq, the horse of Prophet Mohammad.

12. In February 2004, weakened by heavy rain and snow, the northern wall of the pathway collapsed, thus creating risks for the users. The collapse of the wall exposed the vaults of the underlying structures.

13. In July 2005, a temporary wooden bridge, still in use today, was built to allow access to the Mughrabi Gate. Since then, the Israeli authorities have started planning the archaeological surveys and the design of a new pathway.

14. The World Heritage Committee, at its 30<sup>th</sup> session in July 2006, examined the issue of the reconstruction of the pathway (document WHC-06/30.COM/7A.Add.Rev. and Decision 30COM 7A.34). Paragraph 6 of the decision “asks the Israeli authorities to provide the World Heritage Centre with all relevant information concerning the new buildings planned in and around the Western wall plaza, including the plans for the reconstruction of the access leading to Al Haram es-Sharif”.

15. In January 2007, the Israeli Prime Minister, Mr Ehud Olmert, approved the start of the archaeological excavations on the pathway, which are currently underway, on the basis of work plans that were not communicated to UNESCO’s World Heritage Centre. On 6 February 2007, the Director-General wrote a letter to the Prime Minister of Israel, recalling the terms of World Heritage Committee Decision 30COM 7A.34 and expressing “UNESCO’s serious concern regarding this situation”, and asked him to provide the World Heritage Centre with information on activities occurring “in the immediate vicinity of the Esplanade of Mosques”.

## **II. The situation in February 2007**

16. During its visit on 28 February 2007, the mission observed that archaeological excavation works involving about 40 workers were conducted on all parts of the pathway, under the supervision of two archaeologists from the IAA.

17. The works observed concern areas external to the Western Wall and are limited to the surface of the pathway and its northern side, where the retaining wall of the access collapsed in 2004. The mission noted that no work is being conducted inside the Haram es-Sharif, nor may the nature of the works underway be reported, at this stage, as constituting a threat to the stability of the Western Wall and the Al-Aqsa Mosque.

18. The work area ends at approximately 10 metres distance from the Western Wall. It is conducted with light equipment, picks and shovels, and it is supervised and documented according to professional standards.

19. This activity is described by the IAA as “preventive archaeology”, and as such is not focused on archaeological research; it is said to be intended to identify the structural conditions of the pathway in order to allow its consolidation.

20. Three web cameras, located above the pathway, allow continuous viewing on the website of the IAA. Other archaeological surveys have also been carried out on the southern side of the pathway and towards the southern entrance of the plaza, inside the “Archaeological Garden”, in view of planning the future access structures.

21. The archaeological work is planned to last about six months, during which the final design of the new access will be finalized. It has not yet been determined whether the final plan will envisage a consolidated pathway or a bridge.

22. Some heavy machinery, also employed for other archaeological activities on the plaza, is used to remove the debris cleared from the pathway, but it operates from areas external to the archaeological structures of the pathway.

### **III. Consultations with the concerned authorities**

23. The **Jerusalem Municipality** is responsible for planning and construction in the Old City, as well as for the infrastructure and its maintenance.

24. As the institution in charge of the overall project, the Municipality is currently developing, in consultation with the IAA, the final design of the structure of the access pathway.

25. The procedure adopted foresees a consultation every two weeks with outside experts. Upon the finalization of the plans, the Mayor will decide whether to open a public consultation on the project.

26. The Municipality also expressed its concern for the management of vehicle traffic in the area and stated that the design of the new access pathway constitutes an opportunity to reorganize the entire area and to remove all cars from the Western Wall Plaza, a reorganization needed in view of the increase of tourist flows, presently reaching 2 million visitors per year.

27. The **Israeli Antiquities Authority** is the Government's entity responsible for archaeological excavations and antiquities sites in Israel.

28. The IAA stated that it had full authority over the area and that all the decisions concerning the archaeological surveys and consolidation of the pathway fell under its sole responsibility, while the Municipality of Jerusalem was in charge of the design and construction work of the new access structure. It also stated that this access needed to remain under the exclusive control of the Israeli authorities for security reasons and to allow visitors access to the Haram es-Sharif.

29. No consultation with the Waqf was carried out before the work started, as no regular exchange of information or cooperation has taken place between the Israeli Authorities and the Islamic Waqf since 2000. The IAA clearly stated that it intends to conduct this work with the exclusive goal of studying the structural conditions of the pathway and not for archaeological research purposes.

30. It was clearly and repeatedly stated, both by the IAA and by the religious authorities consulted by the mission, that there are no plans to conduct any excavation under the Haram es-Sharif.

31. The **Israeli National Commission for UNESCO** sent a report to the World Heritage Centre on 28 February 2007 as a reply to the request of paragraph 6 of World Heritage Committee Decision 30 COM.34. The report contains information on the excavation and projects in line with the above. The report indicates that:

“1. The IAA continue the ‘preventive archaeology’ till reaching the clearing of the upper layers to assess the situation and structural stability of the access ramp. On reaching this critical level and before any irreversible works will be carried out, an

evaluation will be made by the IAA. Excavations for the foundations of the columns of a 'non-existent' ramp have been stopped.

"2. The Jerusalem Municipality will bring to the Planning Committee the proposal for a new access to the Mughrabi Gate and recommend that a professional team be appointed to evaluate alternatives, including utilization of the existing structures in the site through public consultation.

"3. On reaching this critical stage, the World Heritage Centre will be informed and consulted on the professional process before proposing the recommendations to the IAA and Municipality.

"4. The consultation will include professionals, academics and all stakeholders."

32. The **Islamic Waqf** of Jerusalem, responsible for the whole compound of the Haram es-Sharif as well as a very considerable number of properties within the Old City, stated that the excavations undertaken by the Israeli authorities are illegal since, under international law, no action should be undertaken in an occupied city.

33. Furthermore, the Waqf stated that the entire area of the former Mughrabi Quarter and the pathway are its property and that, since 1967, it had requested the return of the keys of the Mughrabi Gate, to no avail. In the past three years, the gate has been opened to tourists and to Jewish worshippers accompanied by police.

34. Since 2004, the Waqf has repeatedly informed the Israeli authorities that it was willing to undertake at its own expense the repair work and maintenance of the access pathway, but it has received no answer.

35. The Waqf fears that the archaeological excavations will destroy the last remains of the Mughrabi Quarter and remove the archaeological evidence of the Ayubid and Mamluk periods. It also fears that the Israeli authorities would remove any objects that may be found during the excavations.

36. The Waqf also referred to the commitment taken by the Israeli Authorities in the framework of the peace agreement signed between Israel and Jordan, that no work would be started without appropriate consultations.

37. The Waqf asked UNESCO to intervene with the Israeli Authorities in order to stop the works currently underway. It also stated that the commitment to respect the Holy Sites of Islam, always expressed by the Israeli Authorities in words, was not honoured in practice. The Waqf would be in favour of a solution involving other stakeholders such as Jordan and UNESCO, should this possibility arise.

38. A written statement was issued by the Islamic Waqf of Jerusalem in February 2007. This document "appeals to all parties to fulfil their obligations under the pertinent international conventions and agreements", and in particular "The Hague 1954 Convention, the 1972 World Heritage Convention, the Peace treaty between Jordan and Israel, the Washington Declaration recognizing the special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem".

#### **IV. Evaluation of the situation by the mission**

##### **IV.1. The works on the access to the Mughrabi Gate**

39. The report submitted by the National Commission on February 28 provides important information for the discussion of the next phases of the project. However, the mission noted that this interim report was submitted after the start of the work.

40. While recognizing that the archaeological works underway are being carried out according to professional standards, the mission expressed its concern regarding the lack of a clear work plan setting the limits of the activity, thereby opening the possibility of extensive and unnecessary excavations.

41. The mission's assessment is that all the works should aim at conserving the existing structure, consolidating and repairing it. A clear statement should be issued by the Israeli authorities in this respect. The archaeological excavations should be strictly limited to obtaining information on the stability of the structure needed for the consolidation work. It appears that such information is now available and that, consequently, these excavations should be stopped.

42. Two preliminary sketches of the future layout of the access were presented to the mission by the IAA, but the mission was not presented with any final architectural design.

43. The mission also considers that discussions and consultations should take place among all concerned parties before any decision is taken on this subject.

##### **IV.2. Cooperation between the stakeholders**

44. The mission clearly indicated to all the concerned parties that the heritage value of the Mughrabi pathway, an integral part of the site inscribed on the World Heritage List, cannot be limited to the archaeological structures, but has to include its important cultural, religious and symbolic aspects, and that these should be duly taken into account in any phase of the consolidation and restoration process.

45. As the project concerns different religious and cultural communities, it is of the utmost importance that dialogue and communication be established in order to include the views of all concerned parties.

46. The mission is aware that in the present situation no dialogue exists between the Israeli authorities and the Islamic Waqf. As this situation is at the origin of the present crisis, all parties should be invited to contribute in addressing and solving this issue in a cooperative way.

47. The involvement of the Jordanian Government, which has a supervisory role on the Haram es-Sharif recognized by Israel, would be most appropriate. The cooperation with the Jordanian Government was effective in solving the problem on the restoration of the Southern Wall of the Haram es-Sharif in 2004, and a similar framework could be envisaged. UNESCO could offer technical assistance and act as a facilitator in this process.

**V. Final recommendations to the Director-General by the mission**

48. The Government of Israel should be asked to comply with its obligations regarding archaeological excavations and heritage conservation in World Heritage sites such as the Old City of Jerusalem and, in particular, with Decision 30 COM.34 adopted by the World Heritage Committee in Vilnius in July 2006 on this matter.
49. The Government of Israel should be asked to stop immediately the archaeological excavations, given that the excavations that had been undertaken were deemed to be sufficient for the purpose of assessing the structural conditions of the pathway.
50. The Government of Israel should then clearly define the final design of the access structure, whose principal aim should be to restore the Mughrabi pathway without any major change to its structure and shape, in order to maintain the values of authenticity and integrity of the site. A clear work plan thereon should be communicated to the World Heritage Committee in the shortest possible time.
51. The Government of Israel should be asked to engage immediately a consultation process with all concerned parties, in particular the authorities of the Waqf and of Jordan, the latter having signed a peace agreement on 26 October 1994, and agree upon a plan of action before taking any further action and decision thereon.
52. This process should be supervised by an international team of experts coordinated by UNESCO and involving in particular structural engineers, specialized in archaeological consolidation works, in order to ensure the most appropriate solution for the restoration of the Mughrabi pathway.



United Nations Educational, Scientific and Cultural

Organization

## **The Director-General of UNESCO voices his alarm over the resumption of tensions in the Old City of Jerusalem**

**On Tuesday 8 February 2007, the Director-General of UNESCO, Koïchiro Matsuura, expressed his "deep concern over the work initiated by the Israeli authorities on the site of the Old City of Jerusalem, which is protected by the Convention concerning the Protection of the World Cultural and Natural Heritage (1972). By virtue of this Convention, the site is inscribed on the World Heritage List and on the List of World Heritage in Danger."**

In his statement, the Director-General particularly recalled the decision reached by the World Heritage Committee at its last session in Vilnius (Lithuania), in 2006, in which the Committee declared its "concern as to the obstacles and practices, such as archaeological excavations or new constructions, which could alter the outstanding universal value of the cultural heritage of the Old City of Jerusalem, including its urban and social fabric as well as its visual integrity" and requested "the Israeli authorities to provide to the World Heritage Centre all relevant information concerning the new buildings planned in and around the Western Wall Plaza, including the plans for the reconstruction of the access leading to the al-Haram ash-Sharif."

In order to ensure that the work undertaken – the plans of which have not been forwarded to UNESCO – does not, in any way, undermine "the outstanding universal value of the Old City of Jerusalem," the Director-General has also written to Israeli Prime Minister Ehud Olmert to express his serious concern and has asked him to provide UNESCO with information related to the work.

In his statement Mr Matsuura also underlined that: "The distinctive character of the Old City of Jerusalem derives, in particular, from the close relationship between the historical and religious buildings and the peoples living with them." The Director-General added that "interfering with the delicate balance among the symbols of the three monotheistic religions would entail running the risk of undermining the respect for sacred beliefs."

For this reason, the Director-General has launched "a vigorous appeal to all people of good will to cease any action that could lead to tensions, whose magnitude can not be foreseen at this time. The wisest course would be to suspend any action that could endanger the spirit of mutual respect until such time as the will to dialogue prevails once again."



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CULTURE SECTOR

Committee Members to the World  
Heritage Convention

Paris, 4 June 2008

Ref.: WHC/74/JER/08/91

Subject: The Mughrabi ascent in the Old City of Jerusalem: Reinforced  
monitoring report n° 4

Madam/Sir,

By its decisions 31 COM 5.2 and 31 COM 7A.18, the World Heritage Committee at its 31st session (Christchurch, 23 June-2 July 2007), requested the World Heritage Centre to provide a report, every two months, to the World Heritage Committee on the state of conservation of the Mughrabi ascent in Jerusalem.

On behalf of the Chairperson of the World Heritage Committee, I have the pleasure to attach herewith the fourth of these reports, for your information.

I thank you for your continuous support.

Please accept, Madam/Sir, the assurances of my highest consideration.

Yours sincerely,

Francesco Bandarin  
Director  
World Heritage Centre

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**WORLD HERITAGE CENTRE**  
**FOURTH REINFORCED MONITORING REPORT**  
**June 2008**

**WORLD HERITAGE SITE OF THE OLD CITY OF JERUSALEM AND ITS WALLS**  
**STATE OF CONSERVATION OF THE MUGHRABI ASCENT**

**I. Background**

1. By Decision 31 COM 7A.18, adopted in June 2007 at its 31<sup>st</sup> session in Christchurch, New Zealand, the World Heritage Committee requested the World Heritage Centre to conduct a Reinforced Monitoring of the state of conservation of the Mughrabi Ascent in Jerusalem. It also requested the Centre "to facilitate the professional encounter at the technical level between Israeli, Jordanian and Waqf experts, to discuss the detailed proposals for the proposed final design of the Mughrabi ascent, prior to any final decision".
2. The first Reinforced Monitoring report was transmitted to the States Parties, Members of the Committee, on 16 October 2007. As the foreseen encounter had not yet taken place, this report only presented information on the ongoing negotiations in this regard.
3. The second Reinforced Monitoring report was transmitted to the States Parties, Members of the Committee, on 5 February 2008. This second report presented the results of the encounter between the Israeli and Jordanian experts (including the Waqf) which took place in Jerusalem on 13 January 2008.
4. The third Reinforced Monitoring report was transmitted to the States Parties, Members of the Committee, on 4 March 2008. This report presented the results of the follow-up meeting between the Israeli and Jordanian experts (including the Waqf), which took place in Jerusalem on 24 February 2008. This meeting was also attended by the Advisory Bodies to the World Heritage Committee, ICOMOS and ICCROM, and by an independent expert.

**II. Recent developments**

5. The present report provides an update on developments since the February follow-up meeting.
6. During that meeting, the proposals from the Israeli and Jordanian experts (including the Waqf) for the design of the Mughrabi ascent were further discussed, as was the new draft proposal presented by the Jordanian experts. In the interim period between the two meetings in Jerusalem, the World Heritage Centre requested that the Advisory Bodies examine the proposal presented by the Israeli experts for the access to the Mughrabi Gate as well as the proposal presented by the Jordanian experts, in detail. Their evaluations were received by the World Heritage Centre in the course of February and forwarded to the concerned parties (see Annex 1).



7. On 17 March 2008, the Jordanian Permanent Delegation to UNESCO addressed a letter to the World Heritage Centre, by which it forwarded the comments from the Jordanian authorities on the contents of the third Reinforced Monitoring report, notably as regards the lack of comments on the second proposal presented by the Jordanian experts during the follow-up meeting. Therefore, the Advisory Bodies to the World Heritage Committee prepared additional comments at the request of the World Heritage Centre (see Annex 2).

8. The Israeli process of approving the planning scheme is still underway. As foreseen by the Planning and Building Law in Israel, the Israeli proposal for the final design was deposited for public objections for a period of 60 days on 6 January 2008. This period ended on 6 March 2008. On 16 May 2008, the World Heritage Centre received a letter from the Israeli National Commission for UNESCO, indicating that fourteen objections had been received by the District Planning Commission. Concurrently, the Israeli World Heritage Committee transmitted on behalf of the Ministry of Education a document comprising the three Reinforced Monitoring reports, to the District and Local Planning Commissions, for their consideration during the public hearings process.

9. The above-mentioned document, which underlines the importance of preserving the authenticity and integrity of the site, takes into account the discussions held during the Encounter of 13 January and the follow-up meeting of 24 February, as well as the comments by the Advisory Bodies. Based on these, the Israeli World Heritage Committee advised the District Commission to approve the plan with the following changes and conditions:

1. Conservation Plan

- a) *An integrative conservation plan to the south side of the ascent should be prepared to reflect all periods of history, and with special reference to the post Mameluk eras, to be developed within the framework of the Archaeological Garden, including relevant signage;*
- b) *To determine the amount of restoration or anastylosis needed for the alleviating of the presence of the new ascent and the creation of "witness areas" and site explanations.*

2. Appendix

*The design should be made compatible to reflect recommendations in this document in accordance with the principles of a World Heritage site.*

3. Regulations

*To add regulations ensuring the implementation of the conservation plan at the time of discussions on the building permit."*

10. On 20 May 2008, the objections received were presented at a public hearing of the District Planning Commission in Jerusalem. The Commission will meet again in the coming weeks to ratify a final decision on the plan. It should be noted that appeals may be put before the Commission, prior to the approved plan being gazetted. Subsequently, the process for delivering a building permit can be initiated, and evaluated in the context of the approved plan.

**III. 179th session of the Executive Board of UNESCO**

11. The Old City of Jerusalem and the Mughrabi ascent were on the Agenda of the 179<sup>th</sup> session of the Executive Board of UNESCO. The members of the Board, after having examined Document 179 EX/9 and Addendum, adopted Decision 179 EX/9 (see Annex 3).

**IV. 32nd session of the World Heritage Committee**

12. The 32nd session of the World Heritage Committee will take place from 2 to 10 July 2008, in Quebec City, Canada. In the context of the Agenda item related to the examination of the State of conservation of properties inscribed on the World Heritage List in Danger (item 7A), a report will be presented on the cultural heritage of the Old City of Jerusalem, including the Mughrabi ascent, while the Reinforced Monitoring process will be discussed in the context of item 7.3 (Report on the Reinforced Monitoring mechanism).

**V. Annexes**

Annex 1: Comments by the Advisory Bodies, February 2008

Annex 2: Additional comments by the Advisory Bodies, April 2008

Annex 3: Decision of the Executive Board of UNESCO at its 179th session (179 EX/9)

Vincent Atlas

WORLD HERITAGE CENTRE  
SEVENTH REINFORCED MONITORING REPORT  
February 2010

WORLD HERITAGE SITE OF THE OLD CITY OF JERUSALEM AND ITS WALLS  
STATE OF CONSERVATION OF THE MUGHRABI ASCENT

I. Introduction

1. The Reinforced Monitoring Mechanism, requested by the Executive Board at its 176th session (176 EX/Special Plenary Meeting decision) and by the World Heritage Committee at its 31st session (Decision 31 COM 5.2) has been applied since then to the issue of the Mughrabi Ascent in the Old City of Jerusalem. By its Decision 31 COM 7A.18, the World Heritage Committee requested "the World Heritage Centre to facilitate the professional encounter at the technical level between Israeli, Jordanian and Waqf experts to discuss the detailed proposals for the proposed final design of the Mughrabi ascent, prior to any final decision". Accordingly, two professional meetings took place in Jerusalem on 13 January and 24 February 2008 between Israeli and Jordanian (including Waqf) experts.

2. Six Reinforced Monitoring reports were prepared by the World Heritage Centre in this respect (October 2007, February 2008, March 2008, May 2008, October 2008, and February 2009) and forwarded to the concerned parties and the members of the World Heritage Committee.

II. 33rd session of the World Heritage Committee

3. At its 33rd session (22-30 June 2009, Seville, Spain), the World Heritage Committee adopted Decision 33 COM 7A.18 (attached), in which it "requests that [...] the process for the design of the Mughrabi ascent be inclusive of all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions" and "reaffirms in this regard that no measures, unilateral or otherwise, should be taken which will affect the authenticity and integrity of the site". The Committee also "reiterates its request that the Israeli authorities continue the cooperation commenced with all concerned parties, in particular with Jordanian and Waqf experts" and "reaffirms the necessity of cooperation in order to arrange for access to the Mughrabi Ascent site, and reiterates the call on the Director-General to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement".

III. Executive Board and General Conference of UNESCO

4. The Executive Board adopted Decision 182 EX/5(II) in which it recalled previous decisions and regretted "in this regard the postponement of the follow-up meeting of experts which was scheduled on 12 November 2008 [...] as well as of the planned visit of Jordanian technical experts to the Mughrabi Ascent site on 27 July 2009, due to circumstances that have impeded Jordanian experts from having access in order to take measurements". It recognized "the existence of deep concerns regarding the

decision taken by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi ascent" and requested that despite that decision, "the process for the design of the Mughrabi ascent be inclusive of all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions". It also reaffirmed "that the process for the design of the Mughrabi ascent, which allows for the taking into consideration of the designs submitted during the aforementioned professional encounter, is still under way". Finally, it expressed its thanks to the Director-General "for the action he is taking to facilitate the dialogue and professional exchanges between all the parties concerned".

5. At its 35th session, the General Conference adopted Resolution 35C/49 by which it "reiterates its concern as to the obstacles and practices, unilateral or otherwise, affecting the preservation of the distinctive character of the Old City of Jerusalem" and "invites the Director-General to pursue his efforts with the concerned parties for the safeguarding of the outstanding universal value of the Old City of Jerusalem".

**IV. Recent developments**

6. By letter dated 28 January 2010 from the Israeli National Commission for UNESCO, the World Heritage Centre was informed that: "Following the decision of the National Council for Planning and Construction, an alternative plan for the Mughrabi Ascent was made in order to maintain the authenticity and integrity of the site reflected in the recommendations of the World Heritage Committee and its Advisory bodies. The process of the approval of this plan should end only after a formal publication of the approved planning principles."

7. UNESCO has acknowledged receipt of this information and reiterated in its letter to the Israeli National Commission for UNESCO its support for the organization of a meeting of the concerned parties to evaluate the alternative plan before its final approval.

8. The World Heritage Centre will keep the States Parties, members of the World Heritage Committee, informed of any new development which may occur in this respect, while continuing working within the framework of Decision 33 COM 7A.18.

CONVENTION CONCERNING THE PROTECTION OF  
THE WORLD CULTURAL AND NATURAL HERITAGE

World Heritage Committee  
Thirty third Session  
Seville, Spain  
22-30 June 2009

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Decision: 33 COM 7A.18

The World Heritage Committee,

1. Having examined Document WHC-09/33.COM/7A. Add 2,
2. Recalling Decision 32 COM 7A.18, adopted at its 32<sup>nd</sup> session (Quebec City, 2008),
3. Recalling the relevant provisions on the protection of cultural heritage including, as appropriate, the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 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,
4. Affirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem and its Walls, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. Thanks international donors for their generous contributions to the UNESCO Action Plan Action for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and calls upon the international donor community to further support, through extra-budgetary funding, activities aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, in particular in the context of the Action Plan;
6. Asks the World Heritage Centre to make technical expertise and assistance available for the future conservation works foreseen in the Old City of Jerusalem and its Walls, taking into consideration the activities foreseen in the context of the Action Plan, as needed;
7. Takes note of the concerns expressed about the archaeological excavations undertaken in the Old City Of Jerusalem, and asks the Israeli authorities to provide the World Heritage Centre with all relevant and detailed information about them;

## World Heritage Convention

World Heritage Convention Resolutions / Decisions 34 COM 7A.20

## Decision

Search resolutions / decisions



Filter

## Decision 34 COM 7A.20

### Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

#### I.

1. Having examined Document WHC-10/34.COM/7A.Add,
2. Recalling Decision **33 COM 7A.18** adopted at its 33rd session (Seville, 2009),
3. Recalling the relevant provisions on the protection of cultural heritage including the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 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,
4. Recalling the importance of maintaining the integrity and authenticity of the Old City of Jerusalem,
5. Affirming the necessity of cooperation to facilitate access to the Old City of Jerusalem and its Walls, including heritage sites therein, in the context of the Convention for the Protection of the World Cultural and Natural Heritage of 1972, and recognizing in this regard the existing physical obstacles,
6. Affirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem and its Walls, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
7. Thanks international donors for their generous contributions to the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and calls upon the international donor community to further support, through extra-budgetary funding, activities aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, in particular in the context of the Action Plan;
8. Requests the World Heritage Centre to make technical expertise and assistance available for the current and future conservation works foreseen in the Old City of Jerusalem and its Walls, taking into consideration the activities foreseen in the context of the Action Plan, as needed;

Decision Code  
34 COM 7A.20

#### Themes

Conservation, List of World Heritage in Danger, Reinforced Monitoring

#### Properties <sup>(1)</sup>

[Old City of Jerusalem and its Walls](#)

#### Session

[34th session of the World Heritage Committee \(34.COM\)](#)

#### Year

2010

#### State of conservation reports

[2010 Old City of Jerusalem and its Walls](#)

[← Prev.](#)

[Next →](#)

9. Recognizes the concerns raised about the Israeli archaeological excavations and works in the Old City and on both sides of the walls of the Old City of Jerusalem and its Walls, asks the Israeli authorities to provide the World Heritage Centre with all relevant information and details about them, and also requests the World Heritage Centre to play a proactive role in this regard;

10. Encourages the Director-General to take the necessary measures, in consultation and cooperation with the concerned parties, to reactivate and reinvigorate the implementation of the short-, medium- and long-term objectives of the Action Plan, including training, education and cultural activities, and the preservation of sites and monuments of the Old City of Jerusalem and its Walls as inscribed on the World Heritage List;

11. Requests a joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the property as referred to in ~~Operational~~ *Guideline 5* to assess and advise on progress made in the implementation of the Action Plan and, in cooperation and consultation with the concerned parties, identify appropriate operational and financial mechanisms and modalities to strengthen technical cooperation with all concerned parties in the framework of the Action Plan;

12. Thanks the World Heritage Centre for the steps undertaken in the implementation of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem further requests it to report on this matter and on the state of conservation of the property at its 35th session in 2011;

## II.

13. Recalling 176 EX/Special Plenary Meeting/Decision, adopted by the Executive Board of UNESCO at its 176th session, ~~Decision 32 COM 7A.18~~ **32 COM 7A.18** adopted at its 32nd session (Quebec City, 2008), and Decision 181 EX/5 (II) adopted by the Executive Board of UNESCO at its 181st session,

14. Reaffirming the purpose and spirit of the professional encounter at the technical level of 13 January 2008, as well as the follow-up meeting of 24 February 2008,

15. Noting the Sixth Reinforced Monitoring Report (February 2009) prepared by the World Heritage Centre,

16. Regretting the postponement of the follow-up meeting of experts which was scheduled on 12 November 2008, as called for in ~~Decision 32 COM 7A.18~~ **32 COM 7A.18**, due to circumstances that have impeded Jordanian experts from having access to the Mughrabi Ascent site,

17. Recognizing the existence of deep concerns regarding the decision by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi Ascent,

18. Requests that, despite the decision mentioned in Paragraph 17, the process for the design of the Mughrabi Ascent be inclusive of all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions;

19. Reaffirms in this regard that no measures, unilateral or otherwise, should be taken which will affect the authenticity and integrity of the site in accordance with the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and, as necessary, the relevant provisions of the UNESCO Conventions on the protection of cultural heritage;

20. Being aware that the process for the design of the Mughrabi Ascent, which allows for the taking into consideration of the designs submitted during the aforementioned professional encounter, is still under way, requests the World Heritage Centre to follow, in the context of the Reinforced Monitoring Mechanism, the developments associated with this process;

21. **Thanks** the World Heritage Centre for facilitating the holding of the professional encounter at the technical level of 13 January 2008, as well as the follow-up meeting of 24 February 2008, between Israeli, Jordanian and Waqf experts, as requested by Decision **COM 7A.18**;

22. **Reiterates its request** that the Israeli authorities continue the cooperation commenced with all concerned parties, in particular with Jordanian and Waqf experts;

23. **Reaffirms** the necessity of cooperation in order to arrange for access to the Mughrabi Ascent site, **reiterates the call** on the Director-General to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement;

24. **Takes note** of the recent exchange of correspondence between Israel (letter dated 31 May 2009) and Jordan (letter dated 12 June 2009) aiming at reaching an agreement that may **allow** Director-General to organize a follow-up meeting as soon as possible;

25. **Decides** to continue applying the Reinforced Monitoring Mechanism for the state of conservation of the Mughrabi Ascent, **further requests** a report from the World Heritage Centre at least every three months, until the 35th session of the World Heritage Committee in 2011;

### III.

**26. Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

#### Documents

[WHC-10/34.COM/20](#)

Report of the Decisions Adopted By the world heritage committee At its 34th session (Brasilia, 2010)

#### Context of Decision

[WHC-10/34.COM/7A.Add](#)





United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

Hundred and eighty-fifth session

(Paris, 5-21 October 2010)\*

# 185 EX/Decisions

PARIS, 19 November 2010

## DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 185th SESSION

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\* Including the meetings of the subsidiary bodies before the plenary meetings.

**TABLE OF CONTENTS**

|                                                                                                                                                                                                           |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ORGANIZATION AND PROCEDURAL MATTERS .....                                                                                                                                                                 | 1  |
| 1 Agenda, timetable of work and report of the Bureau .....                                                                                                                                                | 1  |
| 2 Approval of the summary records of the 184th session .....                                                                                                                                              | 1  |
| 3 Report by the Director-General on the application of Rule 59 of the Rules of Procedure of the Executive Board .....                                                                                     | 1  |
| REPORTING ITEMS.....                                                                                                                                                                                      | 1  |
| 4 Report by the Director-General on the execution of the programme adopted by the General Conference .....                                                                                                | 1  |
| 5 Report by the Director-General on the follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions .....                                 | 3  |
| 6 Reports by the Director-General on specific matters.....                                                                                                                                                | 5  |
| 7 Reports by the governing bodies of UNESCO intergovernmental programmes and category 1 institutes .....                                                                                                  | 10 |
| PROGRAMME MATTERS .....                                                                                                                                                                                   | 10 |
| 8 Progress and challenges in achieving the education for all (EFA) goals by 2015.....                                                                                                                     | 10 |
| 9 Implementation of the United Nations Decade of Education for Sustainable Development (2005-2014): adoption and implementation of the UNESCO strategy for the second half of the Decade .....            | 11 |
| 10 Invitations to the International Conference of States for the Revision of the 1983 Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific .....    | 12 |
| 11 Report by the Director-General on UNESCO's mandate for the basic sciences: challenges and prospects for action on the threshold of the new Medium-Term Strategy.....                                   | 12 |
| 12 Report by the Director-General on the feasibility of establishing an international engineering programme at UNESCO.....                                                                                | 13 |
| 13 Report on the desirability of preparing a draft universal declaration of ethical principles in relation to climate change .....                                                                        | 14 |
| 14 Jerusalem and the implementation of 35 C/Resolution 49 and 184 EX/Decision 12 .....                                                                                                                    | 15 |
| 15 Implementation of 184 EX/Decision 37 on “The two Palestinian sites of Al-ḤAram Al-Ibrahīmī/Tomb of the Patriarchs in Al-Khalīl/Hebron and the Bilāl bin Rabāḥ Mosque/Rachel’s Tomb in Bethlehem” ..... | 16 |

|                                                                                                                                                                                                    |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Institutes and centres .....                                                                                                                                                                       | 17 |
| 16 Report by the Director-General on the feasibility of establishing category 2 institutes and centres under the auspices of UNESCO .....                                                          | 17 |
| DRAFT PROGRAMME AND BUDGET FOR 2012-2013 (36 C/5) .....                                                                                                                                            | 18 |
| 17 Preliminary proposals by the Director-General concerning the Draft Programme and Budget for 2012-2013 .....                                                                                     | 18 |
| METHODS OF WORK OF THE ORGANIZATION .....                                                                                                                                                          | 32 |
| 18 Report on the independent external evaluation of UNESCO .....                                                                                                                                   | 32 |
| 19 United Nations General Assembly proposal to align planning cycles with the quadrennial comprehensive policy review of operational activities for development of the United Nations system ..... | 33 |
| 20 Reducing the running costs of the General Conference .....                                                                                                                                      | 34 |
| MATTERS RELATING TO NORMS, STATUTES AND REGULATIONS .....                                                                                                                                          | 35 |
| 21 Examination of the communications transmitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3, and report of the committee thereon .....                | 35 |
| 22 Review of the working methods of the Committee on Conventions and Recommendations (CR) within the framework of 104 EX/Decision 3.3 .....                                                        | 35 |
| 23 Implementation of standard-setting instruments for whose monitoring the Board is responsible .....                                                                                              | 37 |
| 24 Report by the Director-General on the Statutes of the Intergovernmental Committee for Physical Education and Sport (CIGEPS) .....                                                               | 39 |
| ADMINISTRATIVE AND FINANCIAL QUESTIONS .....                                                                                                                                                       | 39 |
| 25 Financial report and audited financial statements of UNESCO for the period ended 31 December 2009 and report by the External Auditor .....                                                      | 39 |
| 26 Report by the Director-General on the implementation of International Public Sector Accounting Standards (IPSAS) and proposed amendments to the financial rules .....                           | 40 |
| 27 Collection of Member States' contributions .....                                                                                                                                                | 40 |
| 28 Financial regulations of special accounts .....                                                                                                                                                 | 42 |
| 29 Report by the Director-General on the reform of the field network .....                                                                                                                         | 42 |
| 30 Report by the Director-General on the revised medium-term security plan for UNESCO Headquarters .....                                                                                           | 43 |
| 31 Report by the Director-General on the activities of the Advisory Committee for Works of Art .....                                                                                               | 43 |
| 32 External Auditor's new audits .....                                                                                                                                                             | 44 |

|                                                                                                                                                                                             |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| RELATIONS WITH MEMBER STATES, INTERGOVERNMENTAL ORGANIZATIONS AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS .....                                                                        | 44 |
| 33 Relations with international non-governmental organizations, foundations and similar institutions .....                                                                                  | 44 |
| GENERAL MATTERS.....                                                                                                                                                                        | 45 |
| 34 Thematic debate: Intercultural dialogue in 2010 – revisiting policies within the context of a Culture of Peace .....                                                                     | 45 |
| 35 Report by the Director-General on the cultural and educational institutions in Iraq .....                                                                                                | 45 |
| 36 Implementation of 35 C/Resolution 75 and 184 EX/Decision 30 concerning educational and cultural institutions in the occupied Arab territories.....                                       | 46 |
| 37 Report by the Director-General on the reconstruction and development of Gaza: implementation of 184 EX/Decision 31 .....                                                                 | 48 |
| 38 Report by the Director-General on the assessment of the effectiveness of the Overall Strategy for UNESCO Prizes .....                                                                    | 49 |
| 39 Dates of the 186th session and provisional list of matters to be examined by the Executive Board at Its 186th session .....                                                              | 50 |
| ADDITIONAL ITEMS .....                                                                                                                                                                      | 51 |
| 40 Composition of the Executive Board’s Group of Experts on Financial and Administrative Matters (FA/EG) .....                                                                              | 51 |
| 41 UNESCO’s contribution to the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS) ..... | 51 |
| 42 Reflection by UNESCO on the Internet .....                                                                                                                                               | 53 |
| 43 UNESCO and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).....                                                                             | 54 |
| 44 Implementation of the “Seoul Agenda: Goals for the Development of Arts Education”, outcome document of the Second World Conference on Arts Education.....                                | 54 |
| 45 Promotion of South-South cooperation: Strategic partnership for the operationalization of the Consortium on Science, Technology and Innovation for the South (COSTIS).....               | 55 |
| 46 Invitations to the Intergovernmental Meeting of Experts (category II) related to a draft recommendation on the conservation of the historic urban landscape .....                        | 56 |
| 47 The UNESCO-Obiang Nguema Mbasogo International Prize for Research in the life sciences.....                                                                                              | 57 |

|                                                                                                                                                                                     |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| PRIVATE MEETING .....                                                                                                                                                               | 57 |
| 3 Report by the Director-General on the application of Rule 59 of the Rules of Procedure of the Executive Board .....                                                               | 57 |
| 21 Examination of the communications transmitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3, and Report of the Committee thereon ..... | 58 |

10. Also requests the Director-General to invite COMEST to continue to work on the desirability of an ethical framework for climate change policies.

(185 EX/SR.9)

**14 Jerusalem and the implementation of 35 C/Resolution 49 and 184 EX/Decision 12**  
(185 EX/14; 185 EX/52 Rev.)

N.B. After considering this item and following a vote taken by roll-call, with 34 votes in favour, 1 vote against and 19 abstentions, the United States of America having voted against, the Programme and External Relations Commission recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 184 EX/Decision 12, and having examined document 185 EX/14,
2. Also recalling resolutions and decisions of UNESCO on Jerusalem, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Further recalling General Conference resolutions and Executive Board decisions regarding the appointment of a permanent representative of the Director-General of UNESCO on the issue of Jerusalem,
4. Affirming that nothing in the present decision, which is aimed at the safeguarding of the Cultural Heritage of East Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. Expresses its deep concern over the ongoing Israeli excavations and archaeological works on the Al-Aqsa Mosque compound and in the Old City of Jerusalem, which contradict UNESCO decisions and conventions and United Nations and Security Council resolutions;
6. Also expresses its concern about the ongoing Israeli practices in East Jerusalem, that dangerously affect the city's distinctive character, both religious and cultural, historical and demographical;
7. Reaffirms the religious significance of the Old City of Jerusalem for Muslims, Christians and Jews;
8. Invites the Director-General to appoint, as soon as possible, the permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the architectural, educational, cultural and demographical situation in the City of East Jerusalem;
9. Invites the Israeli authorities to facilitate the work of the expert(s) in conformity with its adherence to UNESCO decisions and conventions;
10. Invites Member States to provide the necessary assistance to finance the work of the expert(s) from extrabudgetary resources;

11. Thanks the international donors for their generous contributions for the implementation of projects within the framework of the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem;
12. Expresses its sincere thanks to the Director-General for her commitment to pursue the efforts for the safeguarding of the unique heritage of the City of Jerusalem, in compliance with the relevant General Conference resolutions and Executive Board decisions;
13. Decides to include this item in the agenda of its 186th session and invites the Director-General to submit a follow-up report on this matter.

(185 EX/SR.9)

**15 Implementation of 184 EX/Decision 37 on “the two Palestinian sites of al-Ḥaram al-Ibrahīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl bin Rabāḥ Mosque/Rachel’s Tomb in Bethlehem” (185 EX/15; 185 EX/52 Rev.)**

N.B. After considering this item and following a vote taken by roll-call , with 44 votes in favour, 1 vote against and 12 abstentions, the United States of America having voted against, the Programme and External Relations Commission recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 184 EX/Decision 37, and having examined document 185 EX/15,
2. Also recalling resolutions and decisions of UNESCO on the protection of the cultural heritage in the occupied Arab territories, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Further recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970),
4. Affirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage located in the occupied Arab territories, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions,
5. Sharing the concern expressed by the Director-General regarding the announcement made by the Israeli authorities that two sites, namely al-Ḥaram al-Ibrahīmī/Tomb of the Patriarchs in the city of al-Khalīl/Hebron and the Mosque of Bilāl bin Rabāḥ (Tomb of Rachel), in Bethlehem, both located in the occupied Palestinian territories, are to be included in the Israeli national heritage list,
6. Also sharing the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam,
7. Reaffirms that the two sites are an integral part of the occupied Palestinian territories and that any unilateral action by the Israeli authorities is to be considered a violation of international law, the UNESCO conventions and the United Nations and Security Council resolutions;
8. Regrets the Israeli authorities’ decision to include the two sites in the Israeli national heritage list;



WORLD HERITAGE CENTRE

NINTH REINFORCED MONITORING REPORT  
February 2011

WORLD HERITAGE SITE OF THE OLD CITY OF JERUSALEM AND ITS WALLS  
STATE OF CONSERVATION OF THE MUGHRABI ASCENT

I. Introduction

1. The Reinforced Monitoring Mechanism, requested by the Executive Board at its 176th session (176 EX/Special Plenary Meeting decision) and by the World Heritage Committee at its 31st session (Decision 31 COM 5.2) has been applied to the issue of the Mughrabi Ascent in the Old City of Jerusalem. By its Decision 31 COM 7A.18, the World Heritage Committee requested "the World Heritage Centre to facilitate the professional encounter at the technical level between Israeli, Jordanian and Waqf experts to discuss the detailed proposals for the proposed final design of the Mughrabi Ascent, prior to any final decision". Accordingly, two professional meetings took place in Jerusalem on 13 January and 24 February 2008 between Israeli and Jordanian (including Waqf) experts.

2. Eight Reinforced Monitoring reports were prepared by the World Heritage Centre (October 2007, February 2008, March 2008, May 2008, October 2008, February 2009, February-June 2010 and October 2010) and forwarded to the concerned parties and the members of the World Heritage Committee.

II. 34th session of the World Heritage Committee

3. At its 34th session (25 July - 3 August 2010, Brasilia, Brazil), the World Heritage Committee adopted Decision 34 COM 7A.20, in which it "requests that [...] the process for the design of the Mughrabi Ascent be inclusive of all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions" and "reaffirms in this regard that no measures, unilateral or otherwise, should be taken which will affect the authenticity and integrity of the site". The Committee also "reiterates its request that the Israeli authorities continue the cooperation commenced with all concerned parties, in particular with Jordanian and Waqf experts", "reaffirms the necessity of cooperation in order to arrange for access to the Mughrabi Ascent site", and "reiterates the call on the Director-General to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement".



### III. 185th session of the Executive Board of UNESCO

4. As already mentioned in the Eighth Reinforced Monitoring Report (October 2010), document 185 EX/5 Add related to the Mughrabi Ascent was presented to the members of the Executive Board, and a draft decision (185 EX/PX/DR.1) was submitted by 20 Member States. Despite considerable effort, no consensus could be reached by the Executive Board on this issue and Decision 185 EX/5 was adopted by roll-call vote. This decision notably "calls upon Israel to enable the necessary access to the site to the Jordanian and Waqf experts, most notably, in order to take the necessary measurements for the concept design proposed by Jordan, as evaluated by ICOMOS and ICCROM; and enable Jordan as a concerned party to present its final design for the restoration and preservation of the Mughrabi Ascent".

### IV. Recent developments

5. The World Heritage Centre addressed written requests to the concerned parties in order to receive an update for the present Reinforced Monitoring Report. Only the Jordanian authorities provided such an update, by letter dated 8 January 2011. This report presents information on Jordanian efforts to enable Jordanian experts to complete a design of the Mughrabi Gate Pathway. The Jordanian experts visited the site for four hours on 23 May 2010, then on 8 August 2010 and 28 November 2010. They reported that fallen stones could be noticed from the Northern Ottoman wall of the Ascent and the need for emergency stabilisation works to be undertaken. The report from the Jordanian authorities refers to the 1954 Hague and the 1972 Conventions, to the status quo and to the decisions of the Executive Board and of the World Heritage Committee. It reiterates their intention to "submit and implement a design for the Mughrabi Gate Pathway to the World Heritage Centre, which maintains the integrity, authenticity and cultural heritage".

6. On 27 October 2010 and on 10 January 2011, the World Heritage Centre addressed letters to the Israeli authorities requesting information on this issue. To date, the World Heritage Centre has not received information as regards the on-going planning and design process.

7. The 186th session of the Executive Board will take place from 3 to 19 May 2011, and a report on the Mughrabi Ascent will be presented in document 186EX/5.

## World Heritage Convention

World Heritage Convention Resolutions / Decisions 35 COM 7A.22

## Decision

Search resolutions / decisions



Filter

## Decision 35 COM 7A.22

# Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

I

1. Having examined Document WHC-11/35.COM/7A.Add,
2. Recalling Decision **34 COM 7A.20** adopted at its 34th session (Brasilia, 2010),
3. Recalling the relevant provisions on the protection of cultural heritage including the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 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,
4. Reaffirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem and its Walls, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. Affirming the importance of maintaining the integrity and authenticity in the Old City of Jerusalem and its Walls on both sides,
6. Affirms the necessity of cooperation to facilitate access to the Old City of Jerusalem and its Walls, including heritage sites therein, in the context of the UNESCO Conventions for the protection of the cultural heritage, and recognizes the concerns expressed regarding the restricting obstacles imposed by the Israeli authorities on the freedom of access;
7. Thanks international donors for their generous contributions to the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and both sides of its Walls calls upon the international donor community to further support, through extra-budgetary funding, activities aimed at the safeguarding of the integrity, and authenticity of the cultural heritage of the Old City of Jerusalem and both sides of its Walls;

Decision Code

35 COM 7A.22

Themes

Conservation, List of World Heritage in Danger, Reinforced Monitoring

Properties <sup>①</sup>

[Old City of Jerusalem and its Walls](#)

Session

[35th session of the World Heritage Committee \(35.COM\)](#)

Year

[2011](#)

State of conservation reports

[2011 Old City of Jerusalem and its Walls](#)

[← Prev.](#)

[Next →](#)

8. Requests the World Heritage Centre to make technical expertise and assistance available for the current and future conservation works foreseen in and around the Old City of Jerusalem and its Walls, taking into consideration the activities foreseen in the context of the Action Plan, as needed;

9. Regrets the Israeli refusal to comply with the World Heritage Centre and UNESCO decisions and requests Israel to timely cooperate and facilitate the implementation of the World Heritage Committee Decision **34 COM 7A.20** which requests, inter alia, a joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls;

10. Also regrets the persistence of the Israeli archaeological excavations and works in the Old City of Jerusalem and on both sides of its Walls, and the failure of Israel to provide the World Heritage Centre with adequate and comprehensive information about its archeological activities thereon, and asks the Israeli authorities to cease such excavations and works in conformity with the UNESCO Conventions for the protection of cultural heritage;

11. Asks, in this regard, that the World Heritage Centre states in its relevant reports on the obstacles related to the provision of such information by the Israeli authorities and also requests the World Heritage Centre to play a proactive role;

12. Further requests the World Heritage Centre to apply the Reinforced Monitoring Mechanism to the Old City of Jerusalem and on both sides of its Walls, and also requests that the World Heritage Centre validates in a concrete manner the ~~flow~~ information provided by the concerned parties on the ongoing activities in and around the Old City of Jerusalem and its Walls;

13. Encourages the Director-General of UNESCO to take the necessary measures, in consultation and cooperation with the concerned parties, to reactivate and reinvigorate the implementation of the short-, medium- and long-term objectives of the Action Plan, including training, education and cultural activities, and the preservation of sites and monuments of the Old City of Jerusalem and its Walls as inscribed on the World Heritage List;

14. Thanks the Director-General of UNESCO and the World Heritage Centre for steps undertaken in the implementation of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and further requests them to report on this matter and on the state of conservation of the property at its 36th session in 2012;

## II

15. Recalling 176 EX/Special Plenary Meeting/Decision, adopted by the Executive Board of UNESCO at its 176th session, World Heritage Committee Decision **34 COM 7A.20**, and relevant Executive Board decisions,

16. Noting the Sixth, Seventh, Eighth and Ninth Reinforced Monitoring Reports prepared by the World Heritage Centre,

17. Recognizes the concerns regarding the decision by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi Ascent and the subsequent decision by Israel's National Council for Planning and Construction to adopt "an alternative plan for the Mughrabi Ascent", approved on 31 October 2010 by the above-mentioned Commission;

18. Reaffirms, in this regard, that no measures, unilateral or otherwise, should be taken including those which may affect the authenticity and integrity of the site, in contravention with the relevant provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and of the Convention for the Protection of the World Cultural and Natural Heritage of 1972;

19. Acknowledges receipt of the Jordanian design for the restoration and preservation of the Mughrabi Ascent, submitted to the World Heritage Centre on 27 May 2011, and thanks Jordan for its cooperation, in accordance with the relevant provisions of UNESCO Conventions for the protection of cultural heritage;

20. Also reaffirms, in this regard, that the UNESCO process for the follow-up of the design of the Mughrabi Ascent is to be coordinated with all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions, despite the fact that Israel is informing the World Heritage Centre with its "alternative plan for the Mughrabi Ascent", and requests that the World Heritage Centre be proactive and follow closely, in the context of the Reinforced Monitoring Mechanism, the developments associated with this process;

21. Notes with satisfaction the access provided by Israel to the Mughrabi Ascent for Jordanian and Waqf experts on 23 May, 8 August and 28 November 2010 and reiterates its request that Israel continues the cooperation commenced with all concerned parties, in particular with Jordanian and Waqf experts;

22. Reiterates the call on the Director-General of UNESCO to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement;

23. Decides to continue applying the Reinforced Monitoring Mechanism for the state of conservation of the Mughrabi Ascent and further requests a report from the World Heritage Centre at least every three months, until the 36th session of the World Heritage Committee in 2012;

### III

24. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

#### Documents

[WHC-11/35.COM/20](#)

Decisions Adopted by the World Heritage Committee at its 35th Session (UNESCO, 2011)

#### Context of Decision

[WHC-11/35.COM/7A.Add](#)



United Nations  
Educational, Scientific and  
Cultural Organization

**Executive Board**

**Hundred and eighty-seventh session**

**(Paris, 21 September-6 October 2011)\***

**187 EX/Decisions**

**PARIS, 30 November 2011**

**DECISIONS ADOPTED  
BY THE EXECUTIVE BOARD AT ITS 187th SESSION**

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\* Including the meetings of the subsidiary bodies before the plenary meetings.

(i)

**TABLE OF CONTENTS**

|                                                                                                                                                                                                                                                   |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ORGANIZATION AND PROCEDURAL MATTERS .....                                                                                                                                                                                                         | 1  |
| 1 Agenda, timetable of work, election of the Chairpersons of the Committee on International Non-Governmental Organizations (NGO), and the Programme and External Relations Commission (PX).....                                                   | 1  |
| 2 Approval of the summary records of the 186th session.....                                                                                                                                                                                       | 1  |
| 3 Report by the Director-General on the application of Rule 59 of the Rules of Procedure of the Executive Board.....                                                                                                                              | 1  |
| REPORTING ITEMS.....                                                                                                                                                                                                                              | 1  |
| 4 Report by the Director-General on the execution of the programme adopted by the General Conference.....                                                                                                                                         | 1  |
| 5 Report by the Director-General on the follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions.....                                                                          | 3  |
| 6 Reports by the Director-General on specific matters.....                                                                                                                                                                                        | 5  |
| 7 Reports by the governing bodies of UNESCO intergovernmental programmes and category 1 institutes.....                                                                                                                                           | 11 |
| PROGRAMME MATTERS .....                                                                                                                                                                                                                           | 12 |
| 8 Reports by the Director-General on education for all (EFA).....                                                                                                                                                                                 | 12 |
| [9 Invitations to the International Conference of States for the Revision of the 1981 Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States]..... | 13 |
| 10 Revised draft strategy on UNESCO's contribution to the promotion of open access to scientific information and research .....                                                                                                                   | 13 |
| 11 Jerusalem and the implementation of 35 C/Resolution 49 and 186 EX/Decision 11.....                                                                                                                                                             | 14 |
| 12 Implementation of 186 EX/Decision 12 on "The two Palestinian sites of al-Haram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāh Mosque/Rachel's Tomb in Bethlehem".....                                          | 14 |
| 13 Proclamation of a world radio day .....                                                                                                                                                                                                        | 15 |
| Institutes and centres.....                                                                                                                                                                                                                       | 16 |
| 14 Category 2 institutes and centres .....                                                                                                                                                                                                        | 16 |
| DRAFT PROGRAMME AND BUDGET FOR 2012-2013 (36 C/5).....                                                                                                                                                                                            | 21 |
| 15 Draft Programme and Budget for 2012-2013 (36 C/5) and recommendations of the Executive Board.....                                                                                                                                              | 21 |

(ii)

|                                                                                                                                                                                                                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| METHODS OF WORK OF THE ORGANIZATION .....                                                                                                                                                                                                                                                                              | 22 |
| 16 Reports of the Executive Board on its activities and programme implementation .....                                                                                                                                                                                                                                 | 22 |
| 17 Follow-up to the independent external evaluation of UNESCO .....                                                                                                                                                                                                                                                    | 24 |
| MATTERS RELATING TO NORMS, STATUTES AND REGULATIONS .....                                                                                                                                                                                                                                                              | 28 |
| 18 Examination of the communications transmitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3, and report of the Committee thereon .....                                                                                                                                    | 28 |
| 19 Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education: nominations and report of the Committee on Conventions and Recommendations thereon ..... | 28 |
| 20 Implementation of standard-setting instruments .....                                                                                                                                                                                                                                                                | 29 |
| 21 Report of the eleventh meeting of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education .....                                                                                                                                                                               | 34 |
| 22 Draft amendments to the Statutes of the International Fund for the Promotion of Culture (IFPC).....                                                                                                                                                                                                                 | 35 |
| 23 Preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument concerning heritage preservation and the sustainable development of tourism .....                                                                                                                | 35 |
| 24 Revision of the Statutes of the International Coordinating Council of the Programme on Man and the Biosphere (MAB) and the Statutes of the International Advisory Committee for Biosphere Reserves (187 EX/24; 187 EX/INF.7; 187 EX/54) .....                                                                       | 36 |
| 25 Revision of the Statutes of the Intergovernmental Committee for Physical Education and Sport (CIGEPS) (187 EX/25; 187 EX/54) .....                                                                                                                                                                                  | 36 |
| GENERAL CONFERENCE.....                                                                                                                                                                                                                                                                                                | 37 |
| 26 Preparation of the 36th session of the General Conference.....                                                                                                                                                                                                                                                      | 37 |
| ADMINISTRATIVE AND FINANCIAL QUESTIONS .....                                                                                                                                                                                                                                                                           | 41 |
| 27 Financial report and audited consolidated financial statements for the year ended 31 December 2010 and report by the External Auditor .....                                                                                                                                                                         | 41 |
| 28 Report by the Director-General on the actual position concerning all payment plans agreed upon between UNESCO and Member States in arrears with their contributions .                                                                                                                                               | 41 |
| 29 Report by the Director-General on the analysis and proposals of the working group on the implications of the application of International Public Sector Accounting Standards (IPSAS) for the implementation of the incentive scheme for the prompt payment of contributions                                         | 42 |
| 30 Report by the Director-General, in cooperation with the Headquarters Committee, on managing the UNESCO complex .....                                                                                                                                                                                                | 43 |
| 31 Capital Master Plan for UNESCO Headquarters .....                                                                                                                                                                                                                                                                   | 44 |

(iii)

|                                                                                                                        |                                                                                                                                                                                                                                                              |    |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 32                                                                                                                     | Report by the Director-General on the state of the Medical Benefits Fund (MBF) .....                                                                                                                                                                         | 45 |
| 33                                                                                                                     | Report by the Director-General on the reform of the field network .....                                                                                                                                                                                      | 46 |
| [34                                                                                                                    | Report by the Director-General on the follow-up to recommendations<br>of the External Auditor: recruitment and end-of-service procedures] .....                                                                                                              | 47 |
| 35                                                                                                                     | New audits by the External Auditor.....                                                                                                                                                                                                                      | 47 |
| RELATIONS WITH MEMBER STATES, INTERGOVERNMENTAL ORGANIZATIONS<br>AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS..... |                                                                                                                                                                                                                                                              | 49 |
| 36                                                                                                                     | Terms of reference of the Committee on International Non-Governmental Organizations<br>(NGO) of the Executive Board.....                                                                                                                                     | 49 |
| 37                                                                                                                     | New Directives concerning UNESCO's partnership with non-governmental organizations                                                                                                                                                                           | 49 |
| 38                                                                                                                     | Proposals for the celebration of anniversaries with which UNESCO could be associated<br>in 2012-2013, and appeals by Member States concerning their proposals.....                                                                                           | 49 |
| [39                                                                                                                    | Relations with the Association of South-East Asian Nations (ASEAN), and draft<br>framework agreement between UNESCO and that regional organization] .....                                                                                                    | 52 |
| 40                                                                                                                     | Request for the admission of Palestine to UNESCO .....                                                                                                                                                                                                       | 52 |
| GENERAL .....                                                                                                          |                                                                                                                                                                                                                                                              | 53 |
| 41                                                                                                                     | Implementation of 35 C/Resolution 75 and 186 EX/Decision 34 concerning educational<br>and cultural institutions in the occupied Arab territories .....                                                                                                       | 53 |
| 42                                                                                                                     | Report by the Director-General on the reconstruction and development of Gaza:<br>implementation of 186 EX/Decision 35.....                                                                                                                                   | 53 |
| ADDITIONAL ITEMS .....                                                                                                 |                                                                                                                                                                                                                                                              | 54 |
| 43                                                                                                                     | Invitations to the Meeting of the States Parties to the 1970 Convention on the Means<br>of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership<br>of Cultural Property.....                                                      | 54 |
| 44                                                                                                                     | Organization of a world summit on multilingualism, following the International Year of<br>Languages (2008) proclaimed by the United Nations General Assembly, and for which<br>UNESCO was lead agency.....                                                   | 55 |
| 45                                                                                                                     | Enhancing global efforts to promote UNESCO human sciences.....                                                                                                                                                                                               | 55 |
| 46                                                                                                                     | Proclamation of an international jazz day .....                                                                                                                                                                                                              | 56 |
| [47                                                                                                                    | Revision of the 1981 Regional Convention on the Recognition of Studies, Diplomas,<br>Degrees and other Academic Qualifications in Higher Education in the African States] ..                                                                                 | 57 |
| 48                                                                                                                     | Implementation of 180 EX/Decision 57 on the UNESCO-Obiang Nguema Mbasogo<br>International Prize for Research in the Life Sciences .....                                                                                                                      | 57 |
| 49                                                                                                                     | Provisional rules of procedure and provisional agenda of the International Conference<br>of States for the Revision of the 1983 Regional Convention on the Recognition of Studies,<br>Diplomas and Degrees in Higher Education in Asia and the Pacific ..... | 57 |



(iv)

PRIVATE MEETINGS..... 58

Announcement concerning the private meeting held on Wednesday 5 October 2011..... 58

3 Report by the Director-General on the application of Rule 59 of the Rules of Procedure of the Executive Board..... 58

18 Examination of the communications transmitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3, and report of the Committee thereon ..... 58

**11 Jerusalem and the implementation of 35 C/Resolution 49 and 186 EX/Decision 11 (187 EX/11; 187 EX/54)**

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 following draft decision, with 35 votes in favour, 1 vote against and 20 abstentions, the United States of America having voted against; details of the vote are annexed to the summary record of the seventh plenary meeting of the Board, at which the oral report of the PX Commission was presented:

The Executive Board,

1. Having examined document 187 EX/11,
2. Recalls its previous decision 185 EX/Decision 14 concerning Jerusalem;
3. Notes that the status of Palestine is the subject of ongoing deliberations at the United Nations in New York;
4. Also notes the lack of progress in the implementation of 185 EX/Decision 14;
5. Requests the Director-General to maintain her efforts to implement the above-mentioned decision;
6. Invites the Director-General to submit to it a follow-up report at its 189th session, and decides to include this item in the agenda of its 189th session.

(187 EX/SR.7)

**12 Implementation of 186 EX/Decision 12 on “The two Palestinian sites of al-Haram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāh Mosque/Rachel’s Tomb in Bethlehem” (187 EX/12; 187 EX/54)**

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 following draft decision, with 43 votes in favour, 1 vote against and 12 abstentions, the United States of America having voted against; details of the vote are annexed to the summary record of the seventh plenary meeting of the Board, at which the oral report of the PX Commission was presented:

The Executive Board,

1. Having examined document 187 EX/12,
2. Recalls its previous decision 185 EX/Decision 15 “The two Palestinian sites of al-Haram al-Ibrahimi/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāh Mosque/Rachel’s Tomb in Bethlehem”;
3. Notes that the status of Palestine is the subject of ongoing deliberations at the United Nations in New York;
4. Also notes the lack of progress in the implementation of 185 EX/Decision 15;
5. Requests the Director-General to maintain her efforts to implement the above-mentioned decision;



**WORLD HERITAGE CENTRE**

**REINFORCED MONITORING REPORT**

**December 2011**

**WORLD HERITAGE SITE OF THE OLD CITY OF JERUSALEM AND ITS WALLS  
(INCLUDING THE ASCENT TO THE MUGHRABI GATE)**

**I. Introduction**

1. The Reinforced Monitoring Mechanism, requested by the Executive Board at its 176th session in April 2007 (176 EX/Special Plenary Meeting decision) and by the World Heritage Committee at its 31st session in Christchurch, New Zealand (Decision 31 COM 5.2) in 2007, has been applied to the issue of the Mughrabi Ascent in the Old City of Jerusalem. By its Decision 31 COM 7A.18, the World Heritage Committee requested “the World Heritage Centre to facilitate the professional encounter at the technical level between Israeli, Jordanian and Waqf experts to discuss the detailed proposals for the proposed final design of the Mughrabi Ascent, prior to any final decision”. Accordingly, two professional meetings took place in Jerusalem on 13 January and 24 February 2008 between Israeli and Jordanian (including Waqf) experts. Nine Reinforced Monitoring reports were prepared by the World Heritage Centre (October 2007, February, March, May and October 2008, February 2009, February-June and October 2010, February 2011) and forwarded to the members of the World Heritage Committee and the concerned parties.

2. At its 35th session (Paris, UNESCO, June 2011), by its decision 35COM 7A.22 (attached), the World Heritage Committee decided to extend the application of the Reinforced Monitoring Mechanism to the entire World Heritage property, i.e. the Old City of Jerusalem and its Walls. Therefore, the present document reports on both the state of conservation of the Old City and on the specific issue of the Ascent leading to the Mughrabi Gate.

**II. 35th session of the World Heritage Committee**

3. At its 35th session (Paris, UNESCO, June 2011), the World Heritage Committee adopted Decision 35 COM 7A.22, in which it “encourages the Director-General of UNESCO to take the necessary measures, in consultation and cooperation with the concerned parties, to reactivate and reinvigorate the implementation of the short-, medium- and long-term objectives of the Action Plan, including training, education and cultural activities, and the preservation of sites and monuments of the Old City of Jerusalem and its Walls as inscribed on the World Heritage List”.

4. In response to this decision, on 30 June 2011, the Permanent Delegate of Israel addressed a letter to the Director-General of UNESCO presenting his comments of 27 June to the Chairperson of the World Heritage Committee, considering that the decision is “null and void” [...] but will not “affect the cooperation with Jordan” or “with the World Heritage Centre, according to previous consensus resolutions”. A second letter was addressed by the Permanent Delegate of Israel to the Director of the World Heritage Centre on 12 September 2011, reiterating his rejection of the decision while indicating that “Israel [...] is willing to pursue a constructive dialogue with the World Heritage Centre”. However, no answer was yet received to the letters of April and July 2011 regarding the organisation of the reactive monitoring mission to Jerusalem requested by the World Heritage Committee at its 34th (Brasilia, 2010) and 35th (Paris, 2011) sessions. Moreover, in a letter dated 6 October 2011, the Permanent Delegate of Israel indicated that “The Director-General has made it clear that non-consensus decisions cannot be implemented” and proposes that “the World Heritage Centre, as part of UNESCO’s secretariat, will follow the Director-General’s instructions and will adhere to this principle”.

5. At the time of the session of the World Heritage Committee, attention had been raised about works carried out by the Israeli authorities on the Walls of Jerusalem and in particular at Damascus Gate, which might affect the authenticity of the site. A report on these works was received by the World Heritage Centre on 26 October 2011 and forwarded to ICOMOS and ICCROM for eventual comments.

**III. 187th session of the Executive Board and 36th session of the General Conference of UNESCO**

6. At the 187th session of the Executive Board in September 2011, Decision 187EX/11 was adopted by roll-call vote, in which “the lack of progress in the implementation of the UNESCO decision 185 EX/Decision 14” was noted. The Executive Board also adopted Decision 187 EX/5 related to the Mughrabi Ascent, by consensus. A few weeks later, the General Conference adopted Resolution 36C/43 by consensus. These three documents are attached for easy reference.

7. On 1 November 2011, the Permanent Delegation of Jordan to UNESCO forwarded to the World Heritage Centre comments by the Secretary-General of the Jordanian Ministry of Foreign Affairs concerning “the language used” in the document 36C/43 presented to the General Conference, which “does not correspond to the affirmative language adopted at consecutive World Heritage Committee sessions”. This letter reiterates in particular the concern of the Jordanian authorities regarding the “intrusive diggings and excavations carried out by Israel in and around the Old City of Jerusalem” and “wishes to underscore the indispensability to continue UNESCO’s guidance and direction towards fulfilling the

obligations of all parties concerned including UNESCO towards the Old City of Jerusalem and its Walls”.

8. In the recent weeks, some reports in the media announced the intention of the Israeli authorities to either dismantle or close the temporary wooden ramp, unstable and presumably dangerous, which had replaced the Mughrabi Ascent in order to access the Mughrabi Gate. This intervention has been halted for the time being.

Attachments: Decision 35 COM 7A.22  
Decision 187 EX/5  
Decision 187 EX/11  
Resolution 36 C/43

**Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)**

**Decision: 35 COM 7A.22**

The World Heritage Committee,

1. Having examined Document WHC-11/35.COM/7A.Add,
2. Recalling Decision **34 COM 7A.20**, adopted at its 34th session (Brasilia, 2010),
3. Recalling the relevant provisions on the protection of cultural heritage including the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 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,
4. Reaffirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem and its Walls, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. Affirming the importance of maintaining the integrity and authenticity in the Old City of Jerusalem and its Walls on both sides,
6. Affirms the necessity of cooperation to facilitate access to the Old City of Jerusalem and its Walls, including heritage sites therein, in the context of the UNESCO Conventions for the protection of the cultural heritage, and recognizes the concerns expressed regarding the restricting obstacles imposed by the Israeli authorities on the freedom of access;
7. Thanks international donors for their generous contributions to the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and both sides of its Walls, and calls upon the international donor community to further support, through extra-budgetary funding, activities aimed at the safeguarding of the integrity, and authenticity of the cultural heritage of the Old City of Jerusalem and both sides of its Walls;
8. Requests the World Heritage Centre to make technical expertise and assistance available for the current and future conservation works foreseen in and around the Old City of Jerusalem and its Walls, taking into consideration the activities foreseen in the context of the Action Plan, as needed;
9. Regrets the Israeli refusal to comply with the World Heritage Centre and UNESCO decisions and requests Israel to timely cooperate and facilitate the implementation of

the World Heritage Committee Decision **34 COM7A.20** which requests, inter alia, a joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls;

10. Also regrets the persistence of the Israeli archaeological excavations and works in the Old City of Jerusalem and on both sides of its Walls, and the failure of Israel to provide the World Heritage Centre with adequate and comprehensive information about its archeological activities thereon, and asks the Israeli authorities to cease such excavations and works in conformity with the UNESCO Conventions for the protection of cultural heritage;
11. Asks, in this regard, that the World Heritage Centre states in its relevant reports on the obstacles related to the provision of such information by the Israeli authorities and also requests the World Heritage Centre to play a proactive role;
12. Further requests the World Heritage Centre to apply the Reinforced Monitoring Mechanism to the Old City of Jerusalem and on both sides of its Walls, and also requests that the World Heritage Centre validates in a concrete manner the flow of information provided by the concerned parties on the ongoing activities in and around the Old City of Jerusalem and its Walls;
13. Encourages the Director-General of UNESCO to take the necessary measures, in consultation and cooperation with the concerned parties, to reactivate and reinvigorate the implementation of the short-, medium- and long-term objectives of the Action Plan, including training, education and cultural activities, and the preservation of sites and monuments of the Old City of Jerusalem and its Walls as inscribed on the World Heritage List;
14. Thanks the Director-General of UNESCO and the World Heritage Centre for steps undertaken in the implementation of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem and further requests them to report on this matter and on the state of conservation of the property at its 36th session in 2012;

**II**

15. Recalling 176 EX/Special Plenary Meeting/Decision, adopted by the Executive Board of UNESCO at its 176th session, World Heritage Committee Decision **34 COM 7A.20**, and relevant Executive Board decisions,
16. Noting the Sixth, Seventh, Eighth and Ninth Reinforced Monitoring Reports prepared by the World Heritage Centre,
17. Recognizes the concerns regarding the decision by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi Ascent and the subsequent decision by Israel's National Council for Planning and Construction to adopt "an alternative plan for the Mughrabi Ascent", approved on 31 October 2010 by the above-mentioned Commission;
18. Reaffirms, in this regard, that no measures, unilateral or otherwise, should be taken including those which may affect the authenticity and integrity of the site, in contravention with the relevant provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and of the Convention for the Protection of the World Cultural and Natural Heritage of 1972;

19. Acknowledges receipt of the Jordanian design for the restoration and preservation of the Mughrabi Ascent, submitted to the World Heritage Centre on 27 May 2011, and thanks Jordan for its cooperation, in accordance with the relevant provisions of UNESCO Conventions for the protection of cultural heritage;
20. Also reaffirms, in this regard, that the UNESCO process for the follow up of the design of the Mughrabi Ascent is to be coordinated with all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions, despite the fact that Israel is informing the World Heritage Centre with its “alternative plan for the Mughrabi Ascent”, and requests that the World Heritage Centre be proactive and follows closely, in the context of the Reinforced Monitoring Mechanism, the developments associated with this process;
21. Notes with satisfaction the access provided by Israel to the Mughrabi Ascent for Jordanian and Waqf experts on 23 May, 8 August and 28 November 2010 and reiterates its request that Israel continues the cooperation commenced with all concerned parties, in particular with Jordanian and Waqf experts;
22. Reiterates the call on the Director-General of UNESCO to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement;
23. Decides to continue applying the Reinforced Monitoring Mechanism for the state of conservation of the Mughrabi Ascent, and further requests a report from the World Heritage Centre at least every three months, until the 36th session of the World Heritage Committee in 2012;

III

24. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**



**187 EX/Decisions – Extracts**

**5 Report by the Director-General on the follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions (187 EX/5; 187 EX/54)**

**Implementation of 35 C/Resolution 49 and 186 EX/Decision 5 relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem**

The Executive Board,

1. Having examined document 187 EX/5,
2. Recalling previous UNESCO decisions, including 176 EX/Special Plenary Meeting/Decision, and the decision of the World Heritage Committee at its 34th session (Brasilia, 2010) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem,
3. Also recalling the relevant provisions on the protection of cultural heritage including in the four Geneva Conventions (1949), the relevant provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 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,
4. Reaffirming the purpose and spirit of the professional encounter at the technical level of 13 January 2008, as well as the follow-up meeting of 24 February 2008,
5. Noting the Sixth Reinforced, Seventh, Eighth and Ninth Monitoring Reports and its addendum prepared by the World Heritage Centre,
6. Recognizes the concerns raised in this regard about the decision by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi Ascent, and the subsequent decision by Israel's National Council for Planning and Construction to adopt "an alternative plan for the Mughrabi Ascent", approved on 31 October 2010 by the above-mentioned Commission;
7. Requests that, despite the decisions mentioned in paragraph 6, the process for the design of the Mughrabi Ascent be inclusive of all parties concerned, in accordance with the obligations and duties of such parties, as stipulated in the content of previous World Heritage Committee decisions;
8. Reaffirms in this regard, that no measures, unilateral or otherwise, should be taken which may affect the authenticity and integrity of the site, in accordance with the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the relevant provisions on the protection of cultural heritage of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;
9. Notes the request made by the World Heritage Committee in previous decisions, and asks, in this regard, that the Israeli authorities continue full cooperation with all concerned parties, in particular with Jordanian and Waqf experts;
10. Acknowledges receipt of the Jordanian design for the restoration and preservation of the Mughrabi Ascent, submitted to the World Heritage Centre on 27 May 2011, and

thanks Jordan for its cooperation in accordance with the relevant provisions of UNESCO conventions for the protection of cultural heritage;

11. Affirms, in this regard, that the UNESCO-initiated process for the follow-up of the design of the Mughrabi Ascent, which is aimed at proactively facilitating an accepted and monitored solution concerning the Mughrabi Ascent among all parties concerned should be coordinated with all such parties, in accordance with the spirit and content of previous World Heritage Committee decisions;

12. Acknowledges in this regard, the concerns raised regarding Israel's submission and the content of its alternative plan for the Mughrabi Ascent, referred to in paragraph 6, and requests that the World Heritage Centre be proactive and follow closely, in the context of the Reinforced Monitoring Mechanism, the developments associated with this process;

13. Notes with satisfaction the access provided by Israel to the Mughrabi Ascent for Jordanian and Waqf experts on 23 May, 8 August and 28 November 2010, and reiterates its request that Israel continues the cooperation commenced with all parties concerned, in particular with Jordanian and Waqf experts to enable agreement on, among all parties concerned, and implementation of a final design for the restoration and preservation of the Mughrabi Ascent;

14. Also notes in this regard, reports of preliminary discussions between Jordan and Israel concerning the Mughrabi Ascent, which stipulate, *inter alia*, that no measures, unilateral or otherwise, shall be taken on the site, in accordance with paragraph 8 above, and the necessity of an accepted design and implementation thereof among all parties concerned, and welcomes the recognition by the parties concerned of the need for coordination on this issue;

15. Expresses its thanks to the Director-General for the action she is taking to facilitate the dialogue and professional exchanges among all the parties concerned;

16. Reiterates the call by the Director-General to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement;

17. Invites the Director-General to submit to it a progress report on this matter at its 189th session.

**11 Jerusalem and the implementation of 35 C/Resolution 49 and 186 EX/Decision 11**

(187 EX/11; 187 EX/54)

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 following draft decision, with 35 votes in favour, 1 vote against and 20 abstentions, the United States of America having voted against; details of the vote are annexed to the summary record of the seventh plenary meeting of the Board, at which the oral report of the PX Commission was presented:

The Executive Board,

1. Having examined document 187 EX/11,
2. Recalls its previous decision 185 EX/Decision 14 concerning Jerusalem;
3. Notes that the status of Palestine is the subject of ongoing deliberations at the United Nations in New York;
4. Also notes the lack of progress in the implementation of 185 EX/Decision 14;
5. Requests the Director-General to maintain her efforts to implement the above mentioned decision;
6. Invites the Director-General to submit to it a follow-up report at its 189th session, and decides to include this item in the agenda of its 189th session.

**36th session of the General Conference, 2011**

**Resolution 36 C/43: JERUSALEM AND THE IMPLEMENTATION OF 35 C/RESOLUTION 49**

*The General Conference,*

*Recalling* 35 C/Resolution 49, as well as the provisions of the four Geneva Conventions (1949), The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in Danger, and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage,

*Affirming* that nothing in the present resolution, which is aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,

*Having examined* documents 36 C/16, 36 C/16 Add., and 36 C/16 Add.2,

1. *Expresses* its sincere thanks to the Director-General for her sustained efforts for the safeguarding of the cultural heritage of the Old City of Jerusalem, in compliance with 35 C/Resolution 49 of the General Conference, and *reiterates* its concern as to the obstacles and practices, unilateral or otherwise, affecting the preservation of the distinctive character of the Old City of Jerusalem;
2. *Thanks* international donors for their generous contributions to the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem, and *calls upon* Member States and the international donor community to further support, through extrabudgetary funding, activities aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, in particular in the context of the Action Plan;
3. *Expresses its gratitude* to the Director-General for the progress made in the implementation of conservation, restoration and training activities in the Old City of Jerusalem, in particular with regard to the development of an architectural heritage conservation institute in partnership with the Welfare Association, thanks to a financial contribution from the European Commission, the successful establishment of the Al-Aqsa Centre for the Restoration of Islamic Manuscripts in al-Ashrafiya Madrasa, and the refurbishment and revitalization of the Islamic Museum of al-Haram ash-Sharif, thanks to the generous financial contribution from the Kingdom of Saudi Arabia;
4. *Recognizes* the concerns raised about the Israeli archaeological excavations and works in the "Old City and on both sides of the walls" of the Old City of Jerusalem and its Walls;
5. *Invites* the Director-General to pursue his efforts with the parties concerned for the safeguarding of the outstanding universal value of the Old City of Jerusalem;
6. *Recalling* that this item is included in the agenda of the 189th session of the Executive Board,
7. *Invites* the Director-General to present to it at its 37th session a progress report on the implementation of the above-mentioned Action Plan, and decides to inscribe this item on the agenda of its 37th session.