

INTERNATIONAL COURT OF JUSTICE

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

**EXHIBITS TO THE WRITTEN STATEMENT OF THE
HASHEMITE KINGDOM OF JORDAN**

**VOLUME III
EXHIBITS 211-336 / PAGES 1736-2581**

25 JULY 2023



WORLD HERITAGE CENTRE

**11TH REINFORCED MONITORING REPORT
March 2012**

**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 (Decision 31 COM 7A.18). Nine Reinforced Monitoring reports concerning the Mughrabi Ascent 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, 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, a tenth Reinforced Monitoring Report was prepared in December 2011, related to both the state of conservation of the Old City and to the specific issue of the Ascent leading to the Mughrabi Gate. The Report was forwarded to the members of the World Heritage Committee and the concerned parties.

3. By letters dated 30 June 2011 and 12 September 2011, the Israeli Permanent Delegate to UNESCO indicated to the World Heritage Centre that the decision of the World Heritage Committee at its 35th session “would not affect the cooperation [of the Israeli authorities] with the World Heritage Centre, according to the previous consensus resolutions”. However, no answer has been received to the letters of 1 February, 13 April and 27 July 2011 and of 9 February 2012 addressed by the World Heritage Centre to the Israeli Permanent Delegation to UNESCO regarding the organisation of the reactive monitoring mission to Jerusalem requested by the World Heritage Committee at its 34th session.

II. Information received from the Jordanian authorities since the previous report

4. On 6 February 2012, the Permanent Delegation of Jordan addressed a letter to the World Heritage Centre, “expressing the deep disappointment of the Government of Jordan in regard to the content and language used” in the Reinforced Monitoring Report and requesting the World Heritage Centre to reflect the following information in the Report:

- “The adverse impact of intrusive excavations and tunnels digging carried out [...] and the absolute necessity that the report reflects that the World Heritage Committee recognized by consensus the concerns raised about the Israeli excavations and works in the Old City of Jerusalem and on both sides of its Walls”.
- “To request Israel to abide by UNESCO’s and World Heritage Committee’s decisions relating to the concerns raised about the Israeli excavations, especially decisions adopted by consensus, and to hold Israel accountable as per the Israeli declaration mentioned in the letter of the Permanent Delegation of Israel dated 6 October 2011”.
- “To express deep concern regarding the current situation in the Magharbeh Gate Pathway, taking into consideration the successive unilateral actions taken by Israel [...] of supporting the Temporary wooden bridge without any coordination with the Hashemite Kingdom of Jordan, UNESCO or the World Heritage Centre”.
- “To indicate the significance of the Jordanian design for the restoration and preservation of the Mughrabi Ascent” and to “indicate the recognized concerns over the Israeli scheme for the Mughrabi Ascent”.

5. In this same letter, the Government of Jordan “wishes to remind the World Heritage Centre of its duty to proactively exercise its mandate to protect the Old City of Jerusalem” and that “the World Heritage Centre should clearly state in its report to the World Heritage Committee the obstacles related to the provision of such information by Israel and the reasons for not providing it, including non-cooperation”.

6. On 17 February 2012, the Permanent Delegation of Jordan addressed a letter to the World Heritage Centre, concerning a building project by the Western Wall Foundation on the Western Wall Plaza (Al Buraq Square). In 2011, the World Heritage Centre inquired about this project and was informed that no decision had been taken in this respect. Document 35 COM 7A.22 presented at the 35th session of the World Heritage Committee states: “Further to a letter from the World Heritage Centre requesting clarifications on this plan, the Permanent Delegation of Israel informed UNESCO that ‘representation has been made to the courts concerning the validity of these proposals [...] and therefore the status of the proposals is still under debate’.” A letter was addressed on 6 March 2012 to the Israeli authorities to inquire about the current status of this project. The reply, dated 12 March 2012, confirms that “plans for the projects in the Western Wall Plaza have indeed been approved” and that “we are told that the plans are all compatible with the integrity and authenticity of the Old City of Jerusalem and its Walls”. The letter adds that “the matter will be addressed in the next report which will be submitted to the World Heritage Centre within a few weeks”.

7. By letter dated 1 March 2012, the Permanent Delegation of Jordan provided additional information concerning on-going projects “on both sides of the Walls”, as follows: (i) A visitors centre in the ‘city of David’; (ii) excavations in the Muslim cemetery of Silwan; (iii) a project on the same location to build a 5400 sq. m multi-storied building; (iv) excavations in the Umeyyad zone South of Al Aqsa Mosque; (v) works on tunnels from the courtyard of the

Buraq Palace to the courtyard of the Umeyyad Palace, South of Al Aqsa Mosque. The World Heritage Centre will also address correspondence to the Israeli authorities in order to seek information on these projects.

8. Within the framework of the preparation of the 36th session of the World Heritage Committee to take place in June 2012 in Saint-Petersburg (Russian Federation), the World Heritage Centre received on 1 February 2012 the annual report from the Jordanian authorities concerning the "State of conservation of the Old City of Jerusalem". The Israeli Permanent Delegation indicated on 17 January that, due to technical reasons, the Israeli report would not be available before mid-March 2012. These reports will be reflected within the document 36 COM 7A related to the State of conservation of properties inscribed on the List of World Heritage in Danger.

9. On 26 March 2012, the World Heritage Centre addressed letters to the Israeli and Jordanian authorities convening a technical meeting in the coming weeks with the Advisory Bodies in order to reactivate the discussion regarding the design for the Mughrabi Ascent.

III. 189th session of the Executive Board of UNESCO

10. At the 189th session of the Executive Board in February-March 2012, Decision 189EX/5 relating to the Mughrabi Ascent was adopted by consensus, reiterating the text of the decision 187EX/5, in particular affirming that "no measure, unilateral or otherwise, should be taken which will affect the authenticity and integrity of the site" and asking "that the Israeli authorities continue full cooperation with all concerned parties, in particular the Jordanian and Waqf experts". The decision also notes "reports of preliminary discussions between Jordan and Israel concerning the Mughrabi Ascent" and requested "the Director-General to organise a follow-up meeting of experts as soon as possible, once the parties concerned have reached an agreement".

11. As regards the Old City of Jerusalem, Decision 189 EX/8 was adopted after a roll-call vote. This decision reiterates the regret by the Executive Board of the lack of progress in the implementation of Decision 185 EX/14.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-ninth session

(Paris, 27 February-9 March 2012)*

189 EX/Decisions

PARIS, 9 April 2012

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 189th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.

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7 Reports by the governing bodies of UNESCO intergovernmental programmes and category 1 institutes (189 EX/7; 189 EX/INF.4; 189 EX/28)**I****Report by the Governing Board of the UNESCO Institute for Statistics (UIS) on the activities of the Institute**

The Executive Board,

1. Recalling Article V.1 (e) of the Statutes of the UNESCO Institute for Statistics (UIS) (30 C/Resolution 44) and 182 EX/Decision 19,
2. Having examined the report by the Governing Board of the UNESCO Institute for Statistics on the activities of the Institute since April 2011 (189 EX/7),
3. Takes note of the achievements of the Institute over the past months, and of the fact that their financial and administrative implications clearly fall within the parameters of document 35 C/5;
4. Invites the Director-General to continue to be guided by the recommendations made by the Governing Board of the UNESCO Institute for Statistics;
5. Invites the Governing Board of the UNESCO Institute for Statistics to report to it at its 191st session.

II**Report by the Governing Board of the UNESCO International Institute for Capacity-Building in Africa (IICBA) on programmes implemented in 2010-2011 and 2012-2013**

The Executive Board,

1. Having examined document 189 EX/INF.4,
2. Takes note of its contents.

(189 EX/SR.6)

PROGRAMME MATTERS**8 Jerusalem and the implementation of 36 C/Resolution 43 and 187 EX/Decision 11 (189 EX/8, 189 EX/28)**

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 decision, with 34 votes in favour, 1 vote against (United States of America) and 15 abstentions; details of the vote are annexed to the summary record of the sixth plenary meeting of the Executive Board (189 EX/SR.6), at which the oral report of the PX Commission was presented.

The Executive Board,

1. Having examined document 189 EX/8,

2. Welcomes the admission of Palestine as Member State of UNESCO;
3. Recalls its previous decision 185 EX/Decision 14 concerning Jerusalem and World Heritage Committee decision 34 COM 7A.20 concerning the Old City of Jerusalem and its Walls;
4. Regrets the lack of progress in the implementation of 185 EX/Decision 14 and World Heritage Committee decision 34 COM 7A.20;
5. Asks the Director-General to maintain her efforts to implement 185 EX/Decision 14 and World Heritage Committee decision 34 COM 7A.20;
6. Invites the Director-General to submit to it a follow-up report at its 190th session, and decides to include this item in the agenda of its 190th session.

(189 EX/SR.6)

9 Implementation of 187 EX/Decision 12 on “the two Palestinian sites of al-Ḥaram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāḥ Mosque/Rachel’s Tomb in Bethlehem” (189 EX/9; 189 EX/28)

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 decision, with 39 votes in favour, 1 vote against (United States of America) and 12 abstentions; details of the vote are annexed to the summary record of the sixth plenary meeting of the Executive Board (189 EX/SR.6), at which the oral report of the PX Commission was presented:

The Executive Board,

1. Having examined document 189 EX/9,
2. Welcomes the admission of Palestine as Member State of UNESCO;
3. Reaffirms its previous decision 185 EX/Decision 15 concerning “the two Palestinian sites of al-Ḥaram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāḥ Mosque/Rachel’s Tomb in Bethlehem”;
4. Decides to include this item in the agenda of its 190th session.

(189 EX/SR.6)

Institutes and centres

10 Category 2 institutes and centres (189 EX/INF.5)

The Executive Board,

1. Having examined document 189 EX/INF.5,
2. Takes note of its contents.

(189 EX/SR.7)

World Heritage Convention

World Heritage Convention Resolutions / Decisions 36 COM 7A.23.II

Decision

Search resolutions / decisions



Filter

Decision 36 COM 7A.23.II

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev) – The Mughrabi Ascent

1. Having examined Document WHC-12/36.COM/7A.Add,
2. Recalling previous UNESCO decisions, including 176 EX/Special Plenary Meeting/Decision, Decision **34 COM 7A.20** of the World Heritage Committee adopted at its 34th session (Brasilia, 2010), and 187 EX/Decision 5 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 recommendations, resolutions and decisions of UNESCO,
4. Reaffirming the purpose and spirit of the professional encounter at the technical level on 13 January 2008, as well as the follow-up meeting on 24 February 2008,
5. Noting the Sixth, Seventh, Eighth, and Ninth and its Addendum, Tenth and Eleventh Reinforced Monitoring Reports 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 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 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 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;

Decision Code
36 COM 7A.23.II

Themes
Communication, Conservation,
Reinforced Monitoring

Properties ¹
[Old City of Jerusalem and its Walls](#)

Session
[36th session of the World Heritage Committee \(36.COM\)](#)

Year
2012

State of conservation reports
[2012 Old City of Jerusalem and its Walls](#)

← Prev.

Next →

9. Notes the request made by the World Heritage Committee in previous decisions, and requests, in this regard, the Israeli authorities to continue 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 follow-up to the design of the Mughrabi Ascent, which aims at proactively facilitating an accepted and monitored solution concerning the Mughrabi Ascent among all parties concerned, 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 content of its plan for the Mughrabi Ascent, referred to in paragraph 6, and requests the World Heritage Centre to 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 cooperation commenced with all parties concerned, in particular with Jordanian and Waqf experts to enable agreement on, and implementation of, a final design for the restoration and preservation of the Mughrabi Ascent among all parties concerned;
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 reiterates in this regard, the need for the parties concerned to coordinate and cooperate on all related aspects of this issue;
15. Encourages the Director-General to facilitate coordinated action and professional exchanges between all the parties concerned;
16. Decides to continue applying the Reinforced monitoring mechanism for the state of conservation of the Mughrabi Ascent and also requests a report from the World Heritage Centre every four months, until the 37th session of the World Heritage Committee in 2013.

Documents

[WHC-12/36.COM/19](#)

Decisions adopted by the World Heritage Committee at its 36th session (Saint-Petersburg, 2012)

Context of Decision

[WHC-12/36.COM/7A.Add](#)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and ninetieth session

(Paris, 3-18 October 2012)*

190 EX/Decisions

PARIS, 18 November 2012

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 190th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.

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12 Preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument concerning heritage preservation and sustainable development of tourism (190 EX/12; 190 EX/55)

The Executive Board,

1. Having examined document 190 EX/12, and recalling document 186 EX/20, presenting a preliminary study on the technical and legal aspects of the advisability of regulating internationally, through a new standard-setting instrument, the question of heritage preservation and the sustainable development of tourism,
2. Noting Decision 34 COM 5F.2 adopted by the World Heritage Committee at its 34th session (Brasilia, 2010), in which the World Heritage Committee invited the Director-General of UNESCO “to consider the feasibility of a recommendation on the relationship between heritage conservation and sustainable tourism”,
3. Recalling 187 EX/Decision 23, in which the Board decided to postpone its final decision on the desirability of this proposal until its 190th session, in order that further consultations among the Member States might take place,
4. Also noting Decision 36 COM 5E adopted by the World Heritage Committee at its 36th session (Saint Petersburg, 2012) on the adoption of the new World Heritage and Sustainable Tourism programme,
5. Notes with regret the lack of financial resources for the coordination and implementation of the World Heritage and Sustainable Tourism programme;
6. Recommends that the Director-General utilize existing legal instruments and programmes to strengthen the relationship between heritage preservation and sustainable development of tourism.

(190 EX/SR.7)

13 Jerusalem and the implementation of 36 C/Resolution 43 and 189 EX/Decision 8 (190 EX/13; 190 EX/54 Part II Rev.)

The Executive Board decided, upon the recommendation² of the Programme and External Relations Commission, that the debate on this item be adjourned to its 191st session, and that the draft decision contained in document 190 EX/PX/DR.6 be annexed to the present decision.

(190 EX/SR.8)

²

After a roll-call vote of 28 votes in favour, 23 votes against and 4 abstentions,
the following States having voted for the adjournment of the debate: Austria, Belarus, Belgium, Brazil, China, Czech Republic, Denmark, Grenada, Haiti, Italy, Japan, Kazakhstan, Kenya, Malawi, Mexico, Monaco, Montenegro, Republic of Korea, Russian Federation, Saint Lucia, Slovakia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan and Venezuela (Bolivarian Republic of).
the following States having voted against: Afghanistan, Algeria, Bangladesh, Burkina Faso, Congo, Cuba, Djibouti, Egypt, Ecuador, France, Gambia, Ghana, India, Indonesia, Mali, Namibia, Nigeria, Pakistan, Peru, Saudi Arabia, Tunisia, United Arab Emirates and Zimbabwe.
Abstentions: Angola, Gabon, Thailand and Viet Nam.
Absent: Barbados, Ethiopia and Papua New Guinea.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and ninetieth session

190 EX/PX/DR.6
PARIS, 15 October 2012
Original: English

.....
PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 13 Jerusalem and the implementation of 36 C/Resolution 43 and 189 EX/Decision 8

DRAFT DECISION

Submitted by: Algeria, Egypt, Saudi Arabia, Tunisia and United Arab Emirates

The Executive Board,

1. Having examined document 190 EX/13,
2. Recalling resolutions and decisions of UNESCO on Jerusalem, as well as the provisions of the four Geneva Conventions (1949) and their additional Protocols, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. 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,
4. Deplores the ongoing Israeli practices and the Israeli settlers incursions in East Jerusalem, that dangerously and irreversibly affect the city's distinctive character, both religious and cultural, historical and demographical, and urges the Israeli Authorities to take the necessary measures to prevent these abuses;
5. Affirms in this regards that the integrity and authenticity of East Jerusalem must be protected;
6. Notes with deep concern the absence of progress in the implementation of its previous 185 EX/Decision 14 concerning this item, and reiterates its request to the Director-General to appoint, as soon as possible, a 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;
7. Reaffirms the requirement to promptly and fully implement the above-referenced decision and resolution, and urges the Israeli authorities to facilitate its implementation in conformity with its adherence to UNESCO decisions and conventions;
8. Asks the Director-General to maintain her efforts to implement the above mentioned decision and resolution;
9. Decides to include this item on the agenda of the 191st session of the Executive Board and invites the Director-General to submit to it a progress thereon.

**WORLD HERITAGE CENTRE****12th REINFORCED MONITORING REPORT
February 2013****WORLD HERITAGE SITE OF THE OLD CITY OF JERUSALEM AND ITS WALLS
(INCLUDING THE ASCENT TO THE MUGHRABI GATE)**

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 (Decision 31 COM 7A.18). Nine Reinforced Monitoring reports concerning the Mughrabi Ascent 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 35 COM 7A.22, 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, two additional Reinforced Monitoring Reports, related to the state of conservation of the Old City as well as to the specific issue of the Ascent leading to the Mughrabi Gate, were prepared in December 2011 and March 2012.
3. At the 36th session of the World Heritage Committee (Saint Petersburg, Russian Federation, 24 June – 6 July 2012), a report summarizing information received from both the Israeli and the Jordanian authorities regarding the works undertaken in and around the Old City of Jerusalem, including the issue of the Mughrabi Ascent, was presented. Upon request from the Jordanian authorities, the decision was split into two, leading to decisions 36 COM 7A.23.I (Old City of Jerusalem) and 36 COM 7A.23.II (Mughrabi Ascent), which were adopted without debate. Therein, the World Heritage Committee notably reiterated its demand, expressed at its 34th and 35th sessions, that a joint UNESCO/ICCROM/ICOMOS reactive monitoring mission be dispatched to Jerusalem. It should be recalled that, to this end, the World Heritage Centre had addressed letters to the Permanent Delegation of Israel to UNESCO on 1 February, 13 April and 27 July 2011 and on 9 February 2012, requesting agreement for the mission and comments on the draft terms of reference. To date no response has been received.

4. At its 190th session (October 2012), following a roll-call vote in the Programme and External Relations Commission of 28 votes in favour, 23 votes against and 4 abstentions, the Executive Board adopted Decisions 190 EX/5 (II) and 190 EX/13, by which it adjourned the debate on these items to the 191st session.

5 Concerning building projects and activities undertaken by the Israeli authorities on the Western Wall Plaza, the World Heritage Centre had sent letters to the Permanent Delegation of Israel to UNESCO on 1 December 2010, 13 April 2011 and 6 March 2012 asking for detailed information and plans. On 12 March 2012, the World Heritage Centre received a response stating that the Israeli authorities considered that “the plans [for these projects] are all compatible with the integrity and authenticity of the Old City of Jerusalem as a World Heritage site”. This response did not include the detailed information requested by the World Heritage Centre.

6. Following the examination of the annual Conservation Report submitted by the Israeli authorities for the 36th session of the World Heritage Committee, which referred to a series of projects within the Old City or in its close vicinity, the World Heritage Centre addressed two letters on 5 April and 2 August 2012 requesting more specific information, as foreseen in paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*. The Permanent Delegation of Israel to UNESCO responded on 22 August 2012 stating that “the Israeli authorities have no further information or any reason to add to the most recent Old City of Jerusalem and its Walls State of Conservation Report, sent to the World Heritage Centre in March 2012”.

7. A note verbale from the Permanent Delegation of Jordan to UNESCO, dated 9 October 2012, informed UNESCO that the Israeli authorities had resumed work on the Mughrabi Ascent since 22 May 2012, including “extensive concrete pouring using concrete mixing trucks [...], demolishing Islamic walls and a room without ascertaining of its historical value without any coordination with Jordanian Waqf experts [...], leveling of different areas of the Ascent in a manner that adversely affects its structure, dismantling of historic building stones and transferring the historical remains from the site to an unknown destination”, thus disregarding previous decisions of the Executive Board and of the World Heritage Committee requesting that “no measures, unilateral or otherwise, shall be taken on the site”. The note verbale highlights the great concern of the Government of Jordan relating to these actions “which have adversely altered the site’s characteristics, integrity, authenticity and Islamic cultural heritage” and which “hinder the efforts to finally settle the Mughrabi Gate Pathway dispute in a manner consistent with UNESCO’s consensus decisions and acceptable by all relevant parties”.

8. On 4 February 2013, the Permanent Delegation of Jordan addressed a similar note verbale on regarding the Mughrabi Ascent, adding that “the Jordanian Waqf Department in Jerusalem reported on numerous occasions, and most recently on 23 January 2013, Israeli extensive work on the Ascent [...] and that around 20 Israeli workers are currently removing the mass of the Ascent and it is clearly evident that wide portion of the Ascent has been leveled to the adjacent area”. The note reflects the concerns of the Jordanian Government “that the Israeli unilateral works may aim to lay the foundations for unilaterally erecting a permanent bridge”. An additional note verbale dated 14 February was received by UNESCO reiterating the concern of the Jordanian authorities over the on-going work at the site.

9. Two letters from the Palestinian Permanent Delegation dated 10 and 12 December 2012, informed the World Heritage Centre of work undertaken or foreseen by the Israeli authorities inside or in the close vicinity of the Old City, as follows:

- a) construction at the so-called “Givati Parking”, across the Southern Wall, of a monumental building of four storeys and 9,000 square metres, whose height would reach that of the Old City Walls, thus having a considerable visual impact;
- b) development and infrastructure work from Damascus Gate to the Western Wall, entailing archaeological excavation and including a tunnel under the Old City;
- c) continuation of the archaeological excavations and digging of a tunnel under the village of Silwan, adjacent to the Old City, thus constituting a network of tunnels between Silwan and the Damascus Gate.

At the time of the drafting of this document, no response has been received to the World Heritage Centre’s letter dated 25 January 2013 to the Permanent Delegation of Israel to UNESCO requesting information on this matter.

10. On 14 February 2013, UNESCO received an additional note verbale from the Permanent Delegation of Jordan and a letter from the Permanent Delegation of Palestine concerning the destruction of historic buildings on the Western Wall Plaza and new construction projects thereon by the Israeli authorities. The World Heritage Centre is addressing a request for information to the Permanent Delegation of Israel in this respect.

11. On 25 January 2013, the Director-General of UNESCO was contacted by the Permanent Delegation of Turkey to UNESCO regarding alleged damage to the ancient Ottoman tiles surrounding the “Tomb of David”, on Mount Zion, just outside the Old City Walls. On 29 January 2013, the World Heritage Centre addressed a letter to the Israeli authorities requesting information on this matter. On 8 February, the Permanent Delegation of Palestine to UNESCO also addressed a letter to the Director-General on this matter.

12. In preparation of the 37th session of the World Heritage Committee to take place in June 2013 in Phnom Penh (Cambodia), the World Heritage Centre is expecting to receive annual reports from the Israeli, Jordanian and Palestinian authorities concerning the “State of conservation of the Old City of Jerusalem”. These reports will be reflected within the document 37 COM 7A related to the state of conservation of properties inscribed on the List of World Heritage in Danger.

World Heritage Convention

World Heritage Convention Resolutions / Decisions 37 COM 7A.26

Decision

Search resolutions / decisions



Filter

Decision 37 COM 7A.26

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

1. Having examined Document WHC-13/ 37.COM/7A.Add 2,
2. 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 and its related protocols, 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, including Decision 36 COM 7A.23 (I), adopted at its 36th session (Saint Petersburg, 2012),
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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,
4. Deplores the continued Israeli failure to cooperate and facilitate the implementation of the World Heritage Committee Decision 34 COM 7A.20, which requests a joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls and despite its own letter to the Director General of UNESCO dated 23 April 2013 accepting the Mission as reflected in the agreement reached at the 49th session of the Executive Board and as stipulated in the Executive Board 191 EX/Decision 9, asks Israel to refrain from any new preconditions in order not to obstruct the implementation of the above mentioned agreement;
5. Deeply deplores the persistence of Israeli archaeological excavations and works in the Old City of Jerusalem and on both sides of its Walls and the failure of Israel to cease such works, requests the Israeli authorities to prohibit all such excavations and works, in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, and as clearly stated in the Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories;

Decision Code
37 COM 7A.26

Themes

Conservation, List of World Heritage in Danger

Properties ⁽¹⁾

[Old City of Jerusalem and its Walls](#)

Sessions

[37th session of the World Heritage Committee \(37.COM\)](#)

Year

2013

State of conservation reports

[2013 Old City of Jerusalem and its Walls](#)

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Next →

6. Reiterates the necessity of cooperation to facilitate access to the Old City of Jerusalem and both sides of its Walls, including religious heritage sites therein, in the context of the UNESCO Conventions for the protection of the cultural heritage, and expresses its concern regarding the restricting obstacles imposed by the Israeli authorities on the freedom of access provided to Jordanian and Waqf experts to safeguard such sites;
7. Also deplors in this regard, the damaging effect of the Jerusalem Light rail (tram line), itinerant at ~~fe~~ters from the Walls of the Old City of Jerusalem, which severely affects the visual integrity and the authentic character of the site and urges Israel to restore the original character of the site in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972 as well as the 2011 UNESCO Recommendation concerning the Historic Urban Landscape;
8. Regrets the Jerusalem Municipality plan to build a two-line cable car system to connect the Mughrabi Quarter with the Mount of Olives in East Jerusalem, and also urges Israel to prevent any damage to the integrity and authenticity of the property by abandoning the above mentioned project in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972;
9. Also regrets the decision of the Jerusalem District Planning and Building Committee, that approved the construction of a visitor centre on the Givati Parking lot in Silwan at a distance of twenty meters from the Walls of the Old City as well as its approval of the so called "Liba House" project, a huge structure of three storeys and approximately 3700 square meters in the Old City of Jerusalem, the extension of the Strauss Building and the Western Wall elevator, and further urges Israel to renounce to the above mentioned projects in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972;
10. Requests the World Heritage Centre to continue applying the Reinforced Monitoring Mechanism to the Old City of Jerusalem on both sides of its Walls, including the Mughrabi Ascent, and requests to report every four months on this matter;
11. Thanks the international donors for their generous contributions to UNESCO projects for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its Walls and supports the international donor community to further support, through extra-budgetary funding, activities aimed at the safeguarding of the integrity and authenticity of the Old City of Jerusalem and both sides of its walls;
12. Also thanks the Director-General of UNESCO and the World Heritage Centre for their efforts aimed at the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its walls and invites them to report on this matter at the 38th session of the World Heritage Committee in 2014;
- II**
13. Recalling 176 EX/Special Plenary Meeting Decision, and Executive Board 189 EX/ Decision 5 (II) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem,
14. Taking into consideration the 12th and all previous Reinforced Monitoring Reports and their addenda prepared by the World Heritage Centre,
15. Expresses its concern 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;

16. Request that, despite the decisions mentioned in paragraph 15, the design process of the Mughrabi Ascent be inclusive of, and accepted by, all parties concerned in accordance with obligations and duties of such parties as stipulated in the provisions of the relevant UNESCO Conventions on the protection of Cultural Heritage;

17. Reaffirms in this regard that no measures, unilateral or otherwise, shall be taken which will affect the authenticity, integrity and the distinctive character of the site, in accordance with the relevant provisions of the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

18. Also notes in this regard reports of preliminary discussions reached by Jordan and Israel respectively regarding the Mughrabi Ascent which stipulate that no measures, unilateral or otherwise, shall be taken on the site in accordance with paragraph 17 above;

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, thanks Jordan for its cooperation in accordance with the provisions of the relevant UNESCO Conventions for the Protection of Cultural Heritage;

20. Expresses its concern regarding Israel's submission and content of its plan for the Mughrabi Ascent, requests that the World Heritage Centre be proactive in the evaluation of the design received in accordance with above paragraph 19;

21. Reiterates in this regard, the need for the parties concerned to cooperate on all related aspects of this issue regrets Israel's refusal to fulfil World Heritage Committee Decision 36 COM 7A.23.II, Executive Board 191 EX/Decision 5 (I) and related UNESCO Resolutions and Decisions;

22. Expresses its concern regarding the continuous, intrusive archaeological demolitions and excavations in and around the Mughrabi Gate Ascent since 22 May 2012, calls on the Israeli authorities to end such violations, respect the Status Quo, and cooperate with Jordanian and Waqf experts as the competent authorities to maintain and safeguard the site in accordance with the relevant provisions of the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

23. Further regrets Israeli religious-extremist groups' provocative incursions into Al-Aqsa Mosque Compound through the Mughrabi Gate calls on the Israeli authorities to take the necessary measures to prevent such abuses that violate the sanctity and integrity of the Compound and inflame tension on the ground;

24. Affirms, in this regard, the necessity to respect and safeguard the integrity, authenticity and cultural heritage of Al-Aqsa Mosque Compound, as reflected in the Status Quo as a holy place for Muslim worship and as an integral part of a World Cultural Heritage site;

25. Thanks the Director-General for her attention to the sensitive situation in the Ascent and calls upon her to consult with the concerned parties on the dispatch of the necessary expertise to assess possible damages incurred to the site through the conduct of recent Israeli demolitions as referenced in the 12th Reinforced Monitoring Report prepared by the World Heritage Centre and above paragraph 22;

III

Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.

Documents

[WHC-13/37.COM/20](#)

Decisions Adopted by the World Heritage Committee at its 37th Session (Phnom Penh, 2013)

Context of Decision

[WHC-13/37.COM/7A.Add.2](#)

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United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-second session

(Paris, 23 September – 11 October 2013)*

192 EX/Decisions

PARIS, 13 January 2014

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 192nd SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.

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- (a) potential changes to the current proposal by the working group, which would address the concerns raised by the Director-General in document 192 EX/9, including possible alternatives to the creation of a category V advisory body;
 - (b) the role of existing and future Geoparks partners under an initiative, including the International Union of Geological Sciences (IUGS) as well as other relevant partners;
 - (c) a closer relationship between the Global Geoparks Network and relevant UNESCO programmes, such as the Man and Biosphere (MAB) Programme and the International Geosciences Programme (IGCP) may be fostered under a global geoparks initiative;
9. Also requests the Director-General to report to it at its 194th session on the conclusions of the working group.

(192 EX/SR.9)

10 Preliminary study on the technical and legal aspects relating to the desirability of revising the 1974 Recommendation on the Status of Scientific Researchers (192 EX/10; 192 EX/47)

The Executive Board,

1. Recalling 189 EX/Decision 13 (III), and 190 EX/Decision 24 (IV),
2. Considering Article 10 of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution,
3. Having examined the preliminary study of the technical and legal aspects of revising the 1974 Recommendation on the Status of Scientific Researchers adopted by the General Conference at its 18th session (document 192 EX/10),
4. Decides to inscribe the following item on the provisional agenda of the 37th session of the General Conference: "Revision of the Recommendation on the Status of Scientific Researchers, adopted by the General Conference at its 18th session in 1974".

(192 EX/SR.9)

11 Jerusalem and the implementation of 36 C/Resolution 43 and 191 EX/Decision 9²
(192 EX/11; 192 EX/47)

The Executive Board,

1. Having examined document 192 EX/11,

² The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 38 votes in favour, 1 vote against and 16 abstentions:

In favour: Afghanistan, Algeria, Angola, Austria, Bangladesh, Belarus, Brazil, Burkina Faso, China, Congo, Cuba, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, France, Gabon, Gambia, Grenada, India, Indonesia, Kazakhstan, Mali, Mexico, Namibia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Syrian Arab Republic, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe.

Against: United States of America.

Abstentions: Belgium, Czech Republic, Italy, Japan, Kenya, Malawi, Monaco, Montenegro, Papua New Guinea, Republic of Korea, Saint Lucia, Spain, Slovakia, the former Yugoslav Republic of Macedonia, Thailand, United Kingdom

Absent: Barbados, Ghana, Haiti.

2. Recalling resolutions and decisions of UNESCO on Jerusalem, as well as the provisions of the four Geneva Conventions (1949) and their Additional Protocols, the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Affirming that nothing in the present decision, which is aimed at the safeguarding of the distinctive character 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,
4. Regrets the absence of progress in the implementation of previous UNESCO decisions concerning Jerusalem, particularly 185 EX/Decision 14, and reiterates its request to the Director-General to appoint, as soon as possible, a permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering all UNESCO fields of competence in the City of East Jerusalem;
5. Reaffirms the requirement to implement promptly and fully the above-mentioned decisions, and urges the Israeli authorities to facilitate their implementation, in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
6. Deplores the failure of Israel to cease its persistent excavations and works in East Jerusalem, and reiterates its request to the Israeli authorities to prohibit all such works, in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
7. Also deplores the continuous Israeli unilateral measures and practices, as well as the settlers' incursions in East Jerusalem, which dangerously and irreversibly affect the city's distinctive religious, cultural, historical and demographic character, and urges the Israeli authorities to take the necessary measures to end these abuses;
8. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem, and asks her to maintain and reinvigorate such efforts;
9. Decides to include this item in the agenda of the 194th session of the Executive Board and invites the Director-General to submit to it a progress report thereon.

(192 EX/SR.9)

12 Implementation of 191 EX/Decision 10 on “The two Palestinian sites of al-Ḥaram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāḥ Mosque/Rachel’s Tomb in Bethlehem”³ (192 EX/12; 192 EX/47)

The Executive Board,

³ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 43 votes in favour, 1 vote against and 12 abstentions:
In favour: Afghanistan, Algeria, Angola, Austria, Bangladesh, Belarus, Belgium, Brazil, Burkina Faso, China, Congo, Cuba, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, France, Gabon, Gambia, Ghana, Grenada, India, Indonesia, Kazakhstan, Malawi, Mali, Mexico, Namibia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Slovakia, Spain, Syrian Arab Republic, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe.
Against: United States of America.
Abstentions: Czech Republic, Italy, Japan, Kenya, Monaco, Montenegro, Papua New Guinea, Republic of Korea, Saint Lucia, the former Yugoslav Republic of Macedonia, Thailand, United Kingdom.
Absent: Barbados, Haiti.



WORLD HERITAGE CENTRE

**13th REINFORCED MONITORING REPORT¹
March 2014**

**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 (Decision 31 COM 7A.18). Nine Reinforced Monitoring reports concerning the Mughrabi Ascent 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, 2011), by its Decision 35 COM 7A.22, 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, two additional Reinforced Monitoring Reports, related to the state of conservation of the Old City, as well as to the specific issue of the Ascent leading to the Mughrabi Gate, were prepared in December 2011 and March 2012.

3. At the 36th session of the World Heritage Committee (Saint Petersburg, 2012), a report summarizing information received from both the Israeli and the Jordanian authorities, regarding the works undertaken in and around the Old City of Jerusalem, including the issue of the Mughrabi Ascent, was presented. Upon request from the Jordanian authorities, the decision was split into two, leading to Decisions 36 COM 7A.23.I (Old City of Jerusalem) and 36 COM 7A.23.II (Mughrabi Ascent), which were adopted without debate. Therein, the World Heritage Committee notably reiterated its demand, expressed at its 34th and 35th

¹ The dispatch of the present report awaited the outcome of the joint UNESCO/ICOMOS/ICCROM reactive monitoring mission, and subsequent to its cancellation, the Decisions of the 192nd Executive Board and 37th General Conference.

sessions, that a joint UNESCO/ICCROM/ICOMOS reactive monitoring mission be dispatched to the Old City of Jerusalem. It should be recalled that, to this end, the World Heritage Centre had addressed letters to the Permanent Delegation of Israel to UNESCO on 1 February, 13 April and 27 July 2011 and on 9 February 2012, requesting agreement for the mission and comments on the draft terms of reference. At the time of dispatching the February 2012 Reinforced Monitoring report, no response had been received.

4. At its 190th session (October 2012), following a roll-call vote in the Programme and External Relations Commission of 28 votes in favour, 23 votes against and 4 abstentions, the Executive Board adopted Decision 190 EX/5 (II) and Decision 190 EX/13, by which it adjourned the debate on these items to the 191th session.

5. Concerning building projects and activities undertaken by the Israeli authorities on the Western Wall Plaza, the World Heritage Centre had sent letters to the Permanent Delegation of Israel to UNESCO on 1 December 2010, 13 April 2011 and 6 March 2012 asking for detailed information and plans. On 12 March 2012, the World Heritage Centre received a response stating that the Israeli authorities considered that "the plans [for these projects] are all compatible with the integrity and authenticity of the Old City of Jerusalem as a World Heritage site". This response did not include the detailed information requested by the World Heritage Centre.

6. Following the examination of the annual Conservation Report submitted by the Israeli authorities for the 36th session of the World Heritage Committee, which referred to a series of projects within the Old City or in its close vicinity, the World Heritage Centre addressed two letters on 5 April and 2 August 2012 requesting more specific information, as foreseen in paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*. The Permanent Delegation of Israel to UNESCO responded on 22 August 2012 stating that "the Israeli authorities have no further information or any reason to add to the most recent Old City of Jerusalem and its Walls State of Conservation Report, sent to the World Heritage Centre in March 2012".

7. A note verbale from the Permanent Delegation of the Hashemite Kingdom of Jordan to UNESCO, dated 9 October 2012, informed UNESCO that the Israeli authorities had resumed work on the Mughrabi Ascent since 22 May 2012, including "extensive concrete pouring using concrete mixing trucks [...], demolishing Islamic walls and a room without ascertaining of its historical value without any coordination with Jordanian Waqf experts [...], leveling of different areas of the Ascent in a manner that adversely affects its structure, dismantling of historic building stones and transferring the historical remains from the site to an unknown destination", thus disregarding previous decisions of the Executive Board and of the World Heritage Committee requesting that "no measures, unilateral or otherwise, shall be taken on the site". The note verbale highlights the great concern of the Government of Jordan relating to these actions "which have adversely altered the site's characteristics, integrity, authenticity and Islamic cultural heritage" and which "hinder the efforts to finally settle the Mughrabi Gate Pathway dispute in a manner consistent with UNESCO's consensus decisions and acceptable by all relevant parties".

8. On 4 February 2013, the Permanent Delegation of Jordan to UNESCO addressed a note verbale on the Mughrabi Ascent, adding that "the Jordanian Waqf Department in Jerusalem reported on numerous occasions, and most recently on 23 January 2013, Israeli

extensive work on the Ascent [...] and that around 20 Israeli workers are currently removing the mass of the Ascent and it is clearly evident that wide portion of the Ascent has been leveled to the adjacent area". This note reflects the concerns of the Jordanian Government "that the Israeli unilateral works may aim to lay the foundations for unilaterally erecting a permanent bridge". An additional note verbale dated 14 February 2013 was received by UNESCO reiterating the concern of the Jordanian authorities over the on-going work at the site.

9. Two letters from the Palestinian Permanent Delegation dated 10 and 12 December 2012, informed the World Heritage Centre of work undertaken or foreseen by the Israeli authorities inside or in close vicinity of the Old City, as follows:

- a) construction of the so-called "Givati Parking", across the Southern Wall, a monumental building of four storeys and 9,000 square metres, whose height would reach that of the Old City Walls, thus having a considerable visual impact;
- b) development and infrastructure work from Damascus Gate to the Western Wall, entailing archaeological excavation and including a tunnel under the Old City;
- c) continuation of the archaeological excavations and digging of a tunnel under the village of Silwan, adjacent to the Old City, thus constituting a network of tunnels between Silwan and the Damascus Gate.

At the time of the drafting of this document, no response has been received to the Secretariat's letters dated 25 January and 23 April 2013 to the Israeli Permanent Delegation requesting information on this matter.

10. On 14 February 2013, UNESCO received an additional note verbale from the Permanent Delegation of the Hashemite Kingdom of Jordan and a letter from the Permanent Delegation of Palestine concerning the destruction of historic buildings on the Western Wall Plaza and new construction projects thereon by the Israeli authorities. The World Heritage Centre has addressed a request for information to the Permanent Delegation of Israel in this respect.

At the time of the drafting of this document, no response has been received to the Secretariat's letter thereon.

11. On 25 January 2013, the Director-General was contacted by the Turkish Permanent Delegation regarding alleged damage to the ancient Ottoman tiles surrounding the "Tomb of David", on Mount Zion, just outside the Old City Walls. On 29 January 2013, the Secretariat addressed a letter to the Israeli authorities requesting information on this matter. On 8 February 2013, the Permanent Delegation of Palestine also addressed a letter to the Director-General on this matter.

12. In preparation of the 37th session of the World Heritage Committee, which took place in June 2013 in Phnom Penh (Cambodia), the World Heritage Centre received annual reports from the Israeli and the Jordanian authorities concerning the "State of conservation of the Old City of Jerusalem". These reports have been reflected within the document WHC-13/37 COM/7A.Add2 related to the state of conservation of properties inscribed on the List of World Heritage in Danger.

13. The World Heritage Centre sent a letter to the Permanent Delegation of Israel on 7 March 2013 expressing concern over the demolition of buildings in the northwest corner of the Western Wall Plaza reported upon in the media.

At the time of the drafting of this document, no response has been received to the Secretariat's letter thereon.

14. The Permanent Delegation of the Hashemite Kingdom of Jordan sent a letter dated 2 April 2013 reporting activities at the Mughrabi Ascent that had not been reported upon by Israel in the State of Conservation Report sent for the 37th session of the World Heritage Committee.

15. Following receipt of the Israeli State of Conservation Report, the World Heritage Centre wrote to the Israeli Permanent Delegation on 23 April 2013 asking for clarifications on the following issues that could have an impact on the authenticity and integrity of the property:

- details on the projects foreseen or ongoing in or around the Western Wall Plaza, in particular for the Strauss building, the Liba House, an elevator at the Western Wall, and the Davidson Centre;
- the plan to build a gate commemorating the Armenian Genocide in front of the Armenian Patriarchate, expanding the Austrian hospice and the Gloria Hotel;
- the reconstruction plan of the Tifferet Israel synagogue which has been approved by the regional planning committee;
- the repeated requests by the World Heritage Centre concerning the large complex being built at the so-called Givati parking area outside the City walls, and which will have a visual impact on the integrity of the Old City.

At the time of the drafting of this document, no response has been received to the Secretariat's letter thereon.

16. At its 191st session (April 2013), the Executive Board adopted in the Programme and External Relations Commission (PX) by consensus two decisions in relation with Jerusalem, 191 EX/5 *Implementation of 36 C/Resolution 43 and 190 EX/Decision 5 (II) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem*, and 191 EX/9 *Jerusalem and the implementation of 36 C/Resolution 43 and 190 EX/Decision 13* (see Annex 3) by which they include the items in the agenda of its 192nd session, and invite the Director-General to submit follow-up reports thereon.

17. The World Heritage Centre sent a letter to the Israeli Permanent Delegation on 4 June 2013 in relation with the "Formula Jerusalem – the Peace Road Show" programmed on 13-14 June 2013 and its potential impact on the stability of the Walls of the Old City of Jerusalem. The Israeli Permanent Delegation replied by reassuring the World Heritage Centre that the road foreseen for the event "included the protection of the walls of the Old City of Jerusalem".

18. At its 37th session (Phnom Penh, 2013), the World Heritage Committee examined the working document and the related Draft Decision **37 COM 7A.26** (see Annex 1) concerning the Old City of Jerusalem and its Walls. However, no consensus could be

reached and a Draft Decision submitted by several members of the Committee was adopted after a roll-call vote.

19. At the closing of the 37th session of the World Heritage Committee, the Chairperson H.E. Mr Sok An made a statement concerning the reactive monitoring mission to Jerusalem and encouraged all parties to implement the decisions taken by the World Heritage Committee. This statement was later presented to the Executive Board by the Chairperson of the Executive Board, Ms Alissandra Cummins.

20. The Chairperson of the Executive Board convened a special Bureau meeting on 7 and 8 March 2013, which, in particular, asked the Director-General to concentrate her efforts in persuading the concerned parties to accept the dispatch of the joint UNESCO/ICCROM/ICOMOS reactive monitoring mission requested by the World Heritage Committee in 2010 at its 34th session. Moreover, it should be noted that Decision 191 EX/9 acknowledged the commitment of the parties concerned to implement the World Heritage Committee's Decision 34 COM 7A.20 (Brasilia consensus decision) by requesting the sending of a joint UNESCO/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls.

However, no agreement was reached amongst the parties concerned on the Terms of Reference of the mission. It was therefore postponed.

21. Concerning the Mughrabi Ascent, a consensus had been reached at the 191st session of the Board between the parties concerned to hold an expert meeting in May 2013, as noted in Decision 191 EX/5 (recalling Decision 34 COM 7A.20 of the World Heritage Committee in Brasilia). The meeting was scheduled to be held at the World Heritage Centre on 27 May 2013 and the Jordanian and Palestinian authorities had designated their experts. However, due to the absence of an agreement on the Terms of Reference of the mission to Jerusalem, the Israeli authorities considered that the meeting was premature.

22. Following the cancellation of the mission, the Director-General sent a letter to the Permanent Delegations of Israel, Palestine and Jordan on 31 May 2013, expressing her "disappointment at the failure of the parties concerned to come to an agreement on the Terms of Reference of the joint UNESCO/ICCROM/ICOMOS reactive monitoring mission" to the Old City of Jerusalem.

23. Two letters from the Palestinian Permanent Delegation dated 14 February and 4 September 2013 informed the Director-General of works undertaken or foreseen by the Israeli authorities inside or in the close vicinity of the Old City, as follows:

- A letter on 14 February 2013 on the demolition of ancient Islamic structures in the Western Wall plaza in view of new construction works, which were already reported upon at the 36th session of the World Heritage Committee (WHC-12/36.COM/7A.Add). At the time of the drafting of this document, no response has been received from the Permanent Delegation of Israel to the Secretariat's letter thereon.
- A letter on 4 September 2013 reporting the construction by Israel of a platform by the Western Wall – Haet Al Buraq that would hinder the authenticity and integrity of the World Heritage property. At the time of the drafting of this document, no

response has been received from the Permanent Delegation of Israel to the Secretariat's letter thereon.

24. In addition, a letter from the Palestinian Permanent Delegation dated 24 May 2013 reported to the Director-General on actions against Christian priests and pilgrims during the Orthodox Easter at the Holy Sepulchre in the Old City of Jerusalem. At the time of the drafting of this document, no response has been received from the Permanent Delegation of Israel to the Secretariat's letter thereon.

25. A Note Verbale from the Palestinian Permanent Delegation sent on 6 June 2013 transmitted to the Director-General a document entitled "Robbery in daylight, land and archaeology", which reports also on the state of conservation of the Old City of Jerusalem and its Walls.

26. The Permanent Delegation of Palestine and the Permanent Delegation of the Hashemite Kingdom of Jordan sent respectively a letter on 27 May 2013, and a Note Verbale on 8 July 2013 with regard to the reported Israeli plan to build a two-line cable car system in the Old City of Jerusalem, at the Mughrabi gate for connecting it to the Mount of Olives and to another point in the West.

The Secretariat has addressed a request for information to the Permanent Delegation of Israel in this respect but at the time of the drafting of this document, no response has been received from the Permanent Delegation of Israel to the Secretariat's letter in this regard.

27. An additional Note Verbale dated 16 September 2013 was received by UNESCO communicating the position of the Hashemite Kingdom of Jordan on "Israel's failure to allow for and facilitate a UNESCO technical mission to the Old City of Jerusalem and its Walls".

28. At its 192nd session (September/October 2013), the Executive Board adopted by vote three decisions in relation with Jerusalem (see Annex 3):

- Decision 192 EX/5, *Implementation of 36 C/Resolution 43 and 191 EX/Decision 5 (I) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem*, requested an inclusive and accepted design of the Mughrabi Ascent by all parties, and the World Heritage Centre to undertake a pro-active follow-up in the context of the Reinforced Monitoring Mechanism; it urged Israel to collaborate with Jordanian Awqaf Department and to remove the recent construction of a platform in the Buraq (Western Wall). The decision called upon the Director-General to "facilitate the meeting of experts as well as confidence-building measures through dispatching the necessary expertise to assess possible damages incurred through the conduct of recent Israeli works on the site";
- Decision 192 EX/11, *Jerusalem and the implementation of 36 C/Resolution 43 and 191 EX/Decision 9 (192 EX/11; 192 EX/47)* reiterated its "request to the Director-General to appoint, as soon as possible, a permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering all UNESCO fields of competency in the City of East Jerusalem";
- Decision 192 EX/42 Rev, *Follow-up of the UNESCO reactive monitoring mission to the Old city of Jerusalem and its Walls and the UNESCO experts meeting on the Mughrabi Ascent (192 EX/42 Rev; 192 EX/47)*, urged Israel to respect the

agreement reached at the 191st session “by accepting and facilitating the joint reactive monitoring mission to the Old City of Jerusalem and its Walls and by participating to the UNESCO experts meeting on the Mughrabi Ascent”.

29. The Minister of Foreign Affairs and Expatriates of the Hashemite Kingdom of Jordan sent a Note Verbale on 12 November 2013 informing the Secretariat about recent works conducted by the Israeli authorities that “affect the authenticity, integrity and cultural heritage of the site”:

- “four specific holes at the beginning of the ramp leading to the Mughrabi Gate, without any coordination with Jordanian Awqaf Department [...] consistent with an intention to erect four iron columns in order to raise the level of the ramp and to expand the womens’ prayer area”;
- “restoration work on the wall of Al Aqsa Mosque, an Islamic Waqf, located at the Shihabi basin / Ribat Al-Kurd without the approval of, and any coordination with, Jordanian Awqaf Department”.

Furthermore, the Minister requested UNESCO to remind the Israeli authorities of their obligations and called on the UNESCO Director-General to facilitate “the dispatching of the necessary expertise to assess possible damages incurred...”

The Secretariat has addressed a request for information to the Permanent Delegation of Israel in this respect.

30. The General Conference of UNESCO at its 37th session in November 2013 adopted 37 C/Resolution 44, *Jerusalem and the Implementation of 36 C/Resolution 43*, by consensus and without debate (see Annex 4).

31. At the 10th Coordination Meeting of ISESCO Member States Delegations to the UNESCO 37th General Conference a call was made to UNESCO reiterating the need for all the decisions regarding the Old City of Jerusalem to be implemented.

32. A Project Officer from the World Heritage Centre conducted a mission to Jerusalem from 27 November to 1 December 2013 to undertake measures for the closure of the operational project on the Church of St-John the Baptist, which was launched in 2009. Based on the study and project design for the restoration of the Church produced by UNESCO, the A.G. Leventis Foundation and the Greek-Orthodox Patriarchate shall cooperate to implement the restoration works and will acknowledge UNESCO’s role thereon.

33. In November 2013, the World Heritage Centre was informed of recent activities regarding excavation and construction works in and around the Old City of Jerusalem, in particular:

- the ongoing works in the southern part of the Tunnel;
- the wooden platform at the Western Wall Area for the “Women of the Wall Prayer Site”.

In addition to:

- the construction activity for the “Giv’ati Parking Lot” which concerned not only archaeological excavations but represented in fact a new construction project;

- the construction of "Beit Haliba" (also called Liba House by Israel) which overlooks the Western Wall area.

The World Heritage Centre has recently sent a letter to the Israeli Permanent Delegation requesting clarifications on the points raised in line with paragraphs 172 and 174 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, noting that information on the Giv'ati Parking Lot and Beit Haliba had been requested in earlier correspondence.

34. On 18 February 2014, the Delegation of Palestine informed UNESCO that the Israeli Knesset has taken a decision to examine a proposal to transfer the sovereignty of the Haram Al Sharif to the Israeli authorities. The World Heritage Centre expressed concern to the Ambassador of Israel regarding this decision that may have an impact on the State of Conservation of the World Heritage site of the Old City of Jerusalem and its Walls.

35. By letter of 11 March 2014, the Delegation of Palestine informed UNESCO of concerns regarding regular incursions of Israeli settlers and extremist activists on the Haram Al Sharif, that may endanger the integrity of the World Heritage site and that are against International Conventions. The World Heritage Centre transmitted its concerns in this regard to the Ambassador of Israel.

36. Furthermore, by letter of 4 March 2014, the Secretariat was informed that, upon instructions from the union of the employees of the Israeli Ministry of Foreign Affairs, Israel shall not engage any formal contact with UNESCO and its subsidiary organizations as of 5 March 2014, until further instructions from the union.

Decision adopted by the World Heritage Committee at its 37th session (Phnom Penh, 2013)

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Decision: 37 COM 7A.26 I

The World Heritage Committee,

1. Having examined Document WHC-13/ 37.COM/7A.Add 2,
2. 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 and its related protocols, 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, including Decision 36 COM 7A.23 (I), adopted at its 36th session (Saint Petersburg, 2012),
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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,
4. Deplores the continued Israeli failure to cooperate and facilitate the implementation of the World Heritage Committee Decision 34 COM 7A.20, which requests a joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls and despite its own letter to the Director General of UNESCO dated 23 April 2013 accepting the Mission as reflected in the agreement reached at the 191st session of the Executive Board and as stipulated in the Executive Board 191 EX/Decision 9, and asks Israel to refrain from any new preconditions in order not to obstruct the implementation of the above mentioned agreement;
5. Deeply deplores the persistence of Israeli archaeological excavations and works in the Old City of Jerusalem and on both sides of its Walls and the failure of Israel to cease such works, and requests the Israeli authorities to prohibit all such excavations and works, in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, and as clearly stated in the Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories;
6. Reiterates the necessity of cooperation to facilitate access to the Old City of Jerusalem and both sides of its Walls, including religious heritage sites therein, in the

context of the UNESCO Conventions for the protection of the cultural heritage, and expresses its concern regarding the restricting obstacles imposed by the Israeli authorities on the freedom of access provided to Jordanian and Waqf experts to safeguard such sites;

7. Also deplores, in this regard, the damaging effect of the Jerusalem Light rail (tram line), itinerant at few meters from the Walls of the Old City of Jerusalem, which severely affects the visual integrity and the authentic character of the site and urges Israel to restore the original character of the site in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972 as well as the 2011 UNESCO Recommendation concerning the Historic Urban Landscape;
8. Regrets the Jerusalem Municipality plan to build a two-line cable car system to connect the Mughrabi Quarter with the Mount of Olives in East Jerusalem, and also urges Israel to prevent any damage to the integrity and authenticity of the property by abandoning the above mentioned project in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972;
9. Also regrets the decision of the Jerusalem District Planning and Building Committee, that approved the construction of a visitor centre on the Givati Parking lot in Silwan at a distance of twenty meters from the Walls of the Old City as well as its approval of the so called "Liba House" project, a huge structure of three storeys and approximately 3700 square meters in the Old City of Jerusalem, the extension of the Strauss Building and the Western Wall elevator, and further urges Israel to renounce to the above mentioned projects in conformity with its obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols and the Convention for the Protection of the World Cultural and Natural Heritage of 1972;
10. Requests the World Heritage Centre to continue applying the Reinforced Monitoring Mechanism to the Old City of Jerusalem on both sides of its Walls, including the Mughrabi Ascent, and also requests it to report every four months on this matter;
11. Thanks the international donors for their generous contributions to UNESCO projects for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on 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 Old City of Jerusalem and both sides of its walls;
12. Also thanks the Director-General of UNESCO and the World Heritage Centre for their efforts aimed at the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its walls and invites them to report on this matter at the 38th session of the World Heritage Committee in 2014;

II

13. Recalling 176 EX/Special Plenary Meeting Decision, and Executive Board 189 EX/ Decision 5 (II) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem,
14. Taking into consideration the 12th and all previous Reinforced Monitoring Reports and their addenda prepared by the World Heritage Centre,
15. Expresses its concern 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;
16. Requests that, despite the decisions mentioned in paragraph 15, the design process of the Mughrabi Ascent be inclusive of, and accepted by, all parties concerned in accordance with obligations and duties of such parties as stipulated in the provisions of the relevant UNESCO Conventions on the protection of Cultural Heritage;
17. Reaffirms in this regard that no measures, unilateral or otherwise, shall be taken which will affect the authenticity, integrity and the distinctive character of the site, in accordance with the relevant provisions of the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;
18. Also notes in this regard reports of preliminary discussions reached by Jordan and Israel respectively regarding the Mughrabi Ascent which stipulate that no measures, unilateral or otherwise, shall be taken on the site in accordance with paragraph 17 above;
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 provisions of the relevant UNESCO Conventions for the Protection of Cultural Heritage;
20. Expresses its concern regarding Israel's submission and content of its plan for the Mughrabi Ascent, and requests that the World Heritage Centre be proactive in the evaluation of the design received in accordance with above paragraph 19;
21. Reiterates in this regard, the need for the parties concerned to cooperate on all related aspects of this issue and regrets Israel's refusal to fulfil World Heritage Committee Decision 36 COM 7A.23.II, Executive Board 191 EX/Decision 5 (I) and related UNESCO Resolutions and Decisions;
22. Expresses its concern regarding the continuous, intrusive archaeological demolitions and excavations in and around the Mughrabi Gate Ascent since 22 May 2012, and calls on the Israeli authorities to end such violations, respect the Status Quo, and cooperate with Jordanian and Waqf experts as the competent authorities to maintain and safeguard the site in accordance with the relevant provisions of the Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the Hague

Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

23. Further regrets Israeli religious-extremist groups' provocative incursions into Al-Aqsa Mosque Compound through the Mughrabi Gate, and urges the Israeli authorities to take the necessary measures to prevent such abuses that violate the sanctity and integrity of the Compound and inflame tension on the ground;
24. Affirms, in this regard, the necessity to respect and safeguard the integrity, authenticity and cultural heritage of Al-Aqsa Mosque Compound, as reflected in the Status Quo as a holy place for Muslim worship and as an integral part of a World Cultural Heritage site;
25. Thanks the Director-General for her attention to the sensitive situation in the Ascent and calls upon her to consult with the concerned parties on the dispatch of the necessary expertise to assess possible damages incurred to the site through the conduct of recent Israeli demolitions as referenced in the 12th Reinforced Monitoring Report prepared by the World Heritage Centre and above paragraph 22;

III

26. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

Decisions adopted at the 191st session of the Executive Board

191 EX/5

Implementation of 36 C/Resolution 43 and 190 EX/Decision 5 (II) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

The Executive Board,

1. Having considered documents 191 EX/5, section I, and 191 EX/5 Add.5,
2. Acknowledges the commitment of the parties concerned to implement World Heritage Committee (WHC) decision 34 COM 7A.20 (Brasilia consensus decision) as well as their agreement to participate in a meeting of experts on the Mughrabi Ascent in May 2013 in Paris, as reflected in the letter dated 23 April 2013 from the Permanent Delegate of Israel addressed to the Director-General;
3. Thanks the Director-General for her efforts and initiatives leading to an understanding between all parties concerned and to the implementation of World Heritage Committee decision 34 COM 7A.20, and invites her to continue these efforts;
4. Decides to include this item in the agenda of its 192nd session, and invites the Director-General to submit to it a follow-up report thereon.

191 EX/9

Jerusalem and the implementation of 36 C/Resolution 43 and 190 EX/Decision 13 (191 EX/9 and Add.-Add.2; 191 EX/47)

The Executive Board,

1. Having considered documents 191 EX/9 and Add.-Add.2,
2. Acknowledges the commitment of the parties concerned to implementing World Heritage Committee (WHC) decision 34 COM 7A.20 (Brasilia consensus decision) by sending a joint WHC/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls according to paragraph 11 of the above mentioned decision as reflected in the letter dated 23 April 2013 from the Permanent Delegate of Israel addressed to the Director-General;
3. Thanks the Director-General for her efforts and initiatives leading to an understanding between all parties concerned and to the implementation of World Heritage Committee decision 34 COM 7A.20, and invites her to continue these efforts;
4. Decides to include this item in the agenda of its 192nd session, and invites the Director-General to submit to it a follow-up report thereon.

Decisions adopted at the 192nd Session of the Executive Board

192 EX/5

Implementation of 36 C/Resolution 43 and 191 EX/Decision 5 (I) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

The Executive Board,

1. Having considered the report of the Director-General 192 EX/5, Part (I),
2. Recalling the relevant provisions on the protection of cultural heritage, including 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 Conventions for the Protection of the World Cultural and Natural Heritage 1972, the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO,
3. Also recalling previous UNESCO decisions relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem, including 180 EX/Decision 5 (II), 189 EX/Decision 5 (II), 191 EX/Decision 5(I) and decision 37 COM 7A.26 of the World Heritage Committee (Phnom Penh, 2013),
4. Noting the 12th and all previous Reinforced Monitoring Reports and their addendums prepared by the World Heritage Centre,
5. Deplores the fact that the reactive monitoring mission to the Old City of Jerusalem and its Walls and the meeting of experts on the Mughrabi Ascent have not taken place in accordance with the relevant UNESCO and World Heritage Committee mainly decisions 189 EX/ Decision 5(II), 189 EX/Decision 8, 191 EX/Decision 5 (I) and 191 EX/Decision 9 and decision 34 COM 7A.20 (Brasilia consensus decision) and urges Israel to honour its commitments to implement the aforementioned decisions;
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 aforementioned Commission;
7. Requests that, despite the decisions mentioned in paragraph (6), the process for the design of the Mughrabi Ascent be inclusive of and accepted by all parties, in accordance with obligations and duties of such parties as stipulated in the content of the conventions mentioned above and previous World Heritage Committee decisions;
8. Affirms, in this regard, that the UNESCO process for the follow-up of the design of the Mughrabi Ascent which aims at finding an accepted and monitored solution concerning the Mughrabi Ascent be coordinated among all parties concerned, in

accordance with the spirit and content of previous World Heritage Committee decisions and recognizes the concerns raised regarding Israel's submission and content of its 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 and evaluation of the Jordanian design received;

9. Reaffirms in this regard that no measures, unilateral or otherwise, shall be taken which will affect the authenticity, integrity and cultural heritage 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 and the relevant decisions of UNESCO's Executive Board and World Heritage Committee referred to above;
10. Reiterates its thanks to Jordan for its cooperation and urges Israel to cooperate with Jordanian Awqaf Department in accordance with the relevant provisions of UNESCO Conventions for the protection of cultural heritage referred to above, also calls on Israel to facilitate access of Jordanian Awqaf experts with their tools and material to the site;
11. Expresses its concern regarding the continuous, intrusive Israeli archaeological demolitions, excavations and works in and around the Ascent to the Mughrabi Gate despite decisions 36 COM 7A.23 and 37 COM 7A.26 and requests Israeli authorities to end such excavations and works in conformity with the decision and the relevant UNESCO conventions for the protection of cultural heritage;
12. Deplores the recent construction by Israel of a platform in the Buraq (Western Wall) Plaza in violation of its obligations under the conventions referred to above, and requests that Israel removes the structure built and immediately restore the site to its original character and refrain from taking any further unilateral steps which jeopardize the site, its integrity and authenticity;
13. Expresses its concern regarding Israeli authorities' permittance of provocative religious-extremist groups and uniformed forces into Al-Aqsa Mosque Compound (also known as Al Haram Al Sharif Compound) through the Mughrabi Gate, and regrets the systematic violations of the sanctity of the compound and the continued interruption of the freedom of worship therein;
14. Affirms in this regard, the necessity to protect and safeguard the authenticity, integrity and cultural heritage of Al-Aqsa Mosque Compound;
15. Expresses thanks to the Director-General for her attention to the sensitive situation in the Ascent to the Mughrabi Gate in the Old City of Jerusalem and calls on the Director-General to facilitate the meeting of experts as well as confidence-building measures through dispatching the necessary expertise to assess possible damages incurred through the conduct of recent Israeli works on the site;
16. Invites the Director-General to submit to it a progress report thereon at its 194th session.

192 EX/11

Jerusalem and the implementation of 36 C/Resolution 43 and 191 EX/Decision 9²
(192 EX/11; 192 EX/47)

The Executive Board,

1. Having examined document 192 EX/11,
2. Recalling resolutions and decisions of UNESCO on Jerusalem, as well as the provisions of the four Geneva Conventions (1949) and their additional Protocols, the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Affirming that nothing in the present decision, which aims at the safeguarding of the distinctive character 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,
4. Regrets the absence of progress in the implementation of previous UNESCO decisions concerning Jerusalem particularly 185 EX/Decision 14 and reiterates its request to the Director-General to appoint, as soon as possible, a permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering all UNESCO fields of competency in the City of East Jerusalem;
5. Reaffirms the requirement to promptly and fully implement the above-mentioned decisions, and urges the Israeli authorities to facilitate their implementation in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
6. Deplores the failure of Israel to cease the persistent excavations and works in East Jerusalem, and reiterates its request to the Israeli authorities to prohibit all such works in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;

² The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 38 votes in favour, 1 vote against and 16 abstentions:

In favour: Afghanistan, Algeria, Angola, Austria, Bangladesh, Belarus, Brazil, Burkina Faso, China, Congo, Cuba, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, France, Gabon, Gambia, Grenada, India, Indonesia, Kazakhstan, Mali, Mexico, Namibia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Syrian Arab Republic, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe.

Against: United States of America.

Abstentions: Belgium, Czech Republic, Italy, Japan, Kenya, Malawi, Monaco, Montenegro, Papua New Guinea, Republic of Korea, Saint Lucia, Spain, Slovakia, The former Yugoslav Republic of Macedonia, Thailand, United Kingdom of Great Britain and Northern Ireland

Absent: Barbados, Ghana, Haiti.

7. Also deplores the continuous Israeli unilateral measures and practices as well as the settlers' incursions in East Jerusalem, that dangerously and irreversibly affect the City's distinctive character: religious, cultural, historical and demographic, and urges the Israeli Authorities to take the necessary measures to end these abuses;
8. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and asks her to maintain and reinvigorate such efforts;
9. Decides to include this item on the agenda of the 194th session of the Executive Board and invites the Director-General to submit to it a progress report thereon.

192 EX/42

Follow-up of the UNESCO reactive monitoring mission to the Old city of Jerusalem and its Walls and the UNESCO experts meeting on the Mughrabi Ascent (192 EX/42 Rev; 192 EX/47)

The Executive Board,

1. Having examined document 192 EX/42 Rev.,
2. Recalling the Executive Board decisions 191 EX/Decision 5.1 and 191 EX/Decision 9 as well as the World Heritage Committee decision 34 COM/7A.20,
3. Recalling the agreement reached at the 191st session of the Executive Board, where the concerned parties declared their commitment to implement the following requirements:
 - a) the immediate dispatch, as of 19 May 2013, of the joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls in accordance with paragraph 11 of Brasilia Decision 34 COM 7A.20 of the World Heritage Committee,
 - (b) the adjournment of the five Arab resolutions on the agenda of the 191st session till the 192nd session of the UNESCO Executive Board,
 - (c) the participation at the experts meeting on the Mughrabi Ascent supposed to be held at UNESCO by 27 May 2013,
4. Notes with satisfaction the Arab side fulfilment of its commitment by accepting, at the 191st session, the adjournment of the five Arab items;
5. Regrets the Israeli unilateral cancelation of the joint reactive monitoring mission to the Old City of Jerusalem and its Walls by requiring new restrictive preconditions as well as its absence at the UNESCO experts meeting on the Mughrabi Ascent;
6. Urges Israel to respect the terms of the above mentioned agreement by accepting and facilitating the joint reactive monitoring mission to the Old City of Jerusalem and its Walls and by participating to the UNESCO experts meeting on the Mughrabi Ascent;
7. Thanks the Director-General for her efforts to implement the above-mentioned UNESCO joint mission and encourages her to maintain her efforts to implement this decision and all related UNESCO decisions and resolutions;
8. Decides to include this item on the agenda of the 194th session of the Executive Board and invites the Director-General to submit to it a follow-up report thereon.

37 C/Resolution 44 adopted by the General Conference of UNESCO at its 37th session (Paris, 5-20 November 2013)

44 Jerusalem and the implementation of 36 C/Resolution 43

The General Conference,

Recalling 36 C/Resolution 43, 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 its 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 document 37 C/16,

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 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 her efforts with the parties concerned for the safeguarding of the outstanding universal value of the Old City of Jerusalem;
- Recalling* that this item is included in the agenda of the 194th session of the Executive Board,
6. *Invites* the Director-General to present to it at its 38th session a progress report on the implementation of the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem, and *decides* to inscribe this item on the agenda of its 38th session.

Resolution adopted on the report of the CLT Commission at the 17th plenary meeting, on 20 November 2013.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and ninety-fourth session

(Paris, 2-15 April 2014)*

194 EX/Decisions

PARIS, 15 May 2014

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 194th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.

(i)

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on the programme delivery capacities of the field offices within their respective available financial and human resources, as well as on the decentralization of programme resources from the programme sectors;

9. Requests the Director-General to ensure, ideally by its 195th session, but no later than the end of 2014, that all directors of field offices have signed performance agreements with clear objectives and targets, with consistent associated indicators.

(194 EX/SR.7)

- 5 **Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions** (194 EX/5 Part I and Add.-Add.2; 194 EX/5 Part II; 194 EX/5 Part III and Add.-Add.2 Rev.; 194 EX/5.INF; 194 EX/34; 194 EX/35)

I

Programme issues

A

**Report of the United Nations University (UNU) Council and
UNESCO-UNU Plan of Joint Activities for 2014-2017**

The Executive Board,

1. Having examined document 194 EX/5 Part I (A),
2. Takes note of its content.

(194 EX/SR.7)

B

Sharing of good practices in education

The Executive Board,

1. Recalling 191 EX/Decision 39,
2. Having examined document 194 EX/5 Part I (B) "Sharing of good practices in education",
3. Acknowledging UNESCO's role in the compilation and sharing of good practices in education,
4. Stressing the necessity and importance of establishing a register of good practices in education that would contribute to ensuring stronger South-South and North-South-South cooperation, to making headway in achieving the unrealized education for all (EFA) goals, and to addressing post-2015 challenges in education,
5. Considering that the information contained in document 194 EX/5 Part I (B) constitutes a reference framework for the compilation, revision and updating of the UNESCO database of good practices in education,
6. Requests the Director-General to post on the UNESCO website updated information and reference materials concerning the register of good practices in education,

distinguishing governmental from non-governmental sectors, in order to promote the dissemination and exchange of such good practices, pursuant to 191 EX/Decision 39;

7. Also requests the Director-General to formulate a strategy in order to encourage the exchange of good practices in education and promote South-South and North-South-South cooperation in this field, in collaboration with UNESCO offices and institutes and in consultation with Member States, in accordance with 191 EX/Decision 39;
8. Further requests the Director-General to submit to it at its 196th session a separate report on the progress achieved thereon.

(194 EX/SR.7)

C

**Implementation of 37 C/Resolution 44 and 192 EX/Decision5 (I)(D)
relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem¹**

The Executive Board,

1. Having considered document 194 EX/5 Part I (C) and the annex to this decision,
2. Recalling previous decisions concerning “the Ascent to the Mughrabi Gate in the Old City of Jerusalem”,
3. Decides to include this item in the agenda of its 195th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and ninety-fourth session

194 EX/PX/DR.5.2
PARIS, 8 April 2014
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

- Item 5** Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions – Part I, *Programme Issues* – Implementation of 37 C/Resolution 44 and 192 EX/Dec.5 (I, D) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

DRAFT DECISION

Submitted by: Algeria, Egypt, Kuwait, Morocco, Tunisia and United Arab Emirates

¹ The Executive Board adopted this decision upon a recommendation made by consensus by the Programme and External Relations Commission (PX).

The Executive Board,

1. Having considered the report of the Director-General (194 EX/5 Part I (C)),
2. Recalling the relevant provisions on the protection of cultural heritage, including 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 and its protocols, the Conventions for the Protection of the World Cultural and Natural Heritage 1972, the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO,
3. Also recalling previous UNESCO decisions relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem, including 180 EX/Decision 5 (II), 189 EX/Decision 5 (II), 191 EX/Decision 5(I), 192 EX/Decision 5 (I.D) and decision 37 COM 7A.26 of the World Heritage Committee (Phnom Penh, 2013),
4. Taking note of the 12th Reinforced Monitoring Report and of all previous reports, together with their addenda prepared by the World Heritage Centre,
5. Deplores the fact that neither the reactive monitoring mission to the Old City of Jerusalem and its Walls nor the meeting of experts on the Mughrabi Ascent have taken place despite the relevant Executive Board and World Heritage Committee (WHC) decisions: 189 EX/Decision 5(II), 189 EX/Decision 8, 191 EX/Decision 5 (I), 192 EX/Decision 5 (I.D), 191 EX/Decision 9 and WHC decision 34 COM 7A.20 (Brasilia consensus decision), and urges Israel to honour its commitments to implement the aforementioned decisions;
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 aforementioned Commission;
7. Requests that, despite the decisions mentioned in paragraph 6 of this decision, the process for the design of the Mughrabi Ascent be inclusive of and accepted by all parties, in accordance with the obligations and duties of such parties as stipulated in the content of the conventions mentioned in paragraph 2 of this decision and in previous World Heritage Committee decisions.
8. Affirms, in this regard, that the UNESCO process for the follow-up of the design of the Mughrabi Ascent, which is aimed at finding an accepted and monitored solution concerning the Mughrabi Ascent, be coordinated among all parties concerned, in accordance with the spirit and content of previous World Heritage Committee decisions, recognizes the concerns raised regarding Israel's submission and the content of its plan for the Mughrabi Ascent referred to in paragraph 6 of this decision, 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 and the evaluation of the Jordanian design received;
9. Reaffirms in this regard that no measures, unilateral or otherwise, shall be taken which affect the authenticity, integrity and cultural heritage 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 and the relevant decisions of UNESCO's Executive Board and World Heritage Committee referred to above;
10. Reiterates its thanks to Jordan for its cooperation, urges Israel to cooperate with Jordanian Awqaf Department in accordance with the relevant provisions of UNESCO Conventions for the protection of cultural heritage referred to above, and calls on Israel to facilitate access of Jordanian Awqaf experts with their tools and material to the site;
11. Expresses its concern regarding the continuous, intrusive Israeli archaeological demolitions, excavations and works in and around the Ascent to the Mughrabi Gate despite World Heritage Committee decisions 36 COM 7A.23 and 37 COM 7A.26, and requests the Israeli authorities to end

such excavations and works in conformity with this decision and the relevant UNESCO conventions for the protection of cultural heritage;

12. Deplores the recent construction by Israel of a platform in the Burāq (Western Wall) Plaza, in violation of its obligations under the conventions referred to above, and requests Israel to remove the structure built, immediately restore the site to its original character, and refrain from taking any further unilateral steps which jeopardize the site, and its integrity and authenticity;
13. Expresses its concern regarding the Israeli authorities' admittance of provocative religious-extremist groups and uniformed forces into the al-Aqṣà Mosque compound (also known as the al-Ḥaram ash-Sharif compound) through the Mughrabi Gate, and regrets the systematic violations of the sanctity of the compound and the continued interruption of the freedom of worship therein;
14. Affirms in this regard, the need to protect and safeguard the authenticity, integrity and cultural heritage of the al-Aqṣà Mosque compound;
15. Expresses its thanks to the Director-General for her attention to the sensitive situation in the Ascent to the Mughrabi Gate in the Old City of Jerusalem, and calls on the Director-General to facilitate the meeting of experts as well as confidence-building measures by dispatching the necessary expertise to assess possible damage incurred through the conduct of recent Israeli works on the site;
16. Invites the Director-General to submit to it at its 195th session a progress report thereon.

(194 EX/SR.7)

D

Follow-up to the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and the UNESCO experts meeting on the Mughrabi Ascent²

The Executive Board,

1. Having examined document 194 EX/5 Part I (D),
2. Recalling 191 EX/Decision 5(I), 191 EX/Decision 9, 192 EX/Decision 5 (I) (D), 192 EX/Decision 11 and 192 EX/Decision 42, as well as World Heritage Committee decision 34 COM/7A.20,
3. Decides to implement paragraph 11 of decision 34 COM/7A.20 adopted by the World Heritage Committee in Brasilia at its 34th session as follows:
 - **(a) Phase I:** the dispatch, on an agreed date prior, at least 10 days, to the 38th session of the World Heritage Committee, of the joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls to assess, as a first phase, the 18 sites included in the Action Plan as pilot sites;

² The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 34 votes in favour, 1 vote against and 21 abstentions:

In favour: Afghanistan, Algeria, Argentina, Austria, Bangladesh, Belize, Brazil, Chad, China, Cuba, Dominican Republic, Ecuador, Egypt, France, Gabon, Guinea, India, Indonesia, Italy, Kuwait, Mali, Mauritius, Mexico, Morocco, Namibia, Nigeria, Pakistan, Russian Federation, Spain, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Kingdom.

Against: United States of America.

Abstentions: Albania, Angola, Czech Republic, El Salvador, Estonia, Ethiopia, Germany, Japan, Malawi, Montenegro, Mozambique, Nepal, Netherlands, Papua New Guinea, Republic of Korea, Saint Kitts and Nevis, Sweden, Thailand, Trinidad and Tobago, Uganda, Ukraine.

Absent: Gambia, the former Yugoslav Republic of Macedonia.

- **(b) Phase II:** the dispatch, on an agreed date, of the joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls, to assess, as second phase, the major monumental complexes designated in the Action Plan (i.e. al-Haram ash-Sharif, the Citadel, the Western Wall, the Holy Sepulchre and the City Walls);
- 4. Invites all parties concerned to participate in the experts meeting on the Mughrabi Ascent, to be held at UNESCO upon an agreed date prior, at least 10 days, to the 38th session of the World Heritage Committee;
- 5. Requests that the report and recommendations of the mission as well as the report of the technical meeting on the Mughrabi Ascent in Paris, be presented to the parties concerned before the 38th session of the World Heritage Committee;
- 6. Takes note of the technical adjournment of the five Middle East items on the agenda of its 194th session and their inclusion in the agenda of its 195th session;
- 7. Also invites all parties concerned to facilitate the implementation of the above-mentioned UNESCO joint mission;
- 8. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint mission and all related UNESCO decisions and resolutions;
- 9. Decides to include this item in the agenda of its 195th session, and invites the Director-General to submit to it a follow-up report thereon.

(194 EX/SR.7)

E**Revised Operational Strategy for Priority Africa**

The Executive Board,

1. Having examined document 194 EX/5 Part I (E),
2. Thanks the Director-General for the additional information provided on the harmonization of the 30 expected results of the six flagship programmes with the five major programmes and on the roles, responsibilities and relations of the various entities of the Secretariat and of the various stakeholders at the continental level;
3. Takes note of the additional information, and requests the Director-General to include it in the final text of the revised operational strategy for Priority Africa as adopted by the General Conference at its 37th session;
4. Also requests the Director-General to report to it, in her periodic reports to the governing bodies, on the implementation of Priority Africa and on the relevant flagship programmes.

(194 EX/SR.7)

World Heritage Convention

World Heritage Convention Resolutions / Decisions 38 COM 7A.4

Decision

Search resolutions / decisions



Filter

Decision 38 COM 7A.4

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

1. Having examined Document WHC-14/38.COM/7A.Add,
2. 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 and its related protocols, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Delhi UN ESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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,
4. Deeply concerned by the persistence of the Israeli illegal excavations and works conducted by settler groups in the Old City of Jerusalem and on both sides of its Walls and the failure of Israel to cease such harmful interventions, requests Israel to timely stop all such violations, in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations,
5. Regrets the damaging effect of the Jerusalem Light rail (tram line) at a few meters from the Walls of the Old City of Jerusalem as well as the construction of the so called "City of David National Park" in Silwan at a distance of twenty meters from the Walls of the Old City, the so called "Liba House" project, the extension of the Strauss Building and the Western Wall elevator, which severely affect the visual integrity and the authentic character of the site, requests Israel to restore the original character of the site in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations;
6. Also concerned by Israel plan to build a two-line cable car system to connect the Mughrabi Quarter with the Mount of Olives in the Palestinian East Jerusalem, also urges Israel to prevent any

Decision Code

38 COM 7A.4

Themes

[List of World Heritage in Danger](#)Properties ⁽¹⁾[Old City of Jerusalem and its Walls](#)

Session

[38th session of the World Heritage Committee \(38.COM\)](#)

Year

[2014](#)

State of conservation reports

[2014 Old City of Jerusalem and its Walls](#)[← Prev.](#)[Next →](#)

damage to the integrity and authenticity of the property by abandoning the above mentioned project in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations;

7. Expresses its concern regarding the restricting obstacles imposed by Israel on the freedom of access that shall be provided to the competent national authorities including the Jordanian Waqf experts to safeguard the Old City of Jerusalem and both sides of its Walls;
8. Further regrets Israeli extremist groups' continuous incursions into Al-Aqsa Mosque Compound and urges Israel to take necessary measures to prevent such provocative abuses that violate the sanctity and integrity of the Al-Aqsa Mosque Compound and inflame tension on the ground;
9. Also regrets the damage by Israel in 2013 of the historic ceramics atop of the main gates of the Dome of the Rock and the damage of the historic gates and windows of the Qibli Mosque inside al-Aqsa Compound and affirms, in this regard, the necessity to respect and safeguard the integrity, authenticity and cultural heritage of Al-Aqsa Mosque Compound, as reflected in the Status Quo, as a Muslim Holy Site of worship and as an integral part of a World Cultural Heritage site;
10. Requests the World Heritage Centre to continue applying the Reinforced Monitoring Mechanism to the Old City of Jerusalem on both sides of its Walls, and also requests it to report every four months on this matter;
11. Thanks the international donors for their generous contributions to UNESCO projects for the safeguarding of the cultural heritage of the Old City of Jerusalem on 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 Old City of Jerusalem and both sides of its walls;
12. Also thanks the Director-General of UNESCO and the World Heritage Centre for their efforts aimed at the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its walls and invites them to report on this matter at the 39th session of the World Heritage Committee in 2015;

II

13. Recalling 176 EX/Special Plenary Meeting Decision, and all UNESCO Executive Board Decisions relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem,

14. Taking into consideration the 13th and all previous Reinforced Monitoring Reports and their addenda prepared by the World Heritage Centre as well as the State of Conservation report submitted to the World Heritage Centre by the Hashemite Kingdom of Jordan and the State of Palestine,

15. 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 provisions of the relevant UNESCO Conventions for the Protection of Cultural Heritage;

16. Expresses its concern regarding the Israeli submission and content of its plan for the Mughrabi Ascent, and requests that the World Heritage Centre consider the design submitted by Jordan;

17. Also expresses its concern regarding the continuous, intrusive demolitions and illegal excavations in and around the Mughrabi Gate Ascent, and calls on Israel to end such violations, respect the Status Quo, and enable the Jordanian Waqf experts as a part of the competent authorities to maintain and safeguard the site in accordance with the relevant provisions of the UNESCO Conventions and Recommendations in particular the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

18. Thanks the Director-General for her attention to the sensitive situation in the Ascent and calls upon her to maintain her efforts in a view to implement all related UNESCO resolutions and decisions;

III

19. Recalling the Executive Board decisions 191 EX/Decision 9, 192 EX/Decision 42, 194 EX/Decision 5(D) and the World Heritage Committee decisions 37Com/7A.23 and 34 COM/7A.20,

20. Decides to implement paragraph 11 of decision 34 COM 7A.20 adopted by the World Heritage Committee in Brasilia at its 34th session as follows:

- a) **Phase I:** the dispatch, as soon as possible, of the joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls to assess, as a first phase, the 18 sites included in the Action Plan as pilot sites,

- b) **Phase II:** the dispatch of the joint World Heritage Centre/ICCROM/ICOMOS reactive monitoring mission to the Old City of Jerusalem and its Walls, to assess, as second phase, the major monumental complexes designated in the Action Plan (i.e. the Haram-es-Sharif, the Citadel, the Western Wall, the Holy Sepulcher and the City walls) ;

21. Requests that the report and recommendations of the mission be presented to the concerned parties before the next 195 EX Board session;

22. Takes note of the technical adjournment of the five Middle East items on the agenda of its 194th session and their inclusion on the agenda of its 195th session;

23. Invites all concerned parties to facilitate the implementation of the above-mentioned UNESCO joint mission;

24. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint mission and all related UNESCO decisions and resolutions, and invites her to report on this matter at the next 39th World Heritage Committee session;

IV

25. Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.

Documents

[WHC-14/38.COM/16](#)

Report of the Decisions adopted by the World Heritage Committee at its 38th session (Doha, 2014)

Context of Decision

[WHC-14/38.COM/7A.Add](#)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-fifth session

(Paris, 15-30 October 2014)*

195 EX/Decisions

PARIS, 28 November 2014

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 195th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.

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I**Programme issues****A****UNESCO Global Geoparks Initiative**

The Executive Board,

1. Recalling 37 C/Resolution 26 on the further examination of the parameters of possible UNESCO global geoparks and 194 EX/Decision 5 (I) (G),
2. Having examined documents 195 EX/5 Part I (A) and 195 EX/5 INF,
3. Acknowledging the decisions taken and agreements reached by the Global Geoparks Network (GGN) at its 2014 General Assembly, held in Canada, where the members unanimously endorsed the establishment of the Network as a legally constituted, not-for-profit association,
4. Expressing its appreciation to the Global Geoparks Network (GGN) for its generous financial support enabling the working group on UNESCO global geoparks to meet,
5. Notes the progress made by the working group on UNESCO global geoparks at its fifth meeting, with a view to formalizing the establishment of UNESCO global geoparks;
6. Takes note of the draft proposed operational guidelines for UNESCO global geoparks contained in document 195 EX/5 INF, including the reference to the role assigned to the Executive Board;
7. Recognizing the need to promote synergies and cooperation between the proposed UNESCO global geoparks initiative and other UNESCO programmes and conventions,
8. Invites the Director-General to:
 - (a) consider creating a formal partnership with the Global Geoparks Network association, taking account of the association's legal character and its intended role in an international geoscience and geoparks programme (IGGP) based on an analysis of the added value of such a partnership;
 - (b) report on any decision taken by the International Union of Geological Sciences (IUGS) at the meeting of its Executive Committee in January 2015 on proposed changes to the existing International Geoscience Programme (IGCP), and amend the partnership with IUGS as appropriate;
 - (c) undertake, after the establishment of an international geoscience and geoparks programme (IGGP), capacity-building activities in the field of geoparks funded by contributions made by Global Geoparks Network members so as to achieve equitable geographical distribution;

- (d) convene further meetings of the working group on UNESCO global geoparks so as to prepare the draft statutes of an international geoscience and geoparks programme, finalize the working group's recommendations and present the complete proposal, including the draft operational guidelines as finalized by it, to the Executive Board at its 196th session;
 - (e) examine, if necessary, how to align the calendars of the International Geoscience Programme (IGCP) and the Global Geoparks Network (GGN) with those of UNESCO's governing bodies, in the most efficient way;
 - (f) provide all relevant information on the financial implications of an international geoscience and geoparks programme (IGGP);
9. Requests the Director-General to submit to it at its 196th session the report requested in paragraph 3 of 37 C/Resolution 26.

(195 EX/SR.6)

B

**Developments relating to UNESCO's relationship
with the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)**

The Executive Board,

1. Having examined document 195 EX/5 Part I (B),
2. Takes note of its content.

(195 EX/SR.6)

C

**Consideration of the desirability of preparing a declaration
on ethical principles in relation to climate change**

The Executive Board,

1. Having examined document 195 EX/5 Part I (C),
2. Takes note of its content.

(195 EX/SR.6)

D³

**Implementation of 37 C/Resolution 44 and 194 EX/Decision 5 (I) (C)
relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem**

OCCUPIED PALESTINE

The Executive Board,

1. Having examined document 195 EX/9 and the related report of the Director-General (195 EX/5 Part I (D) and (E)), and having considered documents 190 EX/39, 191 EX/35, 192 EX/34, 195 EX/29 and Add., 195 EX/10 and 195 EX/DG.INF.2,

³ This decision includes the decisions under agenda items 5.I (E), 9, 10 and 29.

2. Recalling the provisions of the four Geneva Conventions (1949) and their Additional Protocols, the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its related Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in al-Khalīl/Hebron and in Bethlehem,
3. Affirming that nothing in the present decision, which is aimed, *inter alia*, at the safeguarding of the Palestinian cultural heritage and the distinctive character of Jerusalem, shall in any way affect the relevant Security Council and other United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,

I**A Jerusalem and the implementation of 37 C/Resolution 44 and 194 EX/Decision 11**

4. Regrets the absence of progress in the implementation of previous UNESCO decisions concerning Jerusalem, particularly 185 EX/Decision 14, and reiterates its request to the Director-General to appoint, as soon as possible, a permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering all UNESCO fields of competency in East Jerusalem;
5. Deplores the failure of Israel, the occupying Power, to cease the persistent excavations and works in East Jerusalem, particularly in and around the Old City, and reiterates its request to Israel, the occupying Power, to prohibit all such works, in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;
6. Also deplors the continuous Israeli violations, such as: closure and restrictions of access to the Muslim holy site al-Aqṣà Mosque (also known as al-Ḥaram ash-Sharīf); the attempts to change the pre-1967 status quo; the targeting of civilians including religious figures, sheikhs, and priests, as well as all restoration works near and around the Mosque, further deplors the large number of arrests and injuries inside and around al-Aqṣà Mosque by the Israeli forces as well as the frequent intrusions of religious-extremist groups and uniformed forces into the Mosque and urges Israel, the occupying Power, to end these abuses which inflame the tension on the ground;
7. Reaffirms in this regard the need to protect and safeguard the authenticity, integrity and cultural heritage of al-Aqṣà Mosque and to respect the pre-1967 status quo;
8. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and requests her to maintain and reinvigorate such efforts;

B Implementation of 37 C/Resolution 44 and 194 EX/Decision 5 (I) (C) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

9. Noting the 13th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre, as well as the state of conservation report submitted to the World Heritage Centre by Jordan and Palestine,

10. Deplores the continuing Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate and reaffirms that no Israeli unilateral measures shall be taken in conformity with its status and obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
11. Reiterates its thanks to Jordan for its cooperation and urges Israel, the occupying Power, to cooperate with the Jordanian Awqaf Department, in conformity with its obligations under the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions, particularly decision 37 COM 7A.26;
12. Expresses its concern regarding the continuous, intrusive Israeli archaeological demolitions, excavations and works in and around the Ascent to the Mughrabi Gate despite World Heritage Committee decisions 36 COM 7A.23, 37 COM 7A.26 and 38 COM 7A.4, and requests Israel, the occupying Power, to end such excavations and works;
13. Takes note that the Government of Jordan welcomes the Israeli decision to dismantle the wooden bridge which was installed in the beginning of August 2014 at the Mughrabi Ascent, which constituted a clear violation of international law and the pre-1967 status quo and the previous UNESCO resolutions and decisions on this matter, and calls on Israel to respect the relevant UNESCO decisions as well as its assurances not to alter the pre-1967 status quo at the site of the Mughrabi Ascent;
14. Thanks the Director-General for her attention to this sensitive situation, and requests her to dispatch the necessary expertise to assess damage incurred through the conduct of recent Israeli works on the site;

C Follow-up of the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and the UNESCO experts meeting on the Mughrabi Ascent

15. Regrets the continued Israeli failure to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a reactive monitoring mission (RMM), as referred to in the Operational Guidelines for the Implementation of the World Heritage Convention (1972), to the Old City of Jerusalem and its Walls, and urges Israel, the occupying Power, to accept and facilitate the implementation of the aforementioned RMM and experts meeting in accordance with UNESCO decisions and in conformity with its obligations under the provisions of UNESCO conventions for the protection of cultural property and cultural heritage;
16. Invites the Director-General to take the necessary measures to implement the above-mentioned reactive monitoring mission (RMM) and experts meeting in accordance with World Heritage Committee decision 34 COM 7A.20, prior to the 196th session of the Executive Board, and invites all concerned parties to facilitate the implementation of the above-mentioned UNESCO RMM and experts meeting;
17. Requests that the report and recommendations of the mission, as well as the report of the technical meeting on the Mughrabi Ascent in Paris, be presented to the concerned parties before the 196th session of the Executive Board;
18. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint mission and all related UNESCO decisions and resolutions;

consultation with Member States, will be presented to the General Assembly at its 69th session,

5. Noting that the United Nations General Assembly has decided that the outcome document of its Open Working Group on Sustainable Development Goals shall be the main basis for integrating sustainable development goals into the post-2015 development agenda, while recognizing fully that other inputs may also be considered in the intergovernmental negotiation process at its 69th session,
6. Affirms that intangible cultural capital is a fundamental component of human development, and that the intangible cultural heritage based on people's cultural traditions is a key resource for sustainable development that must be taken into consideration in the post-2015 sustainable development goals;
7. Also affirms the growing importance of cultural industries and the creative economy for generating income and creating new employment opportunities, especially for youth and in the case of developing countries;
8. Welcomes the outcome of the UNESCO World Forum on Culture and Cultural Industries, held in Florence, Italy, from 2 to 4 October 2014, and the Florence Declaration, which follows the Hangzhou Declaration on the role that culture plays as a driver for sustainable development, adopted in May 2013, and the Bali Promise, adopted at the World Culture Forum in November 2013;
9. Calls for Member States and all relevant stakeholders to continue supporting culture in the post-2015 development agenda as an enabler and driver of sustainable development, under the goals proposed by the Open Working Group on Sustainable Development Goals;
10. Requests the Director-General to provide a progress report to it at its 196th session on the implementation of the present decision.
11. Invites the Director-General to submit to it at its 196th session a report with an update of the Organization's engagement and on further developments regarding the elaboration of the post-2015 development agenda.

(195 EX/SR.6)

9 Jerusalem and the implementation of 37 C/Resolution 44 and 194 EX/Decision 11
(195 EX/9; 195 EX/41)

For this agenda item, see 195 EX/Decision 5 (I) (D).

(195 EX/SR.6)

10 Implementation of 194 EX/Decision 12 on "The two Palestinian sites of al-Ḥaram al-Ibrāhīmī/Tomb of the Patriarchs in al-Khalīl/Hebron and the Bilāl ibn Rabāḥ Mosque/Rachel's Tomb in Bethlehem" (195 EX/10; 195 EX/41)

For this agenda item, see 195 EX/Decision 5 (I) (D).

(195 EX/SR.6)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-sixth session

(Paris, 8-23 April 2015)*

196 EX/Decisions

PARIS, 22 May 2015

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 196th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.

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- | | | |
|-----|---|----------|
| | Cervantes, writer (1547-1616) (with the support of Colombia, El Salvador, France, Honduras, Portugal and Uruguay) | |
| 40. | 400th anniversary of the birth of Bartolomé Esteban Murillo, painter (1617-1682) (with the support of Colombia, El Salvador, France, Honduras, Portugal and Uruguay) | Spain |
| 41. | 100th anniversary of the birth of Puey Ungphakorn, educator and economist (1916-1999) (with the support of the Philippines and Viet Nam) | Thailand |
| 42. | 150th anniversary of the birth of Chao Phaya Prasadej Surendrathibodi (M.R. Pia Malakul), educator (1867-1916) (with the support of the Republic of Korea and Viet Nam) | Thailand |
| 43. | 50th anniversary of the death of Mehmet Fuat Köprülü, scholar (1890-1966) (with the support of Azerbaijan and Kazakhstan) | Turkey |
| 44. | 850th anniversary of the death of Khoja Ahmed Yasawi, poet and Sufi (1093 or 1103-1166) (with the support of Azerbaijan, Kazakhstan and Kyrgyzstan) | Turkey |

(196 EX/SR.6)

GENERAL MATTERS

26 Occupied Palestine³ (196 EX/26; 196 EX/39)

The Executive Board,

1. Having examined document 196 EX/26,
2. Recalling the provisions of the four Geneva Conventions (1949) and their Additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its related Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural

³ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 29 votes in favour, 3 vote against and 20 abstentions:

In favour: Algeria, Angola, Argentina, Belize, Brazil, China, Cuba, Ecuador, Egypt, France, Gabon, Gambia, Guinea, India, Indonesia, Kuwait, Mali, Mexico, Morocco, Mozambique, Namibia, Nigeria, Pakistan, Russian Federation, Spain, Sweden, Trinidad and Tobago, Tunisia, United Arab Emirates.

Against: Czech Republic, Germany, United States of America.

Abstentions: Albania, Austria, Dominican Republic, El Salvador, Estonia, Ethiopia, Italy, Japan, Malawi, Montenegro, Nepal, Netherlands, Papua New Guinea, Republic of Korea, Saint Kitts and Nevis, Thailand, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Absent: Afghanistan, Bangladesh, Chad, Mauritius, Togo, Turkmenistan.

heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in al-Khalīl/Hebron and in Bethlehem,

3. Affirming that nothing in the present decision, which is aimed, *inter alia*, at the safeguarding of the Palestinian cultural heritage and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and other United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,

I

A Jerusalem

4. Deeply regrets the Israeli refusal to implement previous UNESCO decisions concerning Jerusalem, particularly 185 EX/Decision 14, and reiterates its request to the Director-General to appoint, as soon as possible, a permanent and eminent expert(s) to be stationed in East Jerusalem to report on a regular basis about all the aspects covering all UNESCO fields of competence in East Jerusalem;
5. Deplores the failure of Israel, the occupying Power, to cease the persistent excavations and works in East Jerusalem, particularly in and around the Old City, and reiterates its request to Israel, the occupying Power, to prohibit all such works, in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;
6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and requests her to maintain and reinvigorate such efforts;

B Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf and its surroundings

1 Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf

7. Also deplores the continuous Israeli violations, abuses, works and excavations such as: closure and restrictions of access to the Muslim holy site al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, the attempts to change the pre-1967 status quo; the targeting of civilians including religious figures, sheikhs, and priests, as well as all restoration works near and around the Mosque, further deplores the large number of arrests and injuries inside and around al-Aqṣà Mosque/al-Ḥaram ash-Sharīf by the Israeli forces as well as the frequent intrusion by religious extremist groups and uniformed forces into the Mosque and urges Israel, the occupying Power, to end these violations and abuses which inflame the tension on the ground and between faiths;
8. Reaffirms in this regard the need to respect the protection and the safeguarding of the authenticity, integrity and cultural heritage of al-Aqṣà Mosque/al-Ḥaram ash-Sharīf and to respect the pre-1967 status quo, and calls on Israel, the occupying Power, to stop the obstruction of the immediate execution of all the 19 Hashemite restoration projects in and around al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
9. Regrets the damage caused by Israeli security forces on 30 October 2014 to the historic gates and windows of al-Qibli Mosque inside al-Aqṣà Mosque/al-Ḥaram ash-Sharīf which is a Muslim holy site of worship and an integral part of the world heritage site;
10. Expresses its deep concern over the Israeli closure and ban on the renovation of the al-Rahma Gate building, one of the al-Aqṣà Mosque/al-Ḥaram ash-Sharīf gates, and urges Israel to stop obstruction of the necessary restoration works, in order to repair

the damage caused by the weather conditions, especially the water leakage into the rooms of the building;

11. Further deplores the Israeli decision to approve: a plan to build a two-line cable car system in East Jerusalem; the construction of the so-called “Kedem Center”, a visitor centre near the southern wall of al-Aqṣà Mosque/al-Ḥaram ash-Sharīf; the so-called “Liba House” project in the Old City of Jerusalem; the demolition and new construction of the so-called Strauss Building, and the Western Wall elevator project, and further urges Israel, the occupying Power, to renounce the above-mentioned projects in conformity with its obligations under the relevant UNESCO conventions, and in particular the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its related Protocols, as well as UNESCO decisions, particularly World Heritage Committee decisions 37 COM/7A.26 and 38 COM/7A.4;
12. Notes the relative improvement of access of Muslim worshippers to al-Aqṣà Mosque/al-Ḥaram ash-Sharīf over the past four months, and urges Israel, the occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of al-Aqṣà Mosque/al-Ḥaram ash-Sharīf and inflame tension on the ground;

2 Ascent to the Mughrabi Gate in al-Aqṣà Mosque/al-Ḥaram ash-Sharīf

13. Takes note of the 13th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre, as well as the state of conservation report submitted to the World Heritage Centre by Jordan and the State of Palestine;
14. Deplores the continuing Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the expansion of the Western Wall plaza, on account of the Islamic remains of the site, and the enforced creation of a new Jewish prayer platform which has recently been expanded to create a new “Wailing Wall” area south of the Mughrabi Ascent, and reaffirms that no Israeli unilateral measures shall be taken in conformity with its status and obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
15. Reiterates its thanks to Jordan for its cooperation and urges Israel, the occupying Power, to cooperate with the Jordanian Awqaf Department, in conformity with its obligations under the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions, particularly 37 COM/7A.26 and 38 COM/7A.4;
16. Also thanks the Director-General for her attention to this sensitive situation, and requests her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

C UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and UNESCO experts meeting on the Mughrabi Ascent

17. Also regrets the continued Israeli failure to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a reactive monitoring mission (RMM), as referred to in the Operational Guidelines for the Implementation of the World Heritage Convention (1972), to the Old City of Jerusalem and its Walls, and urges Israel, the occupying Power, to accept and facilitate the implementation of the aforementioned

RMM and experts meeting in accordance with UNESCO decisions and in conformity with its obligations under the provisions of UNESCO conventions for the protection of cultural property and cultural heritage;

18. Invites the Director-General to take necessary measures to implement the above-mentioned UNESCO reactive monitoring mission (RMM) in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the 197th session of the Executive Board, and invites all concerned parties to facilitate the implementation of the UNESCO RMM and experts meeting;
19. Stresses the need for the urgent implementation of the above-mentioned UNESCO reactive monitoring mission (RMM), and decides, in case of non-implementation prior to the 197th session of the Executive Board, to consider, in conformity with international law, other means to ensure its implementation;
20. Requests that the report and recommendations of the UNESCO reactive monitoring mission (RMM), as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties before the 197th session of the Executive Board;
21. Further thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint mission and all related UNESCO decisions and resolutions;

II

A Reconstruction and development of Gaza

22. Strongly deplores the continuous negative impact of the successive Israeli military operations in the Gaza Strip in all fields of competence of UNESCO;
23. Also deplores the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items for the successful implementation of UNESCO reconstruction projects, as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities, and the denial of access to education, and urges Israel, the occupying Power, to immediately ease this blockade in accordance with the spirit and essence of the 2014 Cairo agreement between Israel and Palestine for a long-term ceasefire in Gaza;
24. Reiterates its request to the Director-General to upgrade the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive Israeli wars on Gaza;
25. Thanks the Director-General for initiatives that have already been implemented in Gaza in the field of education, and for the safety of media professionals, and calls upon her to continue her involvement actively in the reconstruction of Gaza's damaged educational and cultural components;
26. Thanks the Director-General for organizing an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine;

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

27. Reaffirms that the two concerned sites located in al-Khalīl/Hebron and in Bethlehem are an integral part of Palestine;
28. Deplores the ongoing Israeli construction of private roads for settlers and a separation wall inside the Old City of al-Khalīl/Hebron and the subsequent denial of freedom of movement and freedom of access to places of worship, and urges Israel, the occupying Power, to end these violations, in compliance with provisions of relevant UNESCO conventions, resolutions and decisions;
29. Also deploras the visit of the Israeli President on 2 February 2015 to the illegal settlement in the historic centre of al-Khalīl/Hebron, and requests Israel, the occupying Power, to prevent such visits;
30. Regrets the Israeli refusal to comply with 185 EX/Decision 15 which requested the Israeli authorities to remove the two Palestinian sites from its national heritage list and urges Israel, the occupying Power, to act in accordance with that decision;

III

31. Decides to include an item entitled "Occupied Palestine" in the agenda at its 197th session, and invites the Director-General to submit to it a progress report thereon.

(196 EX/SR.6)

27 Implementation of 37 C/Resolution 67 and 195 EX/Decision 28 concerning educational and cultural institutions in the occupied Arab territories⁴ (196 EX/27; 196 EX/39)**I****OCCUPIED PALESTINE**

The Executive Board,

1. Recalling 37 C/Resolution 67 and 185 EX/Decision 36 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 4 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the Hague Convention (1954) and its Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),

⁴

The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 47 votes in favour, 1 vote against and 9 abstentions:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bangladesh, Belize, Brazil, Chad, China, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, France, Gabon, Gambia, Germany, Guinea, India, Indonesia, Italy, Kuwait, Malawi, Mali, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland.

Against: United States of America.

Abstentions: El Salvador, Ethiopia, Japan, Papua New Guinea, Republic of Korea, Saint Kitts and Nevis, Thailand, Uganda, Ukraine.

Absent: Turkmenistan.

World Heritage Convention

World Heritage Convention Resolutions / Decisions 39 COM 7A.27

Decision

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Decision 39 COM 7A.27

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

1. Having examined Document WHC-15/39.COM/7A.Add,
2. 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 and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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,
4. Deeply concerned by the persistence of the Israeli illegal excavations and works conducted by the Israeli Occupation authorities and the extreme settler groups in the Old City of Jerusalem and on both sides of its Walls and the failure of Israel to cease such harmful interventions, requests Israel to timely stop all such violations, in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations,
5. Regrets the damage caused by the Israeli security forces^h on 30 October 2014 to the historic Gates and windows of the Qibli Mosque inside Al-Aqsa Mosque/ Al-Haram Al-Sharif, which is a Muslim holy site of worship and an integral part of a World Heritage Site;
6. Expresses its deep concern over the Israeli closure and ban of the renovation of Al-Rahma Gate building, one of Al-Aqsa Mosque/ Al-Haram Al-Sharif Gates, and urges Israel to stop obstruction of the necessary restoration works, in order to fix the damage caused by the weather conditions, especially the water leakage into the rooms of the building;

Decision Code
39 COM 7A.27

Themes

Conservation, List of World Heritage in Danger

Properties⁽¹⁾

[Old City of Jerusalem and its Walls](#)

Session

[39th session of the World Heritage Committee \(39.COM\)](#)

Year

2015

State of conservation reports

[2015 Old City of Jerusalem and its Walls](#)

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7. Deplores the damaging effect of the Jerusalem Light rail (tram line) at few meters from the Walls of the Old City of Jerusalem which severely affects the visual integrity and the authentic character of the site and requests Israel, the Occupying Power, to restore the original character of the site in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations;
8. Calls on Israel, the Occupying Power, to stop the obstruction of the immediate execution of all the 19 Hashemite restoration projects in and around Al-Aqsa Mosque/ Al-Haram Al-Sharif;
9. Also deplores the Israeli decision to approve: the plan to build a two-line cable car system in East Jerusalem, the plan to construct of the so called "Liba House" project in the Old City of Jerusalem, the demolition and new construction of the so-called Strauss Building, and the project of the elevator in the Buraq Plaza (Western Wall), the digging of a Mamluk structure beneath the Buraq Plaza (Western Wall), the excavations and construction of levels underneath the Buraq Plaza, and urges Israel, the Occupying Power, to renounce the above mentioned projects in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations particularly the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols, as well as UNESCO Decisions particularly the World Heritage Committee decision 26 and 38 COM 7A.4;
10. Expresses its deep concern regarding the plan for building of the so called "Kedem Center" a visitors centre near the southern wall of Al-Aqsa Mosque/Al-Haram Al-Sharif, which severely affects the visual integrity and the authentic character of the site, in addition, its placement at the northern entrance to Silwan village will cut off the Palestinian residents' direct connection to Old City and the Palestinian neighbourhoods to the north and east of the village, furthermore, most of the remains resulted from the excavation therein have been completely removed without documentation;
11. Expresses its concern regarding the restricting obstacles imposed by Israel, the Occupying Power, on the freedom of access that shall be provided to the competent national authorities including the Jordanian Waqf experts to safeguard the Old City of Jerusalem and both sides of its Walls;
12. Welcomes the relative improvement of Muslim worshippers' access into Al-Aqsa Mosque/ Al-Haram Al-Sharif over the past seven months, regrets the Israeli extremist groups' continuous storming of Al-Aqsa Mosque/ Al-Haram Al-Sharif, urges Israel, the Occupying Power, to take necessary measures to prevent such provocative abuses that violate the sanctity and integrity of the Al Aqsa Mosque/ Al-Haram Al-Sharif and inflame tension on the ground;
13. Further regrets the damage by Israel, the Occupying Power, of the historic ceramics atop of the main gates of the Dome of the Rock and the damage of the historic gates and windows of the Qibli Mosque inside Al Aqsa Mosque/Al-Haram Al-Sharif reaffirms, in this regard, the necessity to respect and safeguard the integrity, authenticity and cultural heritage of Al-Aqsa Mosque /Al-Haram Al-Sharif, as reflected in the Status Quo, as a Muslim Holy Site of worship and as an integral part of a World Cultural Heritage site;
14. Calls upon Israel to return the remains and to provide the World Heritage Centre with the relevant documentation in particular concerning the removed and found historic remains, as well as to restore the original character of the sites of all the above mentioned projects;
15. Requests the World Heritage Centre to continue applying the Reinforced Monitoring Mechanism to the Old City of Jerusalem on both sides of its Walls, and also requests it to report every four months on this matter;

16. Thanks the Director-General of UNESCO and the World Heritage Centre for their efforts aimed at the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its walls and invites them to report on this matter at the 40th session of the World Heritage Committee in 2016;

II

17. Recalling 176 EX/Special Plenary Meeting Decision, and all UNESCO Executive Board Decisions relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem,

18. Affirms that the Mughrabi Ascent is an integral and inseparable part of Al Aqsa Mosque/ Al-Haram Al-Sharif,

19. Takes into consideration the previous Reinforced Monitoring Reports and their addenda prepared by the World Heritage Centre as well as the State of Conservation report submitted to the World Heritage Centre by the Hashemite Kingdom of Jordan and the State of Palestine,

20. Expresses its growing concern regarding the continuous, intrusive demolitions and illegal excavations in and around the Mughrabi Gate Ascent, and the latest excavation works conducted at the beginning of May 2015 at the Buraq Plaza (Western Wall) of Al-Aqsa Mosque/ Al-Haram Al-Sharif, calls on Israel, the Occupying Power, to end such violations, respect the Status Quo, and enable the Jordanian Awqaf experts as a part of the competent national authorities to maintain and safeguard the site in accordance with the relevant provisions of the UNESCO Conventions and Recommendations in particular the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its related protocols;

21. Commends 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 provisions of the relevant UNESCO Conventions for the Protection of Cultural Heritage;

22. Urges Israel, the Occupying Power, to cooperate with Jordanian Awqaf Department, in conformity with its obligations under the provisions of the UNESCO related Conventions, to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

23. Further expresses its deep concern regarding demolitions of Ummayyad, Ottoman and Mamluk remains at the site of the Mughrabi Gate Pathway, and urges Israel, the Occupying Power, to abide by its obligations in this regard;

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

III

25. Recalls the Executive Board decisions concerning the reactive monitoring mission to the Old City of Jerusalem and its Walls particularly decision 196EX/Decision26.4 as well as the World Heritage Committee decisions particularly decision **34 COM 7A.20**;

26. Deeply regrets the continuous Israeli failure to implement the Reactive Monitoring Mission and urges Israel, the Occupying Power, to accept and facilitate the implementation of that Mission;

27. Stresses the need of the urgent implementation of the above-mentioned UNESCO mission and, in case of non-implementation according to the above mentioned Executive Board decision 196EX/Decision26.4, decides to consider, in conformity with the

provisions of the *Convention Concerning the Protection of the World Cultural and Natural Heritage* of 1972, adequate measures to have the concerned party implement it;

28. Requests that the report and recommendations of the mission be presented to the concerned parties prior to the next 197 EX Board session;
29. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO mission and all related UNESCO decisions and resolutions, and invites her to report on this matter at the next 40th World Heritage Committee session;

IV

30. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

Documents

[WHC-15/39.COM/19](#)

Decisions adopted by the World Heritage Committee at its 39th session (Bonn, 2015)

Context of Decision

[WHC-15/39.COM/7A.Add](#)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-seventh session

(Paris, 8-22 October 2015)*

197 EX/Decisions

PARIS, 23 November 2015

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 197th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.

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- (d) that any contribution by the Organization to these celebrations will be financed under the Participation Programme, in accordance with the rules governing that Programme.

(197 EX/SR.8)

31 Partnership agreement between UNESCO and the Union for the Mediterranean (UfM)
(197 EX/31; 197 EX/2)

The Executive Board,

1. Having examined document 197 EX/31,
2. Approves the draft partnership agreement contained in annex to document 197 EX/31;
3. Authorizes the Director-General to sign the Partnership Agreement on behalf of UNESCO.

(197 EX/SR.1)

GENERAL MATTERS

32 Occupied Palestine³ (197 EX/32 and Addenda)

The Executive Board,

1. Having examined documents 197 EX/32 and Add. and Add.2,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its related Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in al-Khalīl/Hebron and in Bethlehem,
3. Affirming that nothing in the present decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any

³ The Executive Board adopted this decision following a roll-call vote: 26 votes in favour, 6 votes against and 25 abstentions:

In favour: Afghanistan, Algeria, Argentina, Bangladesh, Belize, Brazil, Chad, China, Cuba, Dominican Republic, Ecuador, Egypt, India, Indonesia, Kuwait, Mali, Mauritius, Morocco, Mexico, Mozambique, Namibia, Nigeria, Pakistan, Russian Federation, Tunisia, United Arab Emirates,

Against: Czech Republic, Germany, Estonia, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Albania, Angola, Austria, El Salvador, Ethiopia, France, Gabon, Gambia, Guinea, Italy, Japan, Malawi, Montenegro, Nepal, Papua New Guinea, Republic of Korea, the former Yugoslav Republic of Macedonia, Saint Kitts and Nevis, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Uganda, Ukraine.

Absent: Turkmenistan.

way affect the relevant Security Council and other United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,

I

A Jerusalem

4. Deeply regrets the Israeli refusal to implement UNESCO previous Decisions concerning Jerusalem, particularly 185 EX/Decision 14, and notes that its request to the Director-General to appoint, as soon as possible, a permanent representative to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the fields of competence of UNESCO in East Jerusalem, has not been fulfilled, and reiterates its request to the Director-General to appoint the above-mentioned representative;
5. Deeply deplores the recent repression in East Jerusalem, and the failure of Israel, the occupying Power, to cease the persistent excavations and works in East Jerusalem, particularly in and around the Old City, and reiterates its request to Israel, the occupying Power, to prohibit all such works, in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;
6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and requests her to maintain and reinvigorate such efforts;

B Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf and its surroundings

1 Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf

7. Strongly condemns the Israeli aggressions and illegal measures against the freedom of worship and Muslims' access to their holy site Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and requests Israel, the occupying Power, to respect the pre-1967 status quo and to immediately stop these measures;
8. Firmly deplores the continuous storming of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf by Israeli right-wing extremists and uniformed forces, and urges Israel, the occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
9. Deeply decries the continuous Israeli targeting of civilians including religious figures, sheikhs, and priests, decries the large number of arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf by the Israeli forces, and also urges Israel, the occupying Power, to end these aggressions and abuses which inflame the tension on the ground and between faiths;
10. Disapproves of the Israeli restriction of access to Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf during the 2015 Eid Al-Adha and the subsequent violence, and calls on Israel, the occupying Power, to stop all violations against the Waqf properties;
11. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and requests Israel to grant visas to UNESCO experts without restrictions;
12. Regrets the damage caused by Israeli forces, especially since 23 August 2015, to the historic gates and windows of al-Qibli Mosque inside Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and reaffirms, in this regard, the obligation of Israel to respect the integrity, authenticity and cultural heritage of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, as reflected in the pre-1967 status quo, as a Muslim holy site of worship and as an integral part of a world cultural heritage site;

13. Expresses its deep concern over the Israeli closure and ban of the renovation of the al-Rahma Gate building, one of the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf gates, and asks Israel to lift the ban on the Gate and on the necessary restoration works, in order to fix the damage caused by the weather conditions, especially the water leakage into the historic rooms of the building, and also calls on Israel, the occupying Power, to stop the obstruction of the immediate execution of all the 19 Hashemite restoration projects in and around Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
14. Deplores the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so-called “Liba House” project in the Old City of Jerusalem, as well as the construction of the so-called “Kedem Center”, a visitor centre near the southern wall of the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, the construction of the Strauss Building and the Buraq Plaza elevator project, and urges Israel, the occupying Power, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions;

2 Ascent to the Mughrabi Gate in the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf

15. Reaffirms that the Mughrabi Ascent is an integral and inseparable part of the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
16. Takes note of the 14th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre, as well as the state of conservation reports submitted to the World Heritage Centre by Jordan and the State of Palestine;
17. Deprecates the continuing Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the latest works conducted at the Mughrabi Gate entrance in February 2015, the instalment of an umbrella at that entrance as well as the enforced creation of a new Jewish prayer platform south of the Mughrabi Ascent and the removal of the Islamic remains at the site, and reaffirms that no Israeli unilateral measures shall be taken in conformity with its status and obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
18. Also expresses its deep concern regarding the illegal demolition of Ummayyad, Ottoman and Mamluk remains as well as other intrusive works and excavations in and around the Mughrabi Gate Pathway, and also requests Israel, the occupying Power, to halt such demolitions, excavations and works and to abide by its obligations in this regard;
19. Reiterates its thanks to Jordan for its cooperation and also urges Israel, the occupying Power, to cooperate with the Jordanian Awqaf Department, in conformity with its obligations under the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions, particularly 37 COM/7A.26, 38 COM/7A.4 and 39 COM/7A.27;
20. Thanks the Director-General for her attention to this sensitive situation, and requests her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

C UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and UNESCO experts meeting on the Mughrabi Ascent

21. Stresses yet again the urgent need for the implementation of the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;

22. Recalls in this regard 196 EX/Decision 26 that decided, in case of non-implementation prior to the 197th session of the Executive Board, to consider, in conformity with the international law, other means to ensure its implementation;
23. Notes with deep concern that Israel, the occupying Power, has not complied with any of the ten Executive Board decisions* or six World Heritage Committee decisions** that request the implementation of the reactive monitoring mission to the Old City of Jerusalem and its Walls;
24. Regrets the continued Israeli refusal to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a reactive monitoring mission to the Old City of Jerusalem and its Walls;
25. Invites the Director-General to take necessary measures to implement the above-mentioned reactive monitoring mission in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the 198th session of the Executive Board, and invites all concerned parties to facilitate the implementation of the mission and experts meeting;
26. Requests that the report and recommendations of the reactive monitoring mission as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties;
27. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint reactive monitoring mission and all related UNESCO decisions and resolutions;

II

A Reconstruction and development of Gaza

28. Deeply decries the continuous negative impact of the Israeli military confrontations in the Gaza Strip in all fields of competence of UNESCO;
29. Strongly deplores the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities and the denial of access to education, and requests Israel, the occupying Power, to immediately ease this blockade;
30. Reiterates its request to the Director-General to upgrade, as soon as possible, the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive Israeli wars on Gaza;
31. Thanks the Director-General for the information meeting held last March on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine, and invites her to organize another information meeting on the same matter;
32. Also thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, and calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components;

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

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

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

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

III

37. Decides to include an item entitled "Occupied Palestine" in the agenda at its 199th session, and invites the Director-General to submit to it a progress report thereon.

(197 EX/SR.6)

33 Implementation of 37 C/Resolution 67 and 196 EX/Decision 27 concerning educational and cultural institutions in the occupied Arab territories⁴ (197 EX/33; 197 EX/53)**I****OCCUPIED PALESTINE**

The Executive Board,

1. Recalling 37 C/Resolution 67 and 185 EX/Decision 36 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 4 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the Hague Convention (1954) and its Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),

⁴ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 40 votes in favour, 1 vote against and 11 abstentions:

In favour: Albania, Algeria, Argentina, Austria, Bangladesh, Belize, Brazil, China, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, France, Gabon, Germany, Guinea, India, Indonesia, Italy, Japan, Kuwait, Mali, Mauritius, Morocco, Mexico, Montenegro, Namibia, Nepal, Netherlands, Nigeria, Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland.

Against: United States of America.

Abstentions: El Salvador, Ethiopia, Gambia, Malawi, Papua New Guinea, Republic of Korea, Saint Kitts and Nevis, Thailand, Trinidad and Tobago, Uganda, Ukraine.

Absent: Afghanistan, Angola, Chad, Mozambique, Pakistan, Turkmenistan.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-ninth session

(Paris, 4-15 April 2016)*

199 EX/Decisions

PARIS, 16 May 2016

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 199th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.



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recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in al-Khalīl/Hebron and in Bethlehem,

3. Affirming that nothing in the present decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,

19.I**19.I.A Jerusalem**

4. Deeply regrets the Israeli refusal to implement UNESCO previous decisions concerning Jerusalem, particularly 185 EX/Decision 14, notes that its request to the Director-General to appoint, as soon as possible, a permanent representative to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the fields of competence of UNESCO in East Jerusalem, has not been fulfilled, and reiterates its request to the Director-General to appoint the above-mentioned representative;
5. Deeply deplores the failure of Israel, the occupying Power, to cease the persistent excavations and works in East Jerusalem particularly in and around the Old City, and reiterates its request to Israel, the occupying Power, to prohibit all such works in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;
6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and requests her to maintain and reinvigorate such efforts;

19.I.B Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf and its surroundings**19.I.B.1 Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf**

7. Calls on Israel, the occupying Power, to allow for the restoration of the historic status quo that prevailed until September 2000, under which the Jordanian Awqaf (Religious Foundation) Department exercised exclusive authority on Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and its mandate extended to all affairs relating to the unimpeded administration of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, including maintenance, restoration, and regulating access;
8. Strongly condemns the Israeli aggressions and illegal measures against the freedom of worship and Muslims' access to their holy site Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and requests Israel, the occupying Power, to respect the historic status quo and to immediately stop these measures;
9. Firmly deplores the continuous storming of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf by Israeli right-wing extremists and uniformed forces, and urges Israel, the occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
10. Deeply decries the continuous Israeli aggressions against civilians including sheikhs, and priests, decries the large number of arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf by the Israeli forces, and urges Israel, the occupying Power, to end these aggressions and abuses which inflame the tension on the ground and between faiths;

11. Disapproves of the Israeli restriction of access to Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf during the 2015 Eid Al-Adha and the subsequent violence, and calls on Israel, the occupying Power, to stop all violations against Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
12. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and requests Israel to grant visas to UNESCO experts without restrictions;
13. Regrets the damage caused by the Israeli forces, especially since 23 August 2015, to the historic gates and windows of the al-Qibli Mosque inside Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, and reaffirms, in this regard, the obligation of Israel to respect the integrity, authenticity and cultural heritage of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, as reflected in the historic status quo, as a Muslim holy site of worship and as an integral part of a world cultural heritage site;
14. Calls on Israel, the occupying Power, to stop violations against the Waqf properties east and south of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, such as the recent confiscations of parts of al-Youssefeyah cemetery and al-Sawanah area by banning Muslims from burying their dead in some spaces and by planting Jewish fake graves in other spaces of the Muslim cemeteries, in addition to the dramatic change of the status and distinctive character of the Umayyad Palaces, in particular the violation of the continued conversion of many Islamic and Byzantine remains into the so-called Jewish ritual baths or into Jewish prayer places;
15. Expresses its deep concern over the Israeli closure and ban of the renovation of the al-Rahma Gate building, one of the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf gates, and urges Israel, the occupying Power, to reopen the Gate, and stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building;
16. Also calls on Israel, the occupying Power, to stop the obstruction of the immediate execution of all the 18 Hashemite restoration projects in and around Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
17. Deplores the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so-called “Liba House” project in the Old City of Jerusalem as well as the construction of the so-called “Kedem Center”, a visitor centre near the southern wall of the Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf, the construction of the Strauss Building and the elevator project in Al-Buraq Plaza “Western Wall Plaza” and urges Israel, the occupying Power, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions;

19.I.B.2 Ascent to the Mughrabi Gate in Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf

18. Reaffirms that the Mughrabi Ascent is an integral and inseparable part of Al-Aqṣà Mosque/al-Ḥaram ash-Sharīf;
19. Takes note of the 15th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre, as well as the state of conservation reports submitted to the World Heritage Centre by Jordan and the State of Palestine;
20. Deprecates the continuing Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the latest works conducted at the Mughrabi Gate entrance in February 2015, the instalment of an umbrella at that entrance as well

as the enforced creation of a new Jewish prayer platform south of the Mughrabi Ascent in Al-Buraq Plaza "Western Wall Plaza", and the removal of the Islamic remains at the site, and reaffirms that no Israeli unilateral measures shall be taken in conformity with its status and obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;

21. Also expresses its deep concern regarding the illegal demolitions of Ummayyad, Ottoman and Mamluk remains as well as other intrusive works and excavations in and around the Mughrabi Gate Pathway, and also requests Israel, the occupying Power, to halt such demolitions, excavations and works and to abide by its obligations under the provisions of the UNESCO conventions mentioned in paragraph 2 above;
22. Reiterates its thanks to Jordan for its cooperation and urges Israel, the occupying Power, to cooperate with the Jordanian Awqaf Department, in conformity with its obligations under the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions, particularly 37 COM/7A.26, 38 COM/7A.4 and 39 COM/7A.27;
23. Thanks the Director-General for her attention to this sensitive situation, and requests her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

19.I.C UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and UNESCO experts meeting on the Mughrabi Ascent

24. Stresses yet again the urgent need for the implementation of the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
25. Recalls in this regard 196 EX/Decision 26 that decided, in case of non-implementation, to consider, in conformity with international law, other means to ensure its implementation;
26. Notes with deep concern that Israel, the occupying Power, has not complied with any of the 11 decisions of the Executive Board* or six World Heritage Committee decisions** that request the implementation of the reactive monitoring mission to the Old City of Jerusalem and its Walls;
27. Regrets the continued Israeli refusal to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a reactive monitoring mission to the Old City of Jerusalem and its Walls;
28. Invites the Director-General to take necessary measures to implement the above-mentioned reactive monitoring mission in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the next session of the Executive Board, and invites all concerned parties to facilitate the implementation of the mission and experts meeting;

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

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

29. Requests that the report and recommendations of the reactive monitoring mission as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties;
30. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint reactive monitoring mission and all related UNESCO decisions and resolutions;

19.II Reconstruction and development of Gaza

31. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities, including breaches of the inviolability of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools;
32. Strongly deplores the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities and the denial of access to education, and requests Israel, the occupying Power, to immediately ease this blockade;
33. Reiterates its request to the Director-General to upgrade, as soon as possible, the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive wars on Gaza;
34. Thanks the Director-General for the information meeting held in March 2015 on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine, and invites her to organize another information meeting on the same matter;
35. Also thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, and calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components;

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

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

39. Deeply regrets the Israeli refusal to comply with 185 EX/Decision 15, which requested the Israeli authorities to remove the two Palestinian sites from its national heritage list and calls on the Israeli authorities to act in accordance with that decision;

19.IV

40. Decides to include these matters under an item entitled “Occupied Palestine” in the agenda at its 200th session, and invites the Director-General to submit to it a progress report thereon.

(199 EX/SR.7)

20 Implementation of 38 C/Resolution 72 and 197 EX/Decision 33 concerning educational and cultural institutions in the occupied Arab territories³ (199 EX/20; 199 EX/33)**20.I OCCUPIED PALESTINE**

The Executive Board,

1. Recalling 185 EX/Decision 36 and 38 C/Resolution 72 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 24, 50 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the Hague Convention (1954) and its Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
2. Also recalling the International Court of Justice’s Advisory Opinion of 9 July 2004 on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”,
3. Having examined document 199 EX/20,
4. Committed to the safeguarding of monuments, works of art, manuscripts, books and other historical and cultural properties to be protected in the event of conflict, as well as the safeguarding of schools and all educational facilities,
5. Deplores the damaging impact of the military confrontations in and around the Gaza Strip in the fields of competence of UNESCO where several hundreds of educational and cultural facilities have been destroyed or damaged, affecting more than 500,000 schoolchildren and students as reflected in United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and UNESCO reports, as well as the severe damage inflicted on cultural heritage sites and cultural institutions, and also deplores breaches of the inviolability of UNRWA schools;

³ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 45 votes in favour, 1 vote against and 11 abstentions:

In favour: Albania, Algeria, Argentina, Bangladesh, Brazil, Chad, China, Dominican Republic, Egypt, El Salvador, Estonia, France, Germany, Greece, Guinea, India, Iran (Islamic Republic of), Italy, Japan, Lebanon, Lithuania, Malaysia, Mauritius, Morocco, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Republic of Korea, Russian Federation, Senegal, Slovenia, Sudan, South Africa, Spain, Sri Lanka, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, Viet Nam.

Against: United States of America.

Abstentions: Cameroon, Côte d’Ivoire, Ghana, Haiti, Kenya, Paraguay, Saint Kitts and Nevis, Serbia, Trinidad and Tobago, Uganda, Ukraine.

Absent: Turkmenistan.

World Heritage Convention

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Decision

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Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

1. Having examined document WHC-16/40.COM/7A.Add2,
2. 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 and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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,
4. Deeply concerned by the Israeli illegal archeological excavations and works conducted by the Israeli occupation authorities and settler groups in the Old City of Jerusalem and on both sides of its Walls and the failure of Israel to cease such harmful interventions, requests Israel to timely stop all such activities, in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations;
5. Regrets the damage caused by the Israeli security forces on 30th October 2014 to the historic Gates and windows of the Qibli Mosque inside Al-Aqsa Mosque / Al-Haram Al-Sharif, which is a Muslim holy site of worship and an integral part of a World Heritage Site;
6. Calls on Israel to stop the closure of Al-Rahmah Gate building, one of Al-Aqsa Mosque / Al-Haram Al-Sharif gates, and to allow necessary renovation works thereof, in order to fix damage caused by the weather conditions;

Decision Code
40 COM 7A.13

Themes

Conservation, List of World Heritage in
Danger

Properties ⁽¹⁾

[Old City of Jerusalem and its Walls](#)

Session

[40th session of the World Heritage
Committee \(40.COM\)](#)

Year

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State of conservation reports

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7. Also calls on Israel to facilitate the immediate execution of all 19 Hashemite restoration projects in and around Al-Aqsa Mosque/Al-Haram Al-Sharif;
 8. Deplores the damaging effect of the Jerusalem Light rail (tram line) at few meters from the Walls of the Old City of Jerusalem which severely affect the visual integrity and the authentic character of the site and requests Israel to restore the original character of the site in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations;
 9. Also deplores the Israeli plan to build a two-line cable car system in East Jerusalem, the construction of the so called "Liba House" project in the Old City of Jerusalem, the demolition and ~~de~~construction of the so-called Strauss Building, and the project of the Western Wall elevator, the digging of a Mamluk structure beneath the Western Wall, the excavations and construction of ~~levels~~ ~~levels~~ underneath the Western Wall, and urges Israel to renounce to the above mentioned projects in conformity with its obligations under the provisions of related UNESCO Conventions and recommendations as well as UNESCO Decisions particularly the World Heritage Committee decision **37 COM 7A.26**, **38 COM 7A.4** and **39 COM 7A.27** and to provide the World Heritage Centre with all related documentation in particular the documentation concerning the historic remains found at the above mentioned projects;
 10. Expresses its deep concern regarding the initially approved plan for the so called "Kedem Center" a visitors centre near the southern wall of Al-Aqsa Mosque/Al-Haram Al-Sharif, which severally affects the visual integrity and the authentic character of the site requests Israel to return the remains and to provide the relevant documentation thereof as well as to restore the original character of the site;
 11. Requests the Israeli authorities to ~~allow~~ ~~allow~~ restricted access of the competent national authorities including the Jordanian Waqf experts to safeguard the Old City of Jerusalem and both sides of its Walls;
 12. Welcomes the relative improvement of Muslim worshippers' access into Al-Aqsa Mosque/ Al-Haram Al-Sharif over the past seven months, and encourages Israel to continue to implement and further expand measures to prevent provocative incidents, such as Israeli extremist groups' storming of Al-Aqsa Mosque / Al Haram Al Sharif, that violate the sanctity and integrity of the Al-Aqsa Mosque/ Al-Haram Al-Sharif that may inflame tension on the ground;
 13. Further regrets the damage by Israel, of the historic ceramics atop of the main gates of the Dome of the Rock and the damage of the historic gates and windows of the Qibli Mosque inside Al-Aqsa Mosque/Al-Haram Al-Sharif as well as the damage of Umayyad, Ottoman and Mamluk remains of the site of Mughrabi Gate Pathway affirms, in this regard, the necessity to respect and safeguard the integrity, authenticity and cultural heritage of Al-Aqsa Mosque /Al-Haram Al-Sharif, as reflected in the Status Quo, as a Muslim Holy Site of worship and as an integral part of a World Cultural Heritage site;
 14. Requests the World Heritage Centre to continue applying the Reinforced Monitoring Mechanism to the Old City of Jerusalem on both sides of its Walls, and also requests it to report every four months on this matter;
 15. Also thanks the Director-General of UNESCO and the World Heritage Centre for their efforts aimed at the Safeguarding of the Cultural Heritage of the Old City of Jerusalem on both sides of its walls and invites them to report on this matter at the 41st session of the World Heritage Committee in 2017;
- II
16. Recalling 176 EX/Special Plenary Meeting Decision, and all UNESCO Executive Board Decisions relating to the Ascent to the Mughrabi Gate

in the Old City of Jerusalem,

17. Taking note of the Reinforced Monitoring Reports and their addenda prepared by the World Heritage Centre as well as the State of Conservation reports submitted to the World Heritage Centre by Jordan and Palestine and by Israel, the de facto administrating authority,
18. Expresses its growing concern regarding the continuous, intrusive archeological demolitions and excavations in and around the Mughrabi Gate Ascent, and the latest excavation works conducted at the beginning of May 2015 at the Western Wall of Al-Aqsa Mosque/ Al-Haram Al-Sharif, calls on Israel to stop such intrusive archeological demolitions and excavations, respect the Status Quo, and enable the Jordanian Waqf experts as a part of the competent authorities to maintain and safeguard the site in accordance with the relevant provisions of the UNESCO Conventions and Recommendations;
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, thanks Jordan for its cooperation in accordance with the provisions of the relevant UNESCO Conventions for the Protection of Cultural Heritage;
20. Urges Israel, in conformity with its obligations under the provisions of the UNESCO related Conventions, to cooperate with Jordanian Waqf Department and experts to facilitate the restoration of the Ascent to the Mughrabi Gate;
21. Thanks the Director-General for her attention to the sensitive situation of the Ascent to the Mughrabi Gate as an integral part of Al-Aqsa Mosque/ Al-Haram Al-Sharif and calls upon her to consult with all concerned parties in order to enable the restoration works of the Ascent to the Mughrabi Gate;

III

22. Recalls the Executive Board decisions concerning the Reactive Monitoring mission to the Old City of Jerusalem and its Walls particularly decision 196EX/Decision26.4 as well as the World Heritage Committee decisions particularly Decision **34 COM 7A.20**;
23. Stresses the need of the urgent implementation of the above mentioned UNESCO Mission;
24. Urges Israel, to accept and facilitate the implementation of that technical expert Mission;
25. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO mission and all related UNESCO decisions and resolutions, and invites her to report on this matter at the next 41st World Heritage Committee session;

IV

26. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

Documents

[WHC/16/40.COM/19](#)

Report of the Decisions adopted during the 40th session of the World Heritage Committee (Istanbul/UNESCO, 2016)

Context of Decision

[WHC-16/40.COM/7A.Add.2](#)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundredth session

(Paris, 4-18 October 2016)*

200 EX/Decisions

PARIS, 18 November 2016

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 200th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.



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Annex 47

25 Occupied Palestine³ (200 EX/25; 200 EX/36)

The Executive Board,

1. Having examined document 200 EX/25,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions, also affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,

25.1 Jerusalem

4. Deeply regrets the Israeli refusal to implement previous UNESCO decisions concerning Jerusalem, particularly 185 EX/Decision 14, notes that its request to the Director-General to appoint, as soon as possible, a permanent representative to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the fields of competence of UNESCO in East Jerusalem, has not been fulfilled, and reiterates its request to the Director-General to appoint the above-mentioned representative;
5. Deeply deplores the failure of Israel, the occupying Power, to cease the persistent excavations and works in East Jerusalem particularly in and around the Old City, and reiterates its request to Israel, the occupying Power, to prohibit all such works in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;

³ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 24 votes in favour, 6 votes against and 26 abstentions:

In favour: Algeria, Bangladesh, Brazil, Chad, China, Dominican Republic, Egypt, Iran (Islamic Republic of), Lebanon, Malaysia, Mauritius, Morocco, Mexico, Mozambique, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, Sudan, South Africa, Viet Nam.

Against: Estonia, Germany, Lithuania, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Albania, Argentina, Cameroon, Côte d'Ivoire, El Salvador, France, Ghana, Greece, Guinea, Haiti, India, Italy, Japan, Kenya, Nepal, Paraguay, Republic of Korea, Saint Kitts and Nevis, Slovenia, Spain, Sri Lanka, Sweden, Togo, Trinidad and Tobago, Uganda, Ukraine.

Absent: Serbia, Turkmenistan.

6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and requests her to maintain and reinvigorate such efforts;

25.I.A Al-Aqşa Mosque/Al-Ḥaram Al-Sharif and its surroundings**25.I.A.1 Al Aqşa Mosque/Al-Ḥaram Al-Sharif**

7. Calls on Israel, the occupying Power, to allow for the restoration of the historic status quo that prevailed until September 2000, under which the Jordanian Awqaf (Religious Foundation) Department exercised exclusive authority on Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, and its mandate extended to all affairs relating to the unimpeded administration of Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, including maintenance, restoration and regulating access;
8. Strongly condemns the escalating Israeli aggressions and illegal measures against the Awqaf Department and its personnel, and against the freedom of worship and Muslims' access to their holy site Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, and requests Israel, the occupying Power, to respect the historic status quo and to immediately stop these measures;
9. Firmly deplores the continuous storming of Al-Aqşa Mosque/Al-Ḥaram Al-Sharif by Israeli right-wing extremists and uniformed forces, and urges Israel, the occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of Al-Aqşa Mosque/Al-Ḥaram Al-Sharif;
10. Deeply decries the continuous Israeli aggressions against civilians including Islamic religious figures and priests, decries the forceful entering into the different mosques and historic buildings inside Al-Aqşa Mosque/Al-Ḥaram Al-Sharif by different Israeli employees including the so-called "Israeli Antiquities" officials, and arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in Al-Aqşa Mosque/Al-Ḥaram Al-Sharif by the Israeli forces, and urges Israel, the occupying Power, to end these aggressions and abuses which inflame the tension on the ground and between faiths;
11. Disapproves of the Israeli restriction of access to Al-Aqşa Mosque/Al-Ḥaram Al-Sharif during the 2015 Eid Al-Adha and the subsequent violence, and calls on Israel, the occupying Power, to stop all violations against Al-Aqşa Mosque/Al-Ḥaram Al-Sharif;
12. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, and requests Israel to grant visas to UNESCO experts without restrictions;
13. Regrets the damage caused by the Israeli forces, especially since 23 August 2015, to the historic gates and windows of the al-Qibli Mosque inside Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, and reaffirms, in this regard, the obligation of Israel to respect the integrity, authenticity and cultural heritage of Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, as reflected in the historic status quo, as a Muslim holy site of worship and as an integral part of a world cultural heritage site;
14. Expresses its deep concern over the Israeli closure and ban of the renovation of the Al-Rahma Gate building, one of the Al-Aqşa Mosque/Al-Ḥaram Al-Sharif gates, and urges Israel, the occupying Power, to reopen the Gate, and stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building;
15. Also calls on Israel, the occupying Power, to stop the obstruction of the immediate execution of all the 18 Hashemite restoration projects in and around Al-Aqşa Mosque/Al-Ḥaram Al-Sharif;

16. Deplores the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so-called “Liba House” project in the Old City of Jerusalem as well as the construction of the so-called “Kedem Center”, a visitor centre near the southern wall of the Al-Aqşa Mosque/Al-Ḥaram Al-Sharif, the construction of the Strauss Building and the elevator project in Al-Buraq Plaza “Western Wall Plaza” and urges Israel, the occupying Power, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions;

25.I.A.2 Ascent to the Mughrabi Gate in Al-Aqşa Mosque/Al-Ḥaram Al-Sharif

17. Reaffirms that the Mughrabi Ascent is an integral and inseparable part of Al-Aqşa Mosque/Al-Ḥaram Al-Sharif;
18. Takes note of the 16th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre as well as the state of conservation reports submitted to the World Heritage Centre by the Hashemite Kingdom of Jordan and the State of Palestine;
19. Deprecates the continuing Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the latest works conducted at the Mughrabi Gate entrance in February 2015, the instalment of an umbrella at that entrance as well as the enforced creation of a new Jewish prayer platform south of the Mughrabi Ascent in Al-Buraq Plaza “Western Wall Plaza”, and the removal of the Islamic remains at the site, and reaffirms that no Israeli unilateral measures, shall be taken in conformity with its status and obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
20. Also expresses its deep concern regarding the illegal demolitions of Umayyad, Ottoman and Mamluk remains as well as other intrusive works and excavations in and around the Mughrabi Gate Pathway, and also requests Israel, the occupying Power, to halt such demolitions, excavations and works and to abide by its obligations under the provisions of the UNESCO conventions mentioned in paragraph 2 above;
21. Reiterates its thanks to Jordan for its cooperation and urges Israel, the occupying Power, to cooperate with the Jordanian Awqaf Department, in conformity with its obligations under the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to facilitate access of Jordanian Awqaf experts with their tools and materials to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions, particularly 37 COM/7A.26, 38 COM/7A.4 and 39 COM/7A.27;
22. Thanks the Director-General for her attention to the sensitive situation of this matter, and requests her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

25.I.B UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls and UNESCO experts meeting on the Mughrabi Ascent

23. Stresses yet again the urgent need for the implementation of the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
24. Recalls in this regard 196 EX/Decision 26 that decided, in case of non-implementation, to consider, in conformity with international law, other means to ensure its implementation;

25. Notes with deep concern that Israel, the occupying Power, had not complied with any of the 12⁴ Executive Board decisions or six⁵ World Heritage Committee decisions that request the implementation of the reactive monitoring mission to the Old City of Jerusalem and its Walls;
26. Regrets the continued Israeli refusal to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a reactive monitoring mission to the Old City of Jerusalem and its Walls;
27. Invites the Director-General to take necessary measures to implement the above-mentioned reactive monitoring mission in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the next session of the Executive Board, and invites all concerned parties to facilitate the implementation of the mission and experts meeting;
28. Requests that the report and recommendations of the reactive monitoring mission as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties;
29. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint reactive monitoring mission and all related UNESCO decisions and resolutions;

25.II Reconstruction and development of Gaza

30. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities, including breaches of the inviolability of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools;
31. Strongly deplores the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities and the denial of access to education, and requests Israel, the occupying Power, to immediately ease this blockade;
32. Reiterates its request to the Director-General to upgrade, as soon as possible, the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive wars on Gaza;
33. Thanks the Director-General for the information meeting held in March 2015 on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine, and invites her to organize, as soon as possible, another information meeting on the same matter;

⁴ The 12 Executive Board decisions: 185 EX/Decision 14, 186 EX/Decision 11, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 191 EX/Decision 9, 192 EX/Decision 11, 194 EX/Decision 11, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.I.

⁵ The six World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27.

34. Also thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, and calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components;

25.III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

35. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of Palestine;
36. Shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
37. Strongly disapproves the ongoing Israeli illegal excavations, works, construction of private roads for settlers and a separation wall inside the Old City of Al-Khalil/Hebron, that harmfully affect the integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship, and asks Israel, the occupying Power, to end these violations in compliance with provisions of relevant UNESCO conventions, resolutions and decisions;
38. Deeply deplores the new cycle of violence, going on since October 2015, in the context of the constant aggressions by the Israeli settlers and other extremist groups against Palestinian residents including schoolchildren, also asks the Israeli authorities to prevent such aggressions;
39. Regrets the visual impact of the separation wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;
40. Deeply regrets the Israeli refusal to comply with 185 EX/Decision 15, which requested the Israeli authorities to remove the two Palestinian sites from its national heritage list and calls on the Israeli authorities to act in accordance with that decision;

25.IV

41. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 201st session, and invites the Director-General to submit to it a progress report thereon.

(200 EX/SR.7)



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and first session

(Paris, 19 April – 5 May 2017)*

201 EX/Decisions

PARIS, 5 June 2017

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 201st SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.



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29 Dates of the 202nd session and provisional list of matters to be examined
(201 EX/29.INF)

202nd session
(including the meetings of the subsidiary bodies)

(4 to 18 October 2017)³

(11 working days/15 calendar days)

Bureau (BUR)	Wednesday 4, Friday 6 and Friday 13 October
Committee on Conventions and Recommendations (CR)	Wednesday 4 (p.m.) to Friday 6 October
Special Committee (SP)	Thursday 5 and Friday 6 October
Committee on Non-Governmental Partners (NGP)	Friday 6 October
Plenary meetings (PLEN) ⁴	Monday 9 and Tuesday 10, then Tuesday 17 and Wednesday 18 October
Commissions (FA, PX, JOINT)	Wednesday 11 to Monday 16 October

N.B.: School holidays in the host country are scheduled from Saturday 21 October to Monday 6 November 2017.

(201 EX/SR.9)

30 Occupied Palestine⁵ (201 EX/30; 201 EX/41)

The Executive Board,

1. Having examined document 201 EX/30,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit

³ These dates are subject to change as the session may be extended to 19 October 2017 if necessary.

⁴ In addition to the first two ballots for the nomination of a candidate for the post of Director-General, which could take place at the end of the plenary meetings foreseen on 9 and 10 October 2017, plenary meetings might be held at 6.30 pm on the following days: Wednesday 11, Thursday 12 and Monday 16 October 2017.

⁵ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 22 votes in favour, 10 votes against and 23 abstentions:

In favour: Algeria, Bangladesh, Brazil, Chad, China, Egypt, Iran (Islamic Republic of), Lebanon, Malaysia, Mauritius, Morocco, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, South Africa, Sudan, Sweden, Viet Nam.

Against: Germany, Greece, Italy, Lithuania, Netherlands, Paraguay, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Albania, Argentina, Cameroon, Côte d'Ivoire, Dominican Republic, El Salvador, Estonia, France, Ghana, Guinea, Haiti, India, Japan, Kenya, Mexico, Mozambique, Republic of Korea, Saint Kitts and Nevis, Slovenia, Spain, Sri Lanka, Trinidad and Tobago, Uganda.

Absent: Nepal, Serbia, Turkmenistan.

Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,

3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),

30.I Jerusalem

4. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
5. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
6. Recalling the 11 decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1 and 200 EX/Decision 25, and the seven World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27 and 40 COM/7A.13,
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;

30.II Reconstruction and development of Gaza

10. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities,

including breaches of the inviolability of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools;

11. Also deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

30.III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

30.IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 202nd session, and invites the Director-General to submit to it a progress report thereon.

(201 EX/SR.10)

31 Implementation of 38 C/Resolution 72 and 200 EX/Decision 26 concerning educational and cultural institutions in the Occupied Arab territories⁶ (201 EX/31; 201 EX/41)

The Executive Board,

1. Recalling 185 EX/Decision 36 and 38 C/Resolution 72 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 24,

⁶ The Executive Board adopted this decision upon a recommendation made by the Programme and External Relations Commission (PX) following a roll-call vote: 38 votes in favour, 1 vote against and 18 abstentions:

In favour: Albania, Algeria, Argentina, Bangladesh, Brazil, Chad, China, Egypt, Estonia, France, Germany, Greece, Iran (Islamic Republic of), Italy, Japan, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Republic of Korea, Russian Federation, Senegal, Serbia, Slovenia, South Africa, Spain, Sudan, Sweden, Ukraine, Viet Nam.

World Heritage Convention

World Heritage Convention Resolutions / Decisions 41 COM 7A.36

Decision

Search resolutions / decisions



Filter

Decision 41 COM 7A.36

Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

The World Heritage Committee,

1. Having examined Document WHC-17/41.COM/7A.ADD2,
2. 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 (1954) and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage (1972), the Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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, including United Nations Security Council resolution 2334 (2016),
4. Also reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
5. Reminding 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 "basic law" on Jerusalem, are null and void and must be rescinded forthwith,
6. Further recalling the 12 decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/PX 30.1 and the seven World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13,
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works, projects and other illegal

Decision Code
41 COM 7A.36

Themes

Conservation, List of World Heritage in
Danger

Properties¹

[Old City of Jerusalem and its Walls](#)

Session

[41st session of the World Heritage
Committee \(41.COM\)](#)

Year

[2017](#)

State of conservation reports

[2017 Old City of Jerusalem and its Walls](#)

[← Prev.](#)

[Next →](#)

practices in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law, and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;

8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre, to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;
10. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

Documents

[WHC/17/41.COM/18](#)

Decisions adopted during the 41st session of the World Heritage Committee (Krakow, 2017)

Context of Decision

[WHC-17/41.COM/7A.Add2](#)

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United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and second session

(Paris, 4 October – 18 October 2017)*

202 EX/Decisions

PARIS, 18 November 2017

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 202nd SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.



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GENERAL MATTERS

38 Occupied Palestine (202 EX/38 and Add; 202 EX/50)

The Executive Board,

1. Having considered document 202 EX/38 and the Annex to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 204th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and second session

202 EX/PX/DR.38.2
PARIS, 6 October 2017
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 38 OCCUPIED PALESTINE

DRAFT DECISION

Submitted by: Algeria, Egypt, Lebanon, Morocco, Qatar and Sudan

The Executive Board,

1. Having examined document 202 EX/38,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),

38.I Jerusalem

4. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,

5. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
6. Also recalling the twelve decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25 and 201 EX/Decision 30 and the eight World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, and 41 COM/7A.36;
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;

38.II Reconstruction and development of Gaza

10. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities, including breaches of the inviolability of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools;
11. Also deploras the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza’s damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

38.III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel’s Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel’s Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and

demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

38.IV

16. Decides to include these matters under an item entitled “Occupied Palestine” in the agenda at its 204th session, and invites the Director-General to submit to it a progress report thereon.

(202 EX/SR.11)

39 Implementation of 38 C/Resolution 72 and 201 EX/Decision 31 concerning educational and cultural institutions in the occupied Arab territories (202 EX/39; 202 EX/50)

The Executive Board,

1. Having considered documents 202 EX/38, 202 EX/39 and the Annex to this decision,
2. Recalling its previous decisions concerning “Educational and Cultural Institutions in the Occupied Arab Territories”,
3. Decides to include this item in the agenda of its 204th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and second session

202 EX/PX/DR.39.3
PARIS, 6 October 2017
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 39 IMPLEMENTATION OF 38 C/RESOLUTION 72 AND 201 EX/DECISION 31.2 CONCERNING EDUCATIONAL AND CULTURAL INSTITUTIONS IN THE OCCUPIED ARAB TERRITORIES

DRAFT DECISION

Submitted by: Algeria, Egypt, Lebanon, Morocco, Qatar and Sudan

I OCCUPIED PALESTINE

The Executive Board,

1. Recalling 185 EX/Decision 36 and 38 C/Resolution 72 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 4, 50 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the Hague Convention (1954) and its additional Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972), also recalling the International Court of Justice’s Advisory Opinion of 9 July 2004 on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”,
2. Having examined documents 202 EX/38, 202 EX/39,



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and fourth session

(Paris, 4 April – 17 April 2018)*

204 EX/Decisions

PARIS, 17 May 2018

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 204th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.



JOB: 201801173

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17 Examination of the communications transmitted to the Committee
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and report of the Committee thereon 40

the possibility of improving the modalities of dialogue between Member States and NGOs, including by reinforcing existing modalities in this regard, and also invites her to formulate new proposals accordingly, on the basis of total transparency and with full respect to the intergovernmental nature of UNESCO, to be presented to it at its 205th session.

(204 EX/SR.5)

24 Draft memorandum of understanding on cooperation between the Shanghai Cooperation Organization (SCO) and UNESCO (204 EX/24; 204 EX/37)

The Executive Board,

1. Having examined document 204 EX/24,
2. Authorizes the Director-General to sign the memorandum of understanding between UNESCO and the Shanghai Cooperation Organization (SCO) (2018-2022) as annexed to document 204 EX/24;
3. Requests the Director-General to report on the activities carried out in the framework of this memorandum of understanding in her statutory reports on the execution of the programme adopted by the General Conference.

(204 EX/SR.6)

GENERAL MATTERS

25 Occupied Palestine (204 EX/25 and Add. and Corr.; 204 EX/36)

The Executive Board,

1. Having considered documents 204 EX/25 and Add. and Corr., and the annex to this decision,
2. Recalling its previous decisions concerning "Occupied Palestine",
3. Decides to include this item in the agenda of its 205th session, and invites the Director-General to submit to it a follow-up report thereon.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and fourth session

ANNEX

204 EX/PX/DR.25.2
PARIS, 6 April 2018
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 25 OCCUPIED PALESTINE

DRAFT DECISION

Submitted by: Egypt, Jordan, Lebanon, Morocco, Oman, Qatar and Sudan

The Executive Board,

1. Having examined document 204 EX/25,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),

25.1 Jerusalem

4. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
5. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
6. Also recalling the thirteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Decision 19.1, 200 EX/Decision 25, 201 EX/Decision 30 and 202 EX/Decision 38 and the eight World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, and 41 COM/7A.36,
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;

8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;

25.II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Also deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

25.III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

25.IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 205th session, and invites the Director-General to submit to it a progress report thereon.

(204 EX/SR.6)

26 Implementation of 39 C/Resolution 55 and 202 EX/Decision 39 concerning educational and cultural institutions in the occupied Arab territories (204 EX/26 and Corr.; 204 EX/25 and Add. and Corr.; 204 EX/36)

The Executive Board,

1. Having considered documents 204 EX/25 and Add. and Corr. and 204 EX/26 and Corr., and the annex to this decision,



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage

42 COM

WHC/18/42.COM/7A.Add.2

Paris, 15 June 2018

Original: English / French

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Forty-second session

**Manama, Bahrain
24 June - 4 July 2018**

**Item 7A of the Provisional Agenda: State of conservation of the properties
inscribed on the List of World Heritage in Danger**

SUMMARY

In accordance with Section IV B, paragraphs 190-191 of the *Operational Guidelines*, the Committee shall review annually the state of conservation of properties inscribed on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.

This document contains information on the state of conservation of properties inscribed on the List of World Heritage in Danger. The World Heritage Committee is requested to review the reports on the state of conservation of properties contained in this document. The full reports of Reactive Monitoring missions requested by the World Heritage Committee are available at the following Web address in their original language:
<http://whc.unesco.org/en/sessions/42COM/documents>

All state of conservation reports are also available through the World Heritage State of conservation Information System at the following Web address:
<http://whc.unesco.org/en/soc>

Decision required: The Committee is requested to review the following state of conservation reports. The Committee may wish to adopt the draft Decision presented at the end of each state of conservation report.

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ARAB STATES

21. Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Year of inscription on the World Heritage List 1981

Criteria (ii)(iii)(vi)

Year(s) of inscription on the List of World Heritage in Danger 1982-present

Threats for which the property was inscribed on the List of World Heritage in Danger
(cf. Document CLT 82/CH/CONF.015/8)

"[...] the situation of this property corresponds to the criteria mentioned in the ICOMOS note and, in particular, to criteria (e) (significant loss of historical authenticity) and (f) (important loss of cultural significance) as far as "ascertained danger" is concerned, and to criteria (a) (modification of juridical status of the property diminishing the degree of its protection), (b) (lack of conservation policy) and (d) (threatening effects of town planning) as far as "potential danger" is concerned. [...]"

Desired state of conservation for the removal of the property from the List of World Heritage in Danger
Not yet drafted

Corrective measures identified
Not yet identified

Timeframe for the implementation of the corrective measures
Not yet established

Previous Committee Decisions see page <http://whc.unesco.org/en/list/148/documents/>

International Assistance
Requests approved: 1 (from 1982-1982)
Total amount approved: USD 100,000
For details, see page <http://whc.unesco.org/en/list/148/assistance/>

UNESCO Extra-budgetary Funds
Total amount granted: approximately USD 5,000,000 (since 1988)

Previous monitoring missions
February-March 2004: World Heritage Centre/ICOMOS/ICCROM mission; from September 2005 to May 2008: 6 experts missions within the framework of the elaboration of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem; February-March 2007: special World Heritage Centre/ICOMOS/ICCROM mission sent by the Director-General of UNESCO for the issue of the Mughrabi ascent; August 2007, January and February 2008: missions for the application of the Reinforced Monitoring Mechanism; March and December 2009: World Heritage Centre missions; December 2013, October 2014, February 2015 and June 2015: project missions

Factors affecting the property identified in previous reports

- Natural risk factors
- Lack of planning, governance and management processes
- Alteration of the urban and social fabric
- Impact of archaeological excavations
- Deterioration of monuments
- Urban environment and visual integrity
- Traffic, access and circulation



Illustrative material see page <http://whc.unesco.org/en/list/148/>

Current conservation issues

The Old City of Jerusalem and its Walls (Site proposed by Jordan) was inscribed, as a holy city for Judaism, Christianity and Islam, on the World Heritage List in 1981. It has been further inscribed since 1982 on the List of World Heritage in Danger.

At the time of the preparation of this document no report on the state of conservation of the site has been received from the concerned parties.

Since the 41st session of the World Heritage Committee, the Permanent Delegation of Palestine expressed concerns regarding ongoing constructions works at the Damascus Gate which may have an impact on the Outstanding Universal Value of the World Heritage site (letters dated 14 February and 9 March 2018). The same concern had been raised by the Permanent Delegation of Turkey (letter 25 January 2018). The Permanent Delegation of Israel indicated that the watchtowers, which are removable, had been installed for security reasons and would be removed when the security situation allows (letter 5 April 2018).

Draft Decision: 42 COM 7A.21

The World Heritage Committee,

1. *Having considered* document WHC-18/42.COM/7A.Add.2 and the Annex attached to this decision,
2. *Recalling* its previous decisions concerning the Old City of Jerusalem and its Walls,
3. *Decides* that the status of the Old City of Jerusalem and its Walls relating to the World Heritage List remains unchanged as reflected in Decision 41 COM 7A.36 of the last World Heritage Committee,

ANNEX

The World Heritage Committee

42nd session of the Committee (42 COM)

Item 21: Old City of Jerusalem and its Walls (site proposed by Jordan)

DRAFT DECISION

Submitted by Bahrein, Kuwait, Tunisia

The World Heritage Committee,

1. *Having examined* Document WHC-18/42.COM/7A.Add.2,

2. *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 (1954) and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage (1972), the New Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,*
3. *Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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, including United Nations Security Council resolution 2334 (2016),*
4. *Also reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,*
5. *Reminding 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 "basic law" on Jerusalem, are null and void and must be rescinded forthwith,*
6. *Further recalling the 14 decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/PX 30.1, 202EX/Decision 38, 204/EX/Decision 25 and the eight World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13,*
7. *Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works, projects and other illegal practices in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;*
8. *Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;*
9. *Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre, to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;*
10. ***Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.***

28. Hebron/AI-Khalil Old Town (Palestine) (C 1565)

Year of inscription on the World Heritage List 2017

Criteria (ii)(iv)(vi)

Year(s) of inscription on the List of World Heritage in Danger 2017-present



Threats for which the property was inscribed on the List of World Heritage in Danger

The State Party outlined a series of threats in the nomination file, but none were specified by the World Heritage Committee at the time of inscription

Desired state of conservation for the removal of the property from the List of World Heritage in Danger

Not yet drafted

Corrective measures identified

Draft submitted by the State Party; to be reviewed by the Advisory Bodies once a Statement of Outstanding Universal Value is approved

Timeframe for the implementation of the corrective measures

Not yet established

Previous Committee Decisions see page <http://whc.unesco.org/en/list/1565/documents/>

International Assistance

Requests approved: 0

Total amount approved: USD 0

For details, see page <http://whc.unesco.org/en/list/1565/assistance/>

UNESCO Extra-budgetary Funds

Total amount granted: USD 375,400 from the Government of Sweden for physical rehabilitation

Previous monitoring missions

N/A

Factors affecting the property identified in previous reports

N/A

Illustrative material see page <http://whc.unesco.org/en/list/1565/>

Current conservation issues

ON 23 March 2018, the State Party submitted a report on the state of conservation of the property, which is available at <https://whc.unesco.org/en/list/1565/documents/> and reports the following:

- The State Party underlines that it has endeavoured to address Decision **41 COM 8B.1**, despite challenging circumstances;
- A proposed Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR) is included with the report, as well as suggested corrective measures, including the preparation and implementation of a comprehensive Conservation and Management Plan for the property, involving stakeholders and the local community. The report also provides a proposed Statement of Outstanding Universal Value (SOUV);
- The State Party expresses concern about the consequences of military occupation, including vandalism, and property damage. There have been unauthorized excavations in Tell Rumeideh, the archaeological site located in buffer zone. The State Party reports that there are five Israeli settlements within the Old Town of Hebron, three within the property and two in the buffer zone. The State Party also indicates that Israel's Army Minister issued a statement upgrading the status of the Jewish community in Hebron H2 to that of an official settlement, making them eligible to form municipal councils and to receive the same services provided by the Israeli authorities to

other West Bank settlements. The State Party has implemented actions and projects to conserve the property, including progress with conservation of Al-Haram Al-Ibrahimi/the Tomb of Patriarchs, completion of the rehabilitation of the infrastructure on Al-Qasaba Main Street, restoration of the Khreisha building, and restoration of the glass factory – Souk Eskafeyyeh. Work has commenced on a programme for beautification of historic façades, the rehabilitation of Amer palace, and rehabilitation of Hosh Abu-Duraan. Regular maintenance of historic buildings continues, and it is proposed that the Hammam Saidna Ibrahim will be rehabilitated as a visitor centre;

- The State Party also expresses concern at projects, which are not consistent with the OUV of the property, including, in particular, the proposed construction of a neighbourhood for settlers in block No. 34021, Plots 110, and 130, comprising new high-rise buildings of up to 18 metres, which differ from traditional buildings' form and use concrete and stone, rather than vernacular materials;
- The State Party strongly asserts its commitment to implementing all possible measures to conserve and sustain the property and to enhance the living conditions of the local community.

Analysis and Conclusions of the World Heritage Centre, ICOMOS and ICCROM

The property was simultaneously inscribed on the World Heritage List and the List of World Heritage in Danger through Decision **41 COM 8B.1**, in accordance with paragraphs 161 and 162 of the *Operational Guidelines*, on the basis that the Committee concluded that the property unquestionably justifies criteria (ii), (iv) and (vi), as well as conditions of integrity and authenticity, but is faced with serious threats, which could have deleterious effects on its inherent characteristics for which an immediate action by the World Heritage Committee is needed.

At its 41st session in 2017, the World Heritage Committee did not adopt a proposed SOUV in line with Paragraph 154 of the *Operational Guidelines*. The State Party has submitted a proposed SOUV with its state of conservation report. As no ICOMOS field visit was possible before inscription and as subsequently ICOMOS has not been able to undertake a mission, it has not been possible to assess the proposed SOUV in terms of its defined attributes. In these circumstances, it is suggested to undertake a meeting with the State Party for coordination and technical advice. This meeting could consider the SOUV, the proposed DSOCR, related corrective measures and a timeframe for their implementation, and the process for the elaboration of Management Plan.

The efforts of the State Party to begin the preparation of a comprehensive Conservation and Management Plan for the property should be commended, as should the conservation works that have been completed or are in progress. Furthermore, on 16 May 2018, a revised International Assistance Request for the funding of preparatory studies for the elaboration of a Management Plan has been submitted to the World Heritage Centre. It will be implemented in close collaboration with the World Heritage Centre, UNESCO Ramallah Office and the Advisory Bodies.

It is crucial that, as circumstances permit, the processes for managing conservation and development projects at the property should include preparation of Heritage Impact Assessments (HIAs) in accordance with the 2011 ICOMOS Guidance on HIAs for Cultural World Heritage Properties.

It is regrettable that the situation on the ground has deteriorated since the inscription of the property. Recognising the challenging circumstances at the property, it would nevertheless be desirable that the State Party submit details of all significant current conservation and development projects to the World Heritage Centre, for review by the Advisory Bodies in accordance with Paragraph 172 of the *Operational Guidelines*.

Draft Decision: 42 COM 7A.28

Hebron/AI-Khalil Old Town (Palestine)

The World Heritage Committee,

1. *Having considered Document WHC/18/42.COM/7A.Add.2 and the annex attached to this decision,*
2. *Recalling Decision **41 COM 8B.1**, adopted at its 41st session (Krakow, 2017),*
3. *Decides that the status of **Hebron/AI-Khalil Old Town** relating to the World Heritage List remains unchanged as reflected in Decision **41 COM 8B.1** of the last World Heritage Committee.*

ANNEX

The World Heritage Committee

42nd session of the Committee (42 COM)

1. *Having considered Document WHC/18/42.COM/7A.Add.2;*
2. *Recalling Decision **41 COM 8B.1**, adopted at its 41st session (Krakow, 2017), which did not include a SOUV, and noting that in compliance with Paragraph 154 of the Operational Guidelines, when deciding to inscribe a property on the World Heritage List, guided by the Advisory Bodies, the Committee adopts a SOUV for the property,*
3. *Taking note of a preliminary proposed SOUV contained in the state of conservation report submitted by the State Party,*
4. *Requests the Advisory Bodies and the World Heritage Centre to work with the State Party in the framework of the International Assistance project on the Management Plan to finalize this SOUV;*
5. *Notes that a proposed Statement of Outstanding Universal Value (SOUV) was submitted by the State Party, as none was adopted at the 41st session, also notes that no ICOMOS field visit to the property was possible before inscription, and, as the current situation still does not permit any missions, proposes that a meeting be organized for representatives of the World Heritage Centre and ICOMOS to discuss with the State Party the proposed SOUV, the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), related corrective measures and a timeframe for their implementation;*
6. *Decides to consider the examination of a draft SOUV for the property at its 43rd session in 2019;*

7. *Commends the State Party for the actions which are being taken to conserve significant attributes of the Property;*
8. *Welcomes efforts to begin the preparation of a Management Plan, and requests the State Party to work in close coordination with the World Heritage Centre, UNESCO Ramallah Office and the Advisory Bodies in the implementation of the International Assistance Request regarding the preparatory studies for the elaboration of a Management Plan for the property;*
9. *Further requests the State Party to submit to the World Heritage Centre, for review by the Advisory Bodies, detailed information on current conservation and development projects, particularly projects which have potential adverse impact on heritage, in accordance with Paragraph 172 of the Operational Guidelines;*
10. *Requests furthermore the State Party to submit to the World Heritage Centre, by **1 February 2019**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 43rd session in 2019;*
11. ***Also decides to retain Hebron/AI-Khalil Old Town (Palestine) on the List of World Heritage in Danger.***



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and fifth session

(Paris, 3 October – 17 October 2018)*

205 EX/Decisions

PARIS, 16 November 2018

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 205th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.



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27.III Invitations to the intergovernmental meeting of experts (category II) related to the draft recommendation concerning international collaboration on Open Educational Resources (OER)

The Executive Board,

1. Recalling 39 C/Resolution 44,
2. Having examined document 205 EX/27 Part III and its annex,
3. Decides that:
 - (a) invitations to participate in the intergovernmental meeting of experts (category II), to examine the draft recommendation on Open Educational Resources in the light of the comments received from Member States on the preliminary report prepared to that end, will be sent to all Member States and Associate Members of UNESCO;
 - (b) invitations to send observers to the intergovernmental meeting of experts (category II) will also be sent to the States mentioned in paragraph (b) of the annex to document 205 EX/27 Part III;
 - (c) invitations to send observers to the intergovernmental meeting of experts (category II) will be sent to the organizations of the United Nations system with which UNESCO has concluded mutual representation agreements and which are listed in paragraph (c) of the annex to document 205 EX/27 Part III;
 - (d) invitations to send observers to the intergovernmental meeting of experts (category II) will be sent to the organizations, institutions and other entities listed in paragraphs (d) and (e) of the annex to document 205 EX/27 Part III;
4. Authorizes the Director-General to send out invitations to the entities listed in paragraph (f) of the annex to document 205 EX/27 Part III and to any other entities she may deem useful for advancing the work of the intergovernmental meeting of experts (category II), notifying the Executive Board thereof.

(205 EX/SR.4)

28 Occupied Palestine (205 EX/28 and Corr.; 205 EX/44)

The Executive Board,

1. Having considered documents 205 EX/28 and Corr. as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 206th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and fifth session

205 EX/PX/DR.28.4
PARIS, 24 September 2018
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 28 OCCUPIED PALESTINE

DRAFT DECISION

Submitted by: Egypt, Jordan, Lebanon, Morocco, Oman, Qatar and Sudan

The Executive Board,

1. Having examined document 205 EX/28,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2018 concerning the sub-sections below,
 - I Jerusalem**
 5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
 6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,

7. Recalling the fourteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38 and 204 EX/Decision 25 and the nine World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, and 42 COM/7A.21;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza’s damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel’s Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;

15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 206th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 206th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

(205 EX/SR.6)

29 Implementation of 39 C/Resolution 55 and 204 EX/Decision 26 concerning educational and cultural institutions in the occupied Arab territories (205 EX/28 and Corr.; 205 EX/29 and Corr.; 205 EX/44)

The Executive Board,

1. Having considered documents 205 EX/28 and Corr. and 205 EX/29 and Corr., and the annex to this decision,
2. Recalling its previous decisions concerning "Educational and Cultural Institutions in the Occupied Arab Territories",
3. Decides to include this item in the agenda of its 206th session, and invites the Director-General to submit to it a follow-up report thereon.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and sixth session

(Paris, 3 April – 17 April 2019)*

206 EX/Decisions

PARIS, 17 May 2019

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 206th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.



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GENERAL MATTERS

[31 Invitations to the International Conference of States (category I) for the revision of the 1978 Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States]

This item was postponed: see the footnote in document 206 EX/1. Rev.

32 Occupied Palestine (206 EX/32 and Corr.; 206 EX/47.1)

The Executive Board,

1. Having considered documents 206 EX/32 and Corr. as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 207th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and sixth session

206 EX/PX/DR.32.1
PARIS, 8 April 2019
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 32 OCCUPIED PALESTINE

DRAFT DECISION

Submitted by: Egypt, Jordan, Lebanon, Morocco, Oman, Qatar and Sudan

The Executive Board,

1. Having examined document 206 EX/32,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of

cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,

3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2018 and 2019 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the fifteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, and the nine World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, and 42 COM/7A.21;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza’s damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in

Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 207th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 207th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

(206 EX/SR.7)



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage

43 COM

WHC/19/43.COM/7A.Add.3

Paris, 21 June 2019

Original: English / French

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Forty-third session

**Baku, Republic of Azerbaijan
30 June - 10 July 2019**

**Item 7A of the Provisional Agenda: State of conservation of the properties
inscribed on the List of World Heritage in Danger**

SUMMARY

In accordance with Section IV B, paragraphs 190-191 of the *Operational Guidelines*, the Committee shall review annually the state of conservation of properties inscribed on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.

This document contains information on the state of conservation of properties inscribed on the List of World Heritage in Danger. The World Heritage Committee is requested to review the reports on the state of conservation of properties contained in this document. The full reports of Reactive Monitoring missions requested by the World Heritage Committee are available at the following Web address in their original language:
<http://whc.unesco.org/en/sessions/43COM/documents>

All state of conservation reports are also available through the World Heritage State of conservation Information System at the following Web address:
<http://whc.unesco.org/en/soc>

Decision required: The Committee is requested to review the following state of conservation reports. The Committee may wish to adopt the draft Decision presented at the end of each state of conservation report.

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CULTURAL PROPERTIES

ARAB STATES

22. Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Year of inscription on the World Heritage List 1981

Criteria (ii)(iii)(vi)

Year(s) of inscription on the List of World Heritage in Danger 1982-present

Threats for which the property was inscribed on the List of World Heritage in Danger
(cf. Document CLT 82/CH/CONF.015/8)

"[...] the situation of this property corresponds to the criteria mentioned in the ICOMOS note and, in particular, to criteria (e) (significant loss of historical authenticity) and (f) (important loss of cultural significance) as far as "ascertained danger" is concerned, and to criteria (a) (modification of juridical status of the property diminishing the degree of its protection), (b) (lack of conservation policy) and (d) (threatening effects of town planning) as far as "potential danger" is concerned. [...]"

Desired state of conservation for the removal of the property from the List of World Heritage in Danger

Not yet drafted

Corrective measures identified

Not yet identified

Timeframe for the implementation of the corrective measures

Not yet established

Previous Committee Decisions see page <http://whc.unesco.org/en/list/148/documents>

International Assistance

Requests approved: 1 (from 1982-1982)

Total amount approved: USD 100,000

For details, see page <http://whc.unesco.org/en/list/148/assistance/>

UNESCO Extra-budgetary Funds

Total amount granted: approximately USD 5,000,000 (since 1988)

Previous monitoring missions

February-March 2004: World Heritage Centre/ICOMOS/ICCROM mission; from September 2005 to May 2008: 6 experts missions within the framework of the elaboration of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem; February-March 2007: special World Heritage Centre/ICOMOS/ICCROM mission sent by the Director-General of UNESCO for the issue of the Mughrabi ascent; August 2007, January and February 2008: missions for the application of the Reinforced Monitoring Mechanism; March and December 2009: World Heritage Centre missions; December 2013, October 2014, February 2015 and June 2015: project missions

Factors affecting the property identified in previous reports

- Natural risk factors
- Lack of planning, governance and management processes
- Alteration of the urban and social fabric
- Impact of archaeological excavations
- Deterioration of monuments
- Urban environment and visual integrity

State of conservation of the properties
inscribed on the List of World Heritage in Danger

WHC/19/43.COM/7A.Add.3, p. 2

- Traffic, access and circulation

Illustrative material see page <http://whc.unesco.org/en/list/148/>

Current conservation issues

The Old City of Jerusalem and its Walls (Site proposed by Jordan) was inscribed, as a holy city for Judaism, Christianity and Islam, on the World Heritage List in 1981. It has been further inscribed since 1982 on the List of World Heritage in Danger.

At the time of the preparation of this document no report on the state of conservation of the site has been received from the concerned parties.

Since the 42nd session of the World Heritage Committee, the Permanent Delegation of Jordan in letters co-signed with the Permanent Delegation of Palestine expressed concerns regarding reported ongoing works within the World Heritage site of the Old City of Jerusalem and its Walls which may have an impact on its Outstanding Universal Value (letter dated 5 September 2018).

The same two Permanent Delegations expressed general concerns in a co-signed letter regarding the World Heritage site of the Old City of Jerusalem and its Walls (letter dated 14 November 2018), the same concern was also expressed by the President of the Arab Group (letter dated 13 December 2018).

The Permanent Delegations of Jordan and Palestine expressed concerns in co-signed letters regarding developments related to a project to build a cable car over the Old City of Jerusalem and the impact it could have on the Outstanding Universal Value of the property (letters dated 3 December 2018 and 27 February 2019). Similar concern had also been expressed by the President of the Arab Group (letter dated 19 March 2019). Several letters have been sent by the Secretariat to the State Party of Israel (20 February and 16 May 2019) in this regard, underlining that should this information be verified as true, this would be a worrying development as it may have a visual impact on the integrity of the World Heritage site.

Draft Decision: 43 COM 7A.22

The World Heritage Committee,

1. *Having considered* document WHC/19/43.COM/7A.Add.3 and the Annex attached to this decision,
2. *Recalling* its previous decisions concerning the Old City of Jerusalem and its Walls,
3. *Decides* that the status of the Old City of Jerusalem and its Walls relating to the World Heritage List remains unchanged as reflected in Decisions 42 COM 7A.21 and 42 COM 8C.2 of its last session,

ANNEX

The World Heritage Committee
43rd session of the Committee (43 COM)

Item 22: Old City of Jerusalem and its Walls (site proposed by Jordan)

State of conservation of the properties
inscribed on the List of World Heritage in Danger

WHC/19/43.COM/7A.Add.3, p. 3

The World Heritage Committee,

1. Having examined Document WHC/19/43.COM/7A.Add.3,
2. 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 (1954) and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage (1972), the New Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,
3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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, including United Nations Security Council resolution 2334 (2016),
4. Also reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
5. Reminding 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 "basic law" on Jerusalem, are null and void and must be rescinded forthwith,
6. Further recalling the 16 decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/PX 30.1, 202EX/Decision 38, 204/EX/Decision 25, 205EX/Decision 28, 206EX/Decision 32 and the nine World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM 7A.36 and 42 COM 7A.21,
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works, projects and other illegal practices in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre, to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to

ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;

10. ***Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.***

29. Hebron/AI-Khalil Old Town (Palestine) (C 1565)

Year of inscription on the World Heritage List 2017

Criteria (ii)(iv)(vi)

Year(s) of inscription on the List of World Heritage in Danger 2017-present

Threats for which the property was inscribed on the List of World Heritage in Danger

The State Party outlined a series of threats in the nomination file, but none were specified by the World Heritage Committee at the time of inscription

Desired state of conservation for the removal of the property from the List of World Heritage in Danger

Draft submitted by the State Party following expert meeting in Paris in December 2018, in accordance with Decision **42 COM 7A.28**

Corrective measures identified

Draft submitted by the State Party following expert meeting in Paris in December 2018, in accordance with Decision **42 COM 7A.28**

Timeframe for the implementation of the corrective measures

In progress

Previous Committee Decisions see page <http://whc.unesco.org/en/list/1565/documents/>

International Assistance

Requests approved: 1 (from 2018-2018)

Total amount approved: USD 60,000

For details, see page <http://whc.unesco.org/en/list/1565/assistance/>

UNESCO Extra-budgetary Funds

Total amount granted: USD 375,400 from the Government of Sweden for physical rehabilitation

Previous monitoring missions

N/A

Factors affecting the property identified in previous reports

Absence of Statement of Outstanding Universal Value at the time of inscription

Illustrative material see page <http://whc.unesco.org/en/list/1565/>

Current conservation issues

In January 2019, the State Party submitted a report on the state of conservation of the property, available at <https://whc.unesco.org/en/list/1565/documents/>. Progress in addressing a number of conservation issues identified by the Committee at its previous sessions is presented in the report, as follows:

- The World Heritage Centre organized a meeting in Paris in December 2018 to discuss the proposed Statement of Outstanding Universal Value (OUV), the proposed Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR) and related corrective measures, as well as the proposed Management and Conservation Plan for the property. Participants comprised experts from the ICOMOS, ICCROM, the State Party, the

UNESCO Ramallah field office, and the World Heritage Centre. The State Party report includes a draft Statement of OUV, draft DSOCR and draft corrective measures;

- The preparation of the Management and Conservation Plan is being funded under International Assistance (IA). It will be carried out by the Ministry of Tourism and Antiquities, through a contract with the UNESCO Ramallah Office;
- The State Party has endorsed the Tangible Cultural Heritage Law, which prevents new construction inside the property, and requires Heritage Impact Assessment Environmental Impact Assessment (EIA) for major conservation projects;
- The State Party has implemented projects to rehabilitate historic buildings and improve living conditions, supported by various funding sources. Conservation works have also been undertaken at Al-Haram Al-Ibrahimi /Tomb of Patriarchs;
- The report highlights the impacts of vandalism, property damage and other incidents, noting that 800 such matters were reported in 2018;
- Concern has been expressed at development projects planned by the Occupying Power, which may adversely “impact the OUV of the property, including a plan to build 31 housing units for settlers in the core zone.

The State Party considers that the property should remain on the List of World Heritage in Danger.

Analysis and Conclusions of the World Heritage Centre, ICOMOS and ICCROM

The State Party has submitted the proposed Statement of OUV, prepared in accordance with the process adopted through Decision **42 COM 7A.28**, to the World Heritage Centre for review by ICOMOS. The adoption of the Statement of OUV by the Committee is a necessary precursor to finalization and consideration of the draft DSOCR and draft corrective measures. The Statement of OUV is also a fundamental foundation for the Management and Conservation Plan. This project should proceed in close collaboration with the World Heritage Centre, UNESCO Ramallah Office and the Advisory Bodies.

The efforts of the State Party to begin the preparation of a Management and Conservation Plan for the property should be commended, as should the conservation works that have been completed or are in progress. Endorsement of a new legislation that would prevent new construction inside the property is welcomed. It is recommended that the Committee remind the State Party that details of any significant conservation and development projects should be submitted to the World Heritage Centre for review by the Advisory Bodies, in accordance with Paragraph 172 of the *Operational Guidelines*.

Moreover, as circumstances permit, the processes for managing conservation and development projects at the property should include preparation of HIAs in accordance with the 2011 ICOMOS Guidance on HIAs for Cultural World Heritage Properties.

It is recommended that the property be retained on the List of World Heritage in Danger.

Draft Decision: 43 COM 7A.29

The World Heritage Committee,

1. Having examined Document WHC/19/43.COM/7A.Add.3,
2. Recalling Decision **42 COM 7A.28**, adopted at its 42nd session (Manama, 2018),
3. Takes note of the consultations held between experts from UNESCO, the State Party and the Advisory Bodies, to discuss the proposed Statement of Outstanding Universal Value (SOUV), the proposed Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), and the related corrective measures, as well as the proposed Management and Conservation Plan for the property, and invites the State Party to continue its efforts to finalize the above documents;

4. *Commends the State Party for actions that are being undertaken to conserve significant attributes of the property;*
5. *Reminds the State Party to submit to the World Heritage Centre, for review by the Advisory Bodies, detailed information on any significant conservation and development projects, particularly those with potential adverse heritage impact, in accordance with Paragraph 172 of the Operational Guidelines;*
6. *Also requests the State Party to submit to the World Heritage Centre, by **1 February 2020**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020;*
7. ***Decides to retain Hebron/AI-Khalil Old Town (Palestine) on the List of World Heritage in Danger.***



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and seventh session

(Paris, 9 October – 23 October 2019)*

207 EX/Decisions

PARIS, 23 November 2019

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 207th SESSION

* Including the meetings of the subsidiary bodies before the plenary meetings.



job: 201913300

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3. Authorizes the Director-General to sign the memorandum of understanding on behalf of the Intergovernmental Oceanographic Commission (IOC).

(207 EX/SR.1)

37 Memorandum of understanding between UNESCO and the Ibero-American General Secretariat (SEGIB) (207 EX/2; 207 EX/37)

The Executive Board,

1. Having examined document 207 EX/37,
2. Approves the draft memorandum of understanding between UNESCO and the Ibero-American General Secretariat (SEGIB) contained in Annex I to document 207 EX/37;
3. Authorizes the Director-General to sign the memorandum of understanding on behalf of UNESCO.

(207 EX/SR.1)

GENERAL MATTERS

38 Occupied Palestine (207 EX/38; 207 EX/57)

The Executive Board,

1. Having examined document 207 EX/38 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 209th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and seventh session

207 EX/PX/DR.38.1

PARIS, 14 October 2019

Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 38 OCCUPIED PALESTINE**DRAFT DECISION**

The Executive Board,

1. Having examined document 207 EX/38,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2018 and 2019 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the sixteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32 and the ten World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21 and 43 COM/7A.22;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 209th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

THE UNESCO REACTIVE MONITORING MISSION

TO THE OLD CITY OF JERUSALEM AND ITS WALLS

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 209th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

ANNEX TO THE DOCUMENT

During the reporting period, the following correspondence has been received by the Secretariat in relation to this item:

Date	From	Subject
2 April 2019	Alternate Permanent Delegate of Palestine to UNESCO	Mother's Day East Jerusalem
2 July 2019	Chargé d'Affaires a.i., Permanent Delegation of Jordan to UNESCO and Permanent Delegate of Palestine to UNESCO	The Old City of Jerusalem and its Walls
3 July 2019	ICOMOS Palestine	The Old City of Jerusalem and its Walls
3 July 2019	Hebron Rehabilitation Committee	Hebron/AI-Khalil Old Town
5 July 2019	Chairperson of the Arab Group at UNESCO	The Old City of Jerusalem and its Walls
9 July 2019	Chair of the Organization of the Islamic Cooperation in UNESCO	The Old City of Jerusalem and its Walls
9 July 2019	Director-General of the Arab League Educational, Cultural and Scientific Organization (ALECSO)	The Old City of Jerusalem and its Walls
5 September 2019	Secretary-General of the Palestine Liberation Organization	Palestine: Land of Olives and Vines – Cultural Landscape of Southern Jerusalem, Battir

(207 EX/SR.6)

39 Implementation of 39 C/Resolution 55 and 206 EX/Decision 33 concerning educational and cultural institutions in the occupied Arab territories (207 EX/39; 207 EX/57)

The Executive Board,

1. Having considered documents 207 EX/38 and 207 EX/39, as well as the annex to this decision,
2. Recalling its previous decisions concerning "Educational and Cultural Institutions in the Occupied Arab Territories",
3. Decides to include this item in the agenda of its 209th session, and invites the Director-General to submit to it a follow-up report thereon.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and ninth session

(Paris, 29 June – 10 July 2020)*

209 EX/Decisions

Paris, 10 August 2020

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 209th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.



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5. Also requests the Director-General to provide the Ethics Office with substantial resources for it to carry out its mission under good conditions;
6. Invites the Director-General to report to it at its 211th session on the annual report of the Ethics Office.

(209 EX/SR.6)

RELATIONS WITH MEMBER STATES, INTERGOVERNMENTAL ORGANIZATIONS AND INTERNATIONAL NON-GOVERNMENTAL PARTNERS

22 Memorandum of understanding between UNESCO and the Gas Exporting Countries Forum (GECF) (209 EX/2; 209 EX/22)

The Executive Board,

1. Having examined document 209 EX/22,
2. Approves the memorandum of understanding between UNESCO and the Gas Exporting Countries Forum (GECF) annexed to document 209 EX/22;
3. Authorizes the Director-General to sign the memorandum of understanding on behalf of UNESCO.

(209 EX/SR.5)

23 Memorandum of understanding between UNESCO and the South Pacific Tourism Organisation (SPTO) (209 EX/2; 209 EX/23)

The Executive Board,

1. Having examined document 209 EX/23,
2. Approves the memorandum of understanding between UNESCO and the South Pacific Tourism Organisation (SPTO) annexed to document 209 EX/23;
3. Authorizes the Director-General to sign the memorandum of understanding on behalf of UNESCO.

(209 EX/SR.5)

GENERAL MATTERS

24 Occupied Palestine (209 EX/24; 209 EX/37)

The Executive Board,

1. Having examined document 209 EX/24 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 210th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX IUnited Nations
Educational, Scientific and
Cultural Organization**Executive Board**

Two hundred and ninth session

209 EX/PX/DR.24.1
PARIS, 26 June 2020
Original: English**PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)****Item 24 OCCUPIED PALESTINE****DRAFT DECISION**

The Executive Board,

1. Having examined document 209 EX/24,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2019 and 2020 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the seventeen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11,

194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32 and 207 EX/Decision 38, and the ten World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21 and 43 COM/7A.22;

8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 210th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 210th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

ANNEX TO THE DOCUMENT

During the reporting period, the following correspondence has been received by the Secretariat in relation to this item:

Date	From	Subject
10 October 2019	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO, with enclosed letter from the Palestinian Institute for Biodiversity and Sustainability of the Bethlehem University	Palestine Land of Olives and Vines – Cultural Landscape of Southern Jerusalem, Battir
18 December 2019	Ambassador, Permanent Delegate of Jordan to UNESCO and Ambassador, Permanent Delegate of Palestine to UNESCO	The Old City of Jerusalem and its Walls
17 January 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Hebron/AI-Khalīl Old Town
22 January 2020	Ambassador, Permanent Delegate of Jordan to UNESCO and Ambassador, Permanent Delegate of Palestine to UNESCO	The Old City of Jerusalem and its Walls
27 January 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Hebron/AI-Khalīl Old Town
29 April 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO, with enclosed letter from the Minister of Foreign Affairs and Expatriates	Hebron/AI-Khalīl Old Town

18 May 2020	Ambassador, Permanent Delegate of Palestine to UNESCO	Hebron/AI-Khalil Old Town
17 June 2020	Ambassador of Israel to International Organizations	The Old City of Jerusalem and its Walls

(209 EX/SR.5)

25 Implementation of 40 C/Resolution 67 and 207 EX/Decision 39 concerning educational and cultural institutions in the occupied Arab territories (209 EX/24; 209 EX/25; 209 EX/37)

The Executive Board,

1. Having considered documents 209 EX/24 and 209 EX/25, as well as the annex to this decision,
2. Recalling its previous decisions concerning “Educational and Cultural Institutions in the Occupied Arab Territories”,
3. Decides to include this item in the agenda of its 210th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and ninth session

209 EX/PX/DR.25.1
PARIS, 26 June 2019
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 25 IMPLEMENTATION OF 40 C/RESOLUTION 67 AND 207 EX/DECISION 39 CONCERNING EDUCATIONAL AND CULTURAL INSTITUTIONS IN THE OCCUPIED ARAB TERRITORIES

DRAFT DECISION

The Executive Board,

I OCCUPIED PALESTINE

1. Recalling 185 EX/Decision 36 and 38 C/Resolution 72 as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 24, 50 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the Hague Convention (1954) and its additional Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972), also recalling the International Court of Justice’s Advisory Opinion of 9 July 2004 on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”,



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and tenth session

(Paris, 2 December 2020 – 27 January 2021)*

210 EX/Decisions

Paris, 26 February 2021

DECISIONS ADOPTED BY THE EXECUTIVE BOARD AT ITS 210th SESSION

* Including the meetings of the subsidiary bodies.



Job: 202100377

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(210 EX/SR.4)

GENERAL MATTERS**36 Occupied Palestine** (210 EX/36; 210 EX/51.I)

The Executive Board,

1. Having examined document 210 EX/36 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 211th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I

United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and tenth session

210 EX/PX/DR.36.1
PARIS, 26 October 2020
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)**Item 36 OCCUPIED PALESTINE****DRAFT DECISION**

The Executive Board,

1. Having examined document 210 EX/36,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,

3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2020 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the eighteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32, 207 EX/Decision 38 and 209 EX/Decision 25, and the ten World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21 and 43 COM/7A.22;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza’s damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel’s Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 211th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 211th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

ANNEX TO THE DOCUMENT

During the reporting period, the following correspondence has been received by the Secretariat in relation to this item:

Date	From	Subject
10 July 2020	Ambassador, Permanent Delegate of Jordan to UNESCO and Ambassador, Permanent Delegate of Palestine to UNESCO	The Old City of Jerusalem and its Walls
21 July 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	The Old City of Jerusalem and its Walls

21 July 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Removal of Cultural Property from the Occupied Territory of Palestine
26 July 2020	Minister of Culture of Palestine	Cultural institutions in Jerusalem
24 September 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Archaeological sites in the Governorate of Salfit

(210 EX/SR.6)

37 Implementation of 40 C/Resolution 67 and 209 EX/Decision 25 concerning educational and cultural institutions in the occupied Arab territories (210 EX/36; 210 EX/37; 210 EX/51.I)

The Executive Board,

1. Having considered documents 210 EX/36 and 210 EX/37, as well as the annex to this decision,
2. Recalling its previous decisions concerning “Educational and Cultural Institutions in the Occupied Arab Territories”,
3. Decides to include this item in the agenda of its 211th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and tenth session

210 EX/PX/DR.37.1
PARIS, 26 October 2020
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 37 IMPLEMENTATION OF 40 C/RESOLUTION 67 AND 209 EX/DECISION 25 CONCERNING EDUCATIONAL AND CULTURAL INSTITUTIONS IN THE OCCUPIED ARAB TERRITORIES

DRAFT DECISION

The Executive Board,



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Two hundred and eleventh session

(Paris, 7 April – 21 April 2021)*

211 EX/Decisions

Paris, 21 May 2021

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 211th SESSION**

* Including the meetings of the subsidiary bodies.



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- (53) 100th anniversary of the birth of Her Royal Highness Princess Galyani Vadhana Krom Luang Naradhiwas Rajanagarindra (1923-2008) (Thailand, with the support of China, Egypt, France, Morocco, Russian Federation and Switzerland)
- (54) 600th anniversary of the death of Süleyman Çelebi, philosopher and poet (1351-1422) (Turkey, with the support of Azerbaijan, Bosnia and Herzegovina, Georgia, Malaysia, North Macedonia, Romania and Ukraine)
- (55) 50th anniversary of the death of Âşık Veysel, poet and musician (1894-1973) (Turkey, with the support of Azerbaijan, Hungary, Kazakhstan, Kyrgyzstan, North Macedonia, Ukraine and Uzbekistan)
- (56) 300th anniversary of the birth of Hryhorii Skovoroda (1722-1794) (Ukraine, with the support of Lithuania, Poland and Turkey)
- (57) 150th anniversary of the birth of Solomiya Krushelnytska (1872-1952) (Ukraine, with the support of Italy, Lithuania, Poland and Turkey)
- (58) 1050th anniversary of the birth of Abu Raykhon Beruniy, scholar (973-1048) (Uzbekistan, with the support of the Islamic Republic of Iran, Tajikistan and Turkey)
- (59) 250th anniversary of the birth of Ho Xuan Huong, poet (1772-1822) (Viet Nam, with the support of India, Japan, Republic of Korea and Thailand)
- (60) 200th anniversary of the birth of Nguyen Dinh Chieu, poet (1822-1888) (Viet Nam, with the support of India, Japan, Republic of Korea and Thailand).

(211 EX/SR.6)

[31 Memorandum of Understanding between the Intergovernmental Oceanographic Commission (IOC) of UNESCO and the Indian Ocean Rim Association (IORA)]

This item was postponed: see the footnote in document 211 EX/1 Prov. Rev.

[32 Memorandum of Understanding between the Intergovernmental Oceanographic Commission (IOC) of UNESCO and the Pacific Community (SPC)]

This item was postponed: see the footnote in document 211 EX/1 Prov. Rev.

GENERAL MATTERS**33 Occupied Palestine (211 EX/33; 211 EX/43)**

The Executive Board,

1. Having examined document 211 EX/33 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 212th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Two hundred and eleventh session

211 EX/PX/DR.33.1
PARIS, 9 April 2021
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 33 OCCUPIED PALESTINE

DRAFT DECISION

The Executive Board,

1. Having examined document 211 EX/33,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2020 and 2021 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the nineteen decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1,

200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32, 207 EX/Decision 38, 209 EX/Decision 24 and 210 EX/Decision 36, and the ten World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21 and 43 COM/7A.22;

8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law, and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of Al-Haram Al-Ibrahimi/Tomb of the Patriarchs in Al-Khalil/Hebron and the Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 212th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 212th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

ANNEX TO THE DOCUMENT

During the reporting period, the following correspondence has been received by the Secretariat in relation to this item:

Date	From	Subject
23 November 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Hebron/AI-Khalil Old Town
8 December 2020	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Gethsemane Church in East Jerusalem
5 February 2021	Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Hebron/AI-Khalil Old Town
9 February 2021	Ambassador, Permanent Delegate of the Hashemite Kingdom of Jordan to UNESCO and Ambassador, Alternate Permanent Delegate of Palestine to UNESCO	Al-Yousifieh Islamic Cemetery in Jerusalem
18 March 2021	Ambassador of Israel to International Organizations	The Old City of Jerusalem and its Walls

(211 EX/SR.6)

- 34 Implementation of 40 C/Resolution 67 and 210 EX/Decision 37 concerning educational and cultural institutions in the occupied Arab territories** (211 EX/33; 211 EX/34; 211 EX/43)

The Executive Board,

1. Having considered documents 211 EX/33 and 211 EX/34, as well as the annex to this decision,



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage

44 COM

WHC/21/44.COM/18

Paris, 31 July 2021

Original: English / French

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Extended forty-fourth session

**Fuzhou (China) / Online meeting
16 - 31 July 2021**

**Decisions adopted
during the extended 44th session
of the World Heritage Committee
(Fuzhou (China) / Online meeting, 2021)**

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FINANCIAL AND ADMINISTRATIVE ISSUES

- 13. International Assistance
- 14. Presentation of the final accounts of the World Heritage Fund for 2018-2019, Report on the execution of the budget for the biennium 2020-2021, Budget proposal of the World Heritage Fund under the biennium 2022-2023 and follow-up to Decision **43 COM 14**
- 15. Other business

CLOSING SESSION

- 16. Election of the Chairperson, Vice-Chairpersons and Rapporteur of the 45th session of the World Heritage Committee
- 17. Provisional Agenda of the 45th session of the World Heritage Committee
- 18. Adoption of Decisions
- 19. Closing session

through the “Revive the Spirit of Mosul” initiative, in order to implement short-, medium- and long-term measures;

9. Also requests the World Heritage Centre to present at its 45th session in 2022 a report on the activities related to cultural heritage undertaken within the framework of the “Revive the Spirit of Mosul” initiative;
10. Further requests the State Party to submit to the World Heritage Centre, by **1 February 2022**, an updated report on the state of conservation of the properties and the implementation of the above, for examination by the World Heritage Committee at its 45th session.

10. Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Decision: 44 COM 7A.10

The World Heritage Committee,

1. Having considered document WHC/21/44.COM/7A.Add.2 and the Annex attached to this decision,
2. Recalling its previous decisions concerning the Old City of Jerusalem and its Walls,
3. Decides that the status of the Old City of Jerusalem and its Walls relating to the World Heritage List remains unchanged as reflected in Decisions **43 COM 7A.22** and **43 COM 8C.2** of its last session.

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ANNEX

The World Heritage Committee

44th session of the Committee (44 COM)

Item 10: Old City of Jerusalem and its Walls (site proposed by Jordan)

The World Heritage Committee,

1. Having examined Document WHC/21/44.COM/7A.Add.2,
2. 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 (1954) and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of the World Cultural and Natural Heritage (1972), the New Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, 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 related recommendations, resolutions and decisions of UNESCO,

3. Reaffirming that nothing in the present decision, which aims at the safeguarding of the authenticity, integrity and cultural heritage of the Old City of Jerusalem on both sides of 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, including United Nations Security Council resolution 2334 (2016),
4. Also reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
5. Reminding 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 "basic law" on Jerusalem, are null and void and must be rescinded forthwith,
6. Further recalling the 20 decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Decision 19.1, 200 EX/Decision 25, 201 EX/PX 30.1, 202 EX/Decision 38, 204 EX/Decision 25, 205 EX/Decision 28, 206 EX/Decision 32, 207 EX/Decision 38, 209 EX/Decision 24, 210 EX/Decision 36, and 211 EX/Decision 33, and the 10 World Heritage Committee decisions: **34 COM 7A.20, 35 COM 7A.22, 36 COM 7A.23, 37 COM 7A.26, 38 COM 7A.4, 39 COM 7A.27, 40 COM 7A.13, 41 COM 7A.36, 42 COM 7A.21 and 43 COM 7A.22,**
7. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works, projects and other illegal practices in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law and reiterates its request to Israel, the occupying Power, to prohibit all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
8. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;
9. Stresses again the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls, and invites the Director-General and the World Heritage Centre, to exert all possible efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose possible effective measures to ensure its implementation;
10. **Decides to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.**

11. Archaeological Site of Cyrene (Libya) (C 190)

Decision: 44 COM 7A.11

The World Heritage Committee,

1. Having examined Document WHC/21/44.COM/7A,
2. Recalling Decision **43 COM 7A.23**, adopted at its 43rd session (Baku, 2019),



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214 EX/Decisions

Executive Board

Two hundred and fourteenth session

(Paris, 30 March – 13 April 2022*)

Paris, 13 May 2022

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 214th SESSION**

* Including the meetings of the subsidiary bodies before the plenary meetings.



JOB: 2022/1251

(i)

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3. Invites the Director-General to submit to it at its 216th session the annual report of the Ethics Office, taking into account the debate and discussions held at the 214th session.

(214 EX/SR.5)

RELATIONS WITH MEMBER STATES, INTERGOVERNMENTAL ORGANIZATIONS AND INTERNATIONAL NON-GOVERNMENTAL PARTNERS

21 Memorandum of Understanding between UNESCO and the European Molecular Biology Laboratory (EMBL) (214 EX/21; 214 EX/2)

The Executive Board,

1. Having examined document 214 EX/21,
2. Approves the memorandum of understanding between UNESCO and the European Molecular Biology Laboratory (EMBL) annexed to document 214 EX/21;
3. Authorizes the Director-General to sign the memorandum of understanding on behalf of UNESCO.

(214 EX/SR.5)

GENERAL MATTERS

22 Occupied Palestine (214 EX/22; 214 EX/32)

The Executive Board,

1. Having examined document 214 EX/22 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 215th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



Executive Board

Two hundred and fourteenth session

214 EX/PX/DR.22.1

PARIS, 30 March 2022

Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 22 OCCUPIED PALESTINE

DRAFT DECISION

The Executive Board,

1. Having examined document 214 EX/22,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),
4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2021 and 2022 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the twenty one decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec 19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32, 207 EX/Decision 38, 209 EX/Decision 24, 210 EX/Decision 36, 211 EX/Decision 33 and 212 EX/Decision 43, and the eleven World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21, 43 COM/7A.22 and 44 COM/7A.10;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel's Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam;
14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 215th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 215th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.



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United Nations
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215 EX/Decisions

Executive Board

Two hundred and fifteenth session

(Paris, 5 – 19 October 2022*)

Paris, 18 November 2022

**DECISIONS ADOPTED
BY THE EXECUTIVE BOARD AT ITS 215th SESSION**

*

* Including the meetings of the subsidiary bodies before the plenary meetings.



Job: 202203144

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GENERAL MATTERS

36 Occupied Palestine (215 EX/36; 215 EX/50)

The Executive Board,

1. Having examined document 215 EX/36 as well as the annexes attached to this decision,
2. Recalling its previous decisions concerning “Occupied Palestine”,
3. Decides to include this item in the agenda of its 216th session, and invites the Director-General to submit to it a follow-up report thereon.

ANNEX I



Executive Board
Two hundred and fifteenth session

215 EX/PX/DR.36.1
PARIS, 5 October 2022
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 36 OCCUPIED PALESTINE

DRAFT DECISION

The Executive Board,

1. Having examined document 215 EX/36,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions relating to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the current decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal

status of Palestine and Jerusalem, including United Nations Security Council resolution 2334 (2016),

4. Taking note of the letters addressed to the Director-General by the Permanent Delegations of Palestine and Jordan to UNESCO in 2022 concerning the sub-sections below,

I Jerusalem

5. Reaffirming the importance of the Old City of Jerusalem and its Walls for the three monotheistic religions,
6. Bearing in mind 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 “basic law” on Jerusalem, are null and void and must be rescinded forthwith,
7. Recalling the twenty two decisions of the Executive Board: 185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec 19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32, 207 EX/Decision 38, 209 EX/Decision 24, 210 EX/Decision 36, 211 EX/Decision 33, 212 EX/Decision 43 and 214 EX/Decision 22, and the eleven World Heritage Committee decisions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21, 43 COM/7A.22 and 44 COM/7A.10;
8. Regrets the failure of the Israeli occupying authorities to cease the persistent excavations, tunnelling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem which are illegal under international law and reiterates its request to Israel, the occupying Power, to stop all violations which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions;
9. Also regrets the Israeli refusal to implement the UNESCO request to the Director-General to appoint a permanent representative to be stationed in East Jerusalem to report on a regular basis about all aspects covering the fields of competence of UNESCO in East Jerusalem, and reiterates its request to the Director-General to appoint, as soon as possible, the above-mentioned representative;

II Reconstruction and development of Gaza

10. Deeply deplores the ongoing military developments around the Gaza Strip and their heavy toll of civilian casualties as well as their continuous negative impact in the fields of competence of UNESCO;
11. Deplores the continuous Israeli closure of the Gaza Strip, which harmfully affects the free and sustained movement of personnel, students and humanitarian relief items and requests Israel to immediately ease this closure;
12. Thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, calls upon her to continue her active involvement in the reconstruction of Gaza’s damaged educational and cultural components and reiterates, in this regard, its request to her to upgrade the UNESCO Antenna in Gaza and to organize, as soon as possible, an information meeting on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO;

III The two Palestinian sites of *Al-Haram Al-Ibrahimi/Tomb of the Patriarchs* in Al-Khalil/Hebron and the *Bilal Ibn Rabah Mosque/Rachel’s Tomb* in Bethlehem

13. Reaffirms that the two concerned sites located in Al-Khalil/Hebron and in Bethlehem are an integral part of the Occupied Palestinian Territory, and shares the conviction affirmed by the

international community that the two sites are of religious significance for Judaism, Christianity and Islam;

14. Deplores the ongoing Israeli excavations, works, construction of private roads for settlers and of a Wall inside the Old City of Al-Khalil/Hebron which are illegal under international law and harmfully affect the authenticity and integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship and asks Israel, the occupying Power, to end all violations which are not in conformity with the provisions of relevant UNESCO conventions, resolutions and decisions;
15. Regrets the visual impact of the Wall on the site of Bilal Ibn Rabah Mosque/Rachel's Tomb in Bethlehem as well as the strict ban on access of Palestinian Christian and Muslim worshippers to the site, and demands that the Israeli authorities restore the original character of the landscape around the site and lift the ban on access to it;

IV

16. Decides to include these matters under an item entitled "Occupied Palestine" in the agenda at its 216th session, and invites the Director-General to submit to it a progress report thereon.

ANNEX II

**THE UNESCO REACTIVE MONITORING MISSION
TO THE OLD CITY OF JERUSALEM AND ITS WALLS**

The Executive Board

1. Stresses the urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls;
2. Invites the Director-General and the World Heritage Centre to exert all efforts, in line with their mandates and in conformity with the provisions of the relevant UNESCO conventions, decisions and resolutions, to ensure the prompt implementation of the mission and, in case of non-implementation, to propose effective measures in the report to it at its 216th session;
3. Expresses its commitment to exert its utmost efforts to resolve this issue at its next session.

(215 EX/SR.6)

37 Implementation of 41 C/Resolution 51 and 214 EX/Decision 23 concerning educational and cultural institutions in the occupied Arab territories (215 EX/36; 215 EX/37; 215 EX/50)

The Executive Board,

1. Having considered documents 215 EX/36 and 215 EX/37, as well as the annex to this decision,
2. Recalling its previous decisions concerning "Educational and Cultural Institutions in the Occupied Arab Territories",
3. Decides to include this item in the agenda of its 216th session and invites the Director-General to submit to it a follow-up report thereon.

R/20/27

UNITED NATIONS
SECURITY
COUNCIL



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12 September 1967

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REPORT OF THE SECRETARY-GENERAL UNDER GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V) RELATING TO JERUSALEM

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INTRODUCTION

1. In its resolution 2254 (ES-V) adopted on 14 July 1967 relating to Jerusalem, the General Assembly requested the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the resolution. In a note dated 14 August 1967, which was circulated to the Security Council (S/3121 and Corr.1) and to the General Assembly (A/6785 and Corr.1), the Secretary-General announced that he had appointed Ambassador Ernesto A. Thalmann of Switzerland as his Personal Representative in Jerusalem for the purpose of obtaining information on the situation as a basis for his report to the Security Council and the General Assembly.
2. The terms of reference for the mission which was entrusted to Ambassador Thalmann were laid down in the Secretary-General's letter of 12 August 1967, as follows:

"I am glad to know that you are willing to undertake, and that your Government is prepared to make you available for, the special ad hoc assignment as my Personal Representative in Jerusalem for the purpose of obtaining information in order to facilitate my report to the Security Council and the General Assembly. The General Assembly, in paragraph 3 of its resolution 2254 (ES-V) of 14 July 1967 'requests the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution' ... That part of my report relating to the implementation of the resolution will consist of the written reply to my note about the resolution dated 15 July 1967... which the Government of Israel has promised to address to me. Your concern, therefore, will be exclusively with the gathering of information 'on the situation' in Jerusalem which I may, in turn, use in my report to the Council and the General Assembly.

"I would wish you to gather as much information as you reasonably can within a period of two weeks on the situation in Jerusalem, by which is meant specifically conditions relating to the assumption of control by Israel authorities over the entire city of Jerusalem. Thus, a major part of your attention would be directed to the situation in the Old City of Jerusalem, with specific reference to the status and treatment of Arab residents and their property and the situation of all of the Holy Places in Jerusalem.

"Your function, thus, is to obtain information only and involves no responsibility on your part for any negotiations or for the implementation of the General Assembly resolution.

"At my request, the Government of Israel has given assurance that it will co-operate with your mission and will give you all necessary facilities and information."

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3. Ambassador Thalmann's mission constitutes the sole independent source of information of the Secretary-General for the report on the situation in Jerusalem requested of him by the General Assembly and, therefore, part one of this report is based upon the information gathered by Ambassador Thalmann during his visit to Jerusalem.
4. Part two of the report, dealing with the implementation of General Assembly resolution 2254 (ES-V), is based on the information supplied by the Government of Israel.

PART ONE. THE SITUATION IN JERUSALEM

I. MISSION OF THE PERSONAL REPRESENTATIVE

A. Delimitation of the inquiry

5. In accordance with the terms of reference, the Personal Representative restricted his inquiry to Jerusalem. For the purposes of the investigations, Jerusalem was understood to include both those parts of the city which were under Jordanian control before June 1967 and those under Israel control. It was also understood to include the former no man's land and the rural areas which Israel has included in the municipality of Jerusalem. For exclusively practical reasons, particularly brevity, and with no other connotations, the expressions "East Jerusalem" and "West Jerusalem" are used to designate the parts formerly under Jordanian and Israel control, respectively.
6. It would no doubt have been desirable to set current conditions in Jerusalem against their historical background. This was not possible, however, in the short time available.
7. During the Personal Representative's visit to Jerusalem, Arab personalities handed him a number of memoranda, petitions and statements, some of which went beyond the purely factual conditions and consequently beyond his terms of reference. It is nevertheless considered appropriate to reproduce some of these documents as annexes because, taken as a whole, they reflect an attitude which forms a part of the facts that are the subject of the investigations (see annex I).

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8. The Israel authorities supplied a substantial amount of documentation, which could not be fully evaluated in this report. Some documents, which are helpful for an understanding of the factual conditions, are also annexed to the report (see annex II).

9. It should be noted that conditions in Jerusalem are in a state of rapid flux. Certain of the observations in this report may therefore have been partially overtaken by events.

B. Conditions under which the mission was carried out

10. The Personal Representative arrived at Tel Aviv on 21 August 1967 and proceeded the same day to Jerusalem. He was able to carry out his investigations in an orderly atmosphere and the Israel authorities offered him various material facilities such as transportation and technical arrangements.

11. The Personal Representative was free to move about and to meet the various personalities whom he wished to see and to talk with them privately when he desired to do so. He met a great number of Israel officials, Arab personalities and representatives of the various religious communities. The most important names are contained in the lists in annex III.

12. Ambassador Thalkann left Jerusalem on 3 September and arrived in New York on the evening of 4 September.

II. GEOGRAPHY AND EXTERNAL ASPECT OF THE CITY

A. Geography

13. As a result of the assumption of control by the Israel authorities over East Jerusalem, the municipal area of West Jerusalem was expanded by over 60 square kilometres to a total exceeding 100 square kilometres. A map prepared at the Personal Representative's request by the Israel municipal authorities and annexed to this report shows the claimed boundaries of the extended municipality and other lines relevant to an understanding of the present situation.

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B. Population

14. Since the occupation, a census was carried out in East Jerusalem by the Israel authorities. This shows that the approximate population of the area is 70,000, of whom 28,000 (or 40 per cent) reside in the Old City and 42,000 (or 60 per cent) outside the walls.

15. The distribution of population according to religious denomination is as follows:

Muslims	81.0 per cent
Catholics	8.1 per cent
Orthodox	6.5 per cent
Armenians	2.4 per cent
Others	2.1 per cent

16. The population of West Jerusalem is approximately 200,000, practically all of whom are Jews.

17. According to the International Committee of the Red Cross, about 7,000 refugees left the Jerusalem area. So far only a few persons have returned.

18. According to the figures of the Jordanian Census of 1 and 3 July of this year, 7,791 persons (including 1,201 householders) left the Jerusalem area. Arab sources consider that these figures are too low and that they represent only about 70 per cent of the real total of the refugees.

C. External aspect of Jerusalem

19. During his visit, the Personal Representative was struck by the great activity in the streets of the city.

20. The uniforms were few and the weapons fewer. The military policemen went about their duties in a matter-of-fact way. They appeared to be mostly concerned with directing the traffic, which was quite heavy. The picture of the crowd in the Old City was dominated by the tourists. Arabs and Jews were mingling. To the destruction of the war new destruction had been added. Bulldozers had cleared the walls which separated the firing lines, as well as many houses in the area of the former no man's land. Also in the walled city one could see the debris of levelled houses.

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21. There was direct access to the Old City through many newly made roads and through the reopened gates. Outside the walled city the scars of battle were more noticeable. Also a number of shops were closed. Most of the hotels had reopened. Before dawn and during the day the muezzin could be heard as well as the church bells.

III. STRUCTURE OF THE MUNICIPAL AUTHORITIES

A. Situation in the Jordanian sector of Jerusalem before June 1967

22. Every citizen who had reached the age of eighteen and who paid municipal taxes of at least one Jordanian dinar a year was eligible to vote in the municipal elections.

23. Twelve representatives were elected to the Municipal Council on a non-party basis. Candidates had to be Jordanian citizens over the age of twenty-five, literate and have committed no crime. The Government, through the Minister of the Interior, appointed the Mayor from among the twelve Council members. The Council chose the Assistant Mayor from among its members by a simple majority vote; the Assistant Mayor deputized for the Mayor in his absence. The Council appointed from among its members the members of auxiliary committees, which were usually headed by the Mayor. The Council served as an advisory body to the Mayor and usually convened once a week, though a meeting could be called at the request of two-thirds of its members.

24. Elections for Mayor and Council members were held every four years. The Mayor received his salary from the Municipal Council. Members received no remuneration.

25. The current term of office was to have ended on 31 August 1967.

B. Situation since June 1967

26. The Israel authorities stated that they had offered the members of the Municipal Council of the Old City the opportunity to apply for new positions in the framework of the Israel administration, which they refused to do. Several members had left Jerusalem; at present there were only eight in the city.

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27. The Municipal Council of the Old City had been superseded by the Municipal Council of West Jerusalem, which is composed of twenty-one members, all Israelis, who were elected on 2 November 1965.

C. The administration of the municipality

28. The Israel authorities further stated that the municipality of West Jerusalem began operations in East Jerusalem the day after the fighting ceased. In the beginning it acted as the agent of the Military Government, but from 29 June municipal processes started to function according to Israel law.

29. The Arab personnel of the Old City was absorbed in the equivalent departments in the Israel municipality, so that at present, for example, all the engineers and staff of the municipality of East Jerusalem were employed in the City Engineer's Department, the Water Supply Department, etc.

30. Practically all municipal employees included in a list comprising some 370 names provided by the Assistant Mayor of East Jerusalem, immediately after the take-over by the Israel authorities, were now employed by the municipality.

31. The question of the pension rights of pensioners in East Jerusalem had not been fully settled. In the meantime the pensioners had received an ex gratia payment on account of the pension for the month of June, pending a decision on the matter.

32. The Israel Authorities stated that they were not interfering with the functioning of the Muslim Waqf which is responsible for all resources designated for the upkeep of religious and welfare institutions. Moreover it had offered to assist the Waqf authorities to exercise direct control over the property. In addition, immediately after the hostilities, it had granted the Waqf a loan of 25,000 Israel pounds.

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IV. MEASURES TAKEN BY THE ISRAEL GOVERNMENT IN ORDER TO INTEGRATE
THE PARTS OF THE CITY WHICH WERE NOT UNDER ISRAEL CONTROL
BEFORE JUNE 1967

A. Preliminary remarks

33. In the numerous conversations which the Personal Representative had with Israel leaders, including the Prime Minister and the Minister for Foreign Affairs, it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory bases for this had already been created, and the administrative authorities had started to apply Israel laws and regulations in those parts of the city. However, for practical reasons - for example, because the texts of the laws had not been translated into Arabic - but also with the intention that the Arab population should become familiar with the new situation step by step, not all Israel laws and regulations were as yet been enforced; nevertheless, it was the declared objective of the Israel Government to equalize the legal and administrative status of the residents of those parts of the city which were not previously controlled by Israel with that of the Israel citizens as soon as possible.

34. The Personal Representative was repeatedly assured by the Israel side that every attention was being paid to the well-being of the Arab population and that the Arab residents would have the opportunity to bring their standard of living up to the level prevailing in Israel.

35. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

36. Some information concerning the manner in which Israel is proceeding at the governmental and municipal level is given in two statements, which are to be found in annex II.

37. It is considered appropriate to discuss below in greater detail the measures taken by Israel in the various fields, placing particular stress on those questions which are especially vital to the life of the population. It is in the nature of the following account that the information is drawn for the most part from Israel sources.

B. Israel legislation affecting East Jerusalem

38. The Personal Representative was supplied by the Israel authorities with the text of certain laws and orders which had been adopted with a view to including Old Jerusalem and certain surrounding areas previously under the control of Jordan within the State of Israel.

39. Under the Law and Administration Ordinance (Amendment No. 11) Law of 27 June 1967, it was provided that the law, jurisdiction and administration of the State should apply in any area of the State of Israel designated by the Government by order. Under this provision the Government issued an order dated 28 June 1967 which declared that a territory defined in an annex was an area in which the law, jurisdiction and administration of the State of Israel were in force. The area described in detail in the annex included the Old City, Sur Baher, Sheich Jarakh, the Kalandia airport, Mount Scopus and vicinity and Sha'afat.

40. Similarly under the Municipal Corporations Ordinance (Amendment No. 7) of 27 June 1967, the Minister of Interior was empowered at his discretion to enlarge, by proclamation, the area of a particular municipal corporation by the inclusion of an area designated under the Law and Administration Ordinance as just amended. By an order dated the following day, the Minister declared that the boundaries of the Jerusalem Municipal Corporation would be extended by the inclusion of the area described in the previous paragraph.

41. It was explained that the Jerusalem Municipality had refrained from enforcing the municipal by-laws to the eastern sector immediately after reunification because they had not as yet been translated into Arabic.

42. When the by-laws became available in Arabic the Municipality began to enforce sanitation and public health laws and the ordinance forbidding peddlars to operate without a licence. In order to enforce the by-laws throughout the larger area, thirty-five new inspectors had been hired.

43. The policy of the Municipality was to introduce the by-laws in stages, out of consideration of the need to familiarize the population with them in a gradual manner.

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C. Physical measures and civilian services

44. The opening of means of access to the Old City and the destruction of barriers started almost immediately after the end of hostilities. By the end of August all former access roads had been reopened.

45. Alongside this activity went on the destruction of former Jordanian military positions and the removal of mines, principally in the old no-man's land, in the Jerusalem area.

46. The Israel authorities stated that buildings in a slum area outside the Temple Wall had been destroyed; the inhabitants had been provided with alternative housing. Fifty to seventy families, however, had been put in houses left by refugees who had since returned, so they had to find their own accommodation; they were being given key money and their rent would be subsidized for two years through the city welfare agency. Loans for seven years would also be made to fifty-five families in the Old City whose houses had been damaged by shelling, so that they might repair them before the winter. Dilapidated and dangerous houses along the Old City walls had been demolished (these houses had mainly been in no-man's land) and it was planned to build a park round the walls. The land was mostly church property and compensation would be paid. Houses in no-man's land, where there were many mines, had been de-mined and demolished; they had been uninhabited since 1948. These houses were in a dangerous condition and there was a risk of squatters with the existing housing shortage. It had not been possible to do anything about them before, as they were in no-man's land.

47. The Israel authorities further stated that there were no plans for the construction of buildings in East Jerusalem. There was a ban on all buildings within the Old City walls, except for the reconstruction of several streets in the Jewish Quarter. These would be kept in the same style as before as far as their exteriors were concerned, but would be modernized inside.

Water

48. According to the Israel authorities, the water supply network of East Jerusalem was connected with the Western system one day after the end of hostilities.

49. In the past, East Jerusalem had received its water from sources at Ein Fara, Ein Pohar and Wadi Kelt, which together were capable of supplying 3,000 cubic

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metres a day, or fifty litres per inhabitant. Because of the water shortage it was necessary to supply water only intermittently. The city was divided into three areas, each of which received water twice a week.

50. During the war, several pumping stations and waterpipes were damaged. The damage was repaired and the water supply resumed. After it became apparent that the water supply was insufficient, three connexions were made with the system in West Jerusalem. During the first weeks the demand doubled, and the need was three times what it had been before the war (9,000 cubic metres a day); two thirds of this amount came from West and one-third from East Jerusalem.

51. It was explained by the Israel authorities that the cost of water in East Jerusalem had been more than twice as high as that in West Jerusalem. With the merger of the systems, the cost was lowered to that prevailing in the west, which would lead to an annual deficit of half a million Israel pounds in the budget of the Water Department (which must cover all expenses through fees). An equalization fund had been established.

Sanitation

52. The Israel authorities stated that the Sanitation Department had begun its work immediately after the war. During the first period it was mainly concerned with removing the rubble accumulated during the fighting. Once this was completed, it concentrated its efforts on the improvement of services, which included the acquisition of sweeping machines, machines to collect garbage, 5,000 garbage cans to be distributed to houses and 150 large garbage receptacles, at a total cost of more than one million Israel pounds.

53. While checking waste-water, thirty malaria sources were found. They were now being eliminated. Efforts were also being made to stop the use of unpurified sewage water for irrigation.

54. Veterinary control had been increased and, within this context, renovation had begun at the municipal abattoir, which had been partially destroyed during the hostilities.

55. The entire Sanitation Department had been transferred to the Old City Municipal Building.

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Roads, parks and public property

56. According to the Israel authorities, the City Engineering Department had begun work on the beautification of public parks, and the improvement of roads and lighting. The budget for East Jerusalem allots approximately four million Israel pounds for the execution of various works.

Welfare

57. The Personal Representative was informed that on 7 August 1967 a Welfare Bureau was opened to the public in East Jerusalem. At present the Bureau was primarily occupied with the distribution of aid to past recipient families, and with the investigation of the new cases applying for assistance by means of interviews in the office, home visits by social workers and contact with friends and local leaders who knew of their situations.

58. A programme has been prepared to distribute 3,337 food packages contributed by UNICEF to needy cases in East Jerusalem.

59. UNRWA has an important Field Office and a Ration Distribution Centre in Jerusalem and it takes care of the refugee camp in Kalondia.

60. The Catholic organizations in East Jerusalem are supporting up to 2,000 families a month, at a cost of \$3.00 per person on average.

D. Budgetary figures for East Jerusalem

61. According to Israel authorities the municipal budget for East Jerusalem for the period from July 1967 to April 1968 amounts to approximately 8 million Israel pounds for regular and non-recurrent expenditures and to an additional 8 million pounds for development schemes.

62. The break-down of the budget is as follows:

	<u>In Israel pounds</u>
General administration	310,000
Sanitation	1,609,000
Financial administration	395,000
Fire-fighting	263,000
Construction plans	440,000
Property maintenance	1,416,000
Tourism and economic activity	200,000
Municipal Central	418,000
Education	1,258,000

	<u>In Israel pounds</u>
Youth and sport activities	100,000
Cultural activities	100,000
Public health services	188,000
Public welfare	10,000
Water	1,731,675
	<u>8,498,675</u>

63. The breakdown of the development budget is as follows:

	<u>In Israel pounds</u>
Equipment for sanitation services	1,000,000
Public property	4,000,000
Improvement of school buildings	400,000
Water installations and supply	2,500,000
	<u>7,900,000</u>

E. Economic measures

General situation

64. The Israeli authorities provided the Personal Representative with a substantial amount of information on the present economic situation in East Jerusalem both in the form of an oral briefing by a high official of the Economic Department of the Ministry of Foreign Affairs and of written material. In general, while admitting the existence of serious economic problems of adjustment, they maintained that in many respects the economy of the area was in a prosperous state due to the constant flow of Israel shoppers and sightseers and that the adverse effects of the cessation of tourism should not be unduly protracted.

65. The Personal Representative was told that many of the economic problems were the result not of the reunification of the City but of the dislocation caused by the war, which had been fought within the boundaries of Jerusalem. There was the physical damage to buildings, equipment and, particularly, vehicles, as well as the fact that goods had been taken over by the Israel army for its own use. An instruction had been issued that all private property should be returned immediately, but it was sometimes difficult to locate it. Absentee property was handled by the Custodian of Absentee Property.

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66. It was explained that previously Amman, not Jerusalem, had been the economic and financial centre of Jordan. East Jerusalem had had no industry except for tourism and its related small industries; there were in all about 200 small workshops. On the other hand, there were over 1,500 shops and a variety of service establishments.

67. It was reported that from the time that access from Israel to East Jerusalem had become free, the shopkeepers there had been unusually active, selling at the rate of 2 million Israel pounds a day in the first month and at a steady rate of 1 million Israel pounds a day at present. As a result, stocks had run down quickly in many instances and were being replenished in part from Israel sources and in part from supplies in the west bank and in unoccupied Jordan. Service establishments were reported to have greatly increased their activities. The workshops, after an initial period of dislocation, were said to have all reverted to routine and normality and to be going through a process of adjustment to new marketing conditions.

68. In general, the Israel authorities stated that unification had meant that the "underdeveloped" economy of the eastern sector had come into contact with the more developed economy of the western sector. That had caused an economic shock, but would not necessarily be detrimental to the population, which could enjoy a higher standard of living.

69. The Personal Representative was informed that everything was being done not to cut East Jerusalem off from its source of supply on the west bank, in particular in respect of fruit and vegetables and other agricultural supplies. It was true that certain measures had been taken to avoid the overflow of agricultural produce so as not to affect the price and markets for frozen vegetables in Israel; some produce, however, had gone from Jerusalem to other markets in Israel.

70. It was stressed that agricultural produce from the west bank was untaxed on entry into the city. Customs check-points had been set up near Sha'afat and Bethlehem and other imports were in law subject to Israel customs duty; in practice, however, no customs duty was being collected on any product.

71. Under a customs order published on 28 June, wholesalers were liable to pay on goods previously imported the difference between the duties already paid to Jordan and the higher Israel tariff. Stocks had been inventoried, but the Customs Department had not yet sent out any debit notices, which would in any case only be served on wholesalers with stocks of a value exceeding 1,000 dollars.

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72. On the other hand, the Israel system of excise duties was being applied not only to East Jerusalem but throughout the Israel-controlled areas and was being collected at the factory. Duties were accordingly payable on tobacco, alcoholic beverages, spirits, petrol and cement.

73. As a result of these measures, retailers had raised the prices of products in stock. The question of the increased cost of living was being studied by a committee; figures had been asked from the Bureau of Statistics. All salaried officials - municipal employees, etc. - had had their salaries increased, though they were not yet receiving the Israel scale, which would bring them a fivefold increase in the higher grades, a twenty-fourfold increase in the lower.

74. It was stated that citizens of East Jerusalem would be required to pay income tax in accordance with the legislation of Israel as from 28 June 1967. From the end of August, deductions for tax payment would be made from the salaries of public servants, whether of the Government or of the municipality.

75. It was explained that the system of municipal taxation in Israel differed in many respects from what was in force in East Jerusalem. It would seem that in general the municipal taxes in West Jerusalem are more varied, and levied at a higher rate where comparable, than those in East Jerusalem, though water charges were less than half. On the other hand, it was maintained that the services previously supplied by the municipality of East Jerusalem could not bear comparison, in scope and efficiency, with the standard attained by local government in Israel.

76. It was stated that no municipal taxes had been paid in East Jerusalem since the unification, except for abattoir fees and market dues, which continued to be collected at the previous rates.

77. Finally, the information provided by the Israel authorities showed that motor vehicle licences in Israel were higher than those previously imposed by Jordan.

78. It was explained that serious obstacles to economic recovery had been caused by monetary problems. The eight banks previously operating on the west bank of the Jordan, with nine branches in East Jerusalem, had had their headquarters and kept their reserves in Amman. The cash actually held by the banks was only enough to cover 6 per cent of the public's deposits, and it had, therefore, been impossible to open them. In East Jerusalem, those deposits amounted to 5.7 million dinars, which meant that the bank closure immobilized more than half of the

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from getting the credit which they needed for the resumption of their affairs.

The economic integration of East and West Jerusalem had been accompanied by a rise of prices in East Jerusalem which had brought about at the outset a further diminution of the real value of the liquid assets of the inhabitants.

79. On the other hand, the contraction of liquidating had been offset to a certain extent by such factors as the fact that borrowers did not at any rate for the time being have to repay bank loans, amounting to 3.9 million dinars and that purchases in East Jerusalem by Israelis had added considerably to its liquid assets.

80. It was stated that before long five Israel banks had opened branches in East Jerusalem and were granting loans to firms so that they could refloat their activities. Moreover, Israel was involved in negotiations, through the International Monetary Fund, to have Jordan transfer the assets of the closed banks back to them and was working to facilitate their reopening.

81. Arrangements had been made for the citizens of East Jerusalem to convert their holdings of Jordanian currency. They were reported to have so far exchanged 400,000 dinars into Israel pounds; that represented from 10 per cent to 15 per cent of the cash in their hands.

82. It was stated that, on the special question of the rate of exchange of the dinar, the criterion in fixing the rate had been the value of the currency on the free Swiss market (7.50 Israel pounds to the dinar). So as to avoid curtailing purchasing power, Israel had subsequently decided to raise the rate of exchange of the dinar.^{1/} As far as possible that would be done retroactively. Those who had exchanged more than 100 dinars - of which a record would be available in the bank - would receive a refund. For smaller amounts, of which no record existed, the differences would be placed at the disposal of the community for social purposes.

^{1/} The current rate is 8.40 Israel pounds to the dinar.

83. At a meeting which was arranged by the President of the Israel Chamber of Commerce and which included several Arab personalities, it was stated that individual Arab businessmen from East Jerusalem were being given all possible assistance by the Jerusalem Chamber of Commerce and other West Jerusalem businessmen to enable them to obtain agencies and distribution rights of Israel industries and to aid them to obtain raw materials for their industries; some of these materials were already on their way to the Jordan port of Aqaba and some still in European or overseas ports, awaiting consignees' instructions. The Chamber of Commerce helped them to obtain Israel import licences, allocations of foreign exchange to pay for their imports, and in matters of procedure.

84. The President of the Israel Chamber further stated that the Arab Chamber of Commerce, Jerusalem, had been contacted in order to assist Arab businessmen in their adjustment to the new conditions, and in the re-establishment of normal business life in Jerusalem. The Committee of the Arab Chamber of Commerce had expressed its gratitude and indicated its willingness to co-operate.

Tourism

85. As regards the hotel industry, the Personal Representative was informed by the Israel Ministry of Tourism that all except four of the thirty-four hotels (with 3,726 beds) recommended for tourists in East Jerusalem had reopened. (The corresponding figures in West Jerusalem were twenty-three hotels with 2,244 beds). The question of ownership had not been fully established but the hotels were being run by substantially the same personnel. As a result of rising costs, room rates had been raised an average of 14 per cent, which still was lower than rates in West Jerusalem.

86. Of the fifty-five tourist agencies in East Jerusalem, forty-seven had already applied for temporary licences and thirty-eight had already received them. Similarly, fifty-nine out of the 192 guides operating in East Jerusalem had already applied for temporary licences.

87. While there had been an influx of Israel visitors, the ordinary tourist trade, which had come to a standstill, was only just beginning again. From an analysis of tourism before the hostilities it was maintained that any possible loss from tourists in transit to other Arab countries was likely to be balanced by the

opening up of East Jerusalem to Jewish tourists to Israel, as well as local tourists from Israel.

Transportation

88. The Personal Representative was informed that there were 300 taxis in the Old City for a population of 70,000 compared with 150 in West Jerusalem for a population of 200,000. Those taxis were mainly operated on long journeys to Beirut, Amman and Petra, from which they were now cut off. The Israel authorities planned to license about forty to fifty general taxis and had offered others the status of tourist taxis (the drivers could not pick up ordinary cab fares, but could act as guides to tourists), but that had been refused. Consequently, the problem had not yet been solved.

89. There were still unsolved problems with bus companies, of which there were some thirty in the Old City, each one owning one to six buses. It appears that the Israel authorities had difficulties coming to terms with those companies and had allowed the Egged Bus Company from West Jerusalem to operate in the Old City. Matters had been further complicated when the East Jerusalem bus companies had gone on strike.

Integration of East Jerusalem workers into the activities of the Histadrut (Israel Federation of Labour)

90. A branch of the Histadrut has been opened in East Jerusalem. A certain number of Arab workers have already registered, and the Israel authorities expect that the number will increase substantially as more and more East Jerusalem employers approach the Histadrut to safeguard the rights of their workers.

91. The number of Arab workers is estimated at between 12,000 and 14,000.

92. The Personal Representative was told that the policy will be to pay Arabs employed in Israel enterprises salaries equal to those received by their Israel counterparts. As regards Arab enterprises, salaries would be calculated according to the economic solvency of the enterprise. Salaries would be raised gradually so as not to disrupt the Arab economy and to allow it to adjust to the conditions prevailing in Israel.

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93. At present over 2,000 workers from East Jerusalem (including some 400 employees of the Municipality) are employed in the Jewish sector of the economy. They are employed in various branches, including construction, industry, hotels and other services.

94. The Personal Representative was informed that the Histadrut plans to establish various welfare and health institutions in East Jerusalem including a loan fund, a community centre for girls and women offering vocational training, a branch of "Working Youth" (a youth movement), and a branch of the "Rapoel" (sports club).

95. In the economic sphere, the Histadrut planned to initiate several enterprises in East Jerusalem which would provide employment for the local workers. The establishment of printing plants and a daily newspaper was under consideration.

96. A special authority for East Jerusalem would be established, whose task would be to initiate new enterprises and strengthen existing ones.

F. Measures concerning the judiciary

97. The High Rabbinical Court (the highest Jewish authority in religious matters) has been moved to East Jerusalem. A municipal court, presided over by an Israel municipal magistrate, deals with infringement of by-laws. It was stated that so far no Arabs had been charged before this court.

98. The Israel authorities stated that with the application of Israel law to East Jerusalem, the appointment of a Kadi (judge in the religious court) would be governed by the procedure provided in the relevant Israel law. However, the Government of Israel has decided to allow the situation prevailing before 5 June 1967 to continue. Muslim courts were functioning and handing down judgements in the same manner as in the past.

G. Educational situation

99. The Israel Authorities stated that at the end of the 1966/1967 school year there had been twenty-eight public educational institutions in East Jerusalem with 12,500 pupils, and twenty-four private institutions with 8,000 pupils. The structure of education had been very different from that in Israel.

100. It was intended to introduce as soon as possible in East Jerusalem all the educational laws and regulations applicable in Israel to Arab children, using the curriculum and textbooks already available for that purpose. While Arabic would be maintained as the basic language of instruction, Hebrew would be introduced gradually as a subject in grades 4 to 12. /...

101. Intermediate schools, which had not previously existed, would be gradually introduced.

Grade 9, which in Israel was part of the secondary school system, in which tuition was charged, would continue for 1967/68 in East Jerusalem to be part of the tuition-free intermediate schools. All the other pupils in grades 10 to 12 would be incorporated in the Graded Tuition System. In that system, the contribution of parents to tuition varied from nil to 1,000 Israel pounds and was determined by their economic status. Since most Arab families had large numbers of children most of them would not have to pay tuition; the Government and the municipality would cover their children's tuition.

102. The Israel authorities further reported that the Jerusalem Municipality was rapidly restoring all damaged school buildings. All previously employed teachers had been invited to continue their work for the next academic year, which was expected to open on time in the second half of September.

103. From information available to the Personal Representative from other sources, it seemed doubtful whether the teachers would be prepared to co-operate with the Israel authorities in reopening the schools. Reports subsequent to the Personal Representative's departure tend to confirm this.

104. It was further stated that private schools would be subject to a "pedagogic control" only.

H. Press

105. It was stated that the two Arab newspapers which were published before June 1967 in East Jerusalem had disappeared.

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V. THE SITUATION IN JERUSALEM AS DESCRIBED BY ARABS

A. Preliminary remarks

106. It should be noted, first of all, that there is a certain disproportion between the volume of the information which the Personal Representative received from the Israel aide and that of the information from Arab sources. This was due, partly to the fact that his investigations were carried out in an area under the control of the Israel Government, but partly also to the fact that his Arab interlocutors, in contrast to the Israelis, were not involved in an action, but simply expressed their reactions. In addition, the Arabs in Jerusalem - again in contrast to the Israelis - at present lack any extensive administrative machinery.

107. Israel Government representatives stated that the Arab personalities whom the Personal Representative met at his own desire were, with few exceptions, members of the National Council of the Palestine Liberation Organization, headed by Mr. Ahmad Shukairy, and that they did not truly represent the Arab population. Naturally, it is impossible to delve into that argument. The Personal Representative noted that the memoranda, statements, resolutions, and other communications handed to him by the Arabs also bore the signatures of a wide range of Arab personalities, including many officials of the previous Jordanian administration and recognized religious leaders.

108. The Personal Representative also remarked that he had met not only Arab personalities who are opposed to the Israel Government but also some who were co-operating with the Israel authorities.

B. Arab information on population figures

109. According to Arab sources, the population of Old Jerusalem prior to 5 June 1967 was about 75,000. If the population of the immediately surrounding areas (Sha'fat, Beit Ranim, Ram, Kalendia and Tours) was included, the figure was about 130,000. Of this hereditary population, many had fled to Jordan as a result of the hostilities, while others were working abroad (in Kuwait, Saudi Arabia, Libya, Qatar, Bahrein, Abu Dhabi, etc.). These temporary emigrants alone were said to number about 60,000.

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C. Arab complaints

110. The Arab personalities whom the Personal Representative met put forward both orally and in the written communications a number of detailed complaints against the Israel authorities (see annex I). The most important of these are summarized below. A description is also given of certain steps taken by Arab notables to establish an organization representative of Arab interests.

Desecration of Muslim Holy Places and other acts

111. Most of the Arabs interviewed by the Personal Representative stated that the Muslim population was shocked by Israel acts which violated the sanctity of the Muslim shrines. It was regarded as a particular provocation that the Chief Rabbi of the Israel Army, with others of his faith, conducted prayers in the area of the Haram Al-Sharif. (The Israel Government has in the meantime put a stop to the offering of further prayers by members of the Jewish faith in the area of the Holy Mosque.)

112. Statements by Israel official representatives and Jewish personalities concerning Jewish claims and plans in the Temple area had had an alarming effect.

113. The dynamiting and bulldozing of 135 houses in the Maghrabi Quarter (in front of the Wailing Wall) had also aroused strong feelings. This action involved the expulsion of 650 poor and pious Muslims from their homes in the immediate vicinity of the Mosque of Omar and the Aksa Mosque. The houses, which also included two small mosques, belonged partly to the Waqf and partly to Arab individuals.

114. It was charged that the Israel authorities had taken over the so-called Jewish Quarter and evicted 3,000 residents at short notice.

115. It was also pointed out that the Israel authorities had chosen a government school for girls near the Aksa Mosque as the seat of the High Rabbinical Court, without consulting the Waqf.

116. It was repeatedly emphasized that further encroachments by the Israel authorities would lead to serious unrest among the Muslim population and might have grave consequences.

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Application of Israel laws

117. The Personal Representative was told that the Israel authorities claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque, and that that was rejected as contrary to the precepts of Koranic Law and of Muslim theology.

118. It was also stated that the application of Israel civil law was unacceptable to the Arabs, not only because the laws of Israel would supersede the existing Jordanian laws, but because they were alien to Koranic Laws.

119. Judges and attorneys had therefore refused to co-operate with the Israel judicature.

Arab municipal authorities

120. The dissolution of the elected Municipal Council of East Jerusalem and the taking over of its buildings, furnishings and archives by the Municipal Council of West Jerusalem was described by Arabs as a violation of international law.

121. In a letter of 24 July 1967, the Israel Military Governor for the West Bank was informed that the twenty-four signatories of the letter had "constituted themselves as the Muslim body in charge of Muslim affairs on the West Bank, including Jerusalem".

122. This "Higher Muslim Council", as it is also called, on the same date designated four Arab personalities to carry out the responsibilities of public administration, with express instructions to exercise their jurisdiction on the West Bank, including East Jerusalem, in accordance with the applicable Jordanian law.

123. In communications (of which the Personal Representative received copies) to the President of the Council, the representatives of the following organizations expressed their support for the "Higher Muslim Court":

The Women's Organizations and Institutions on the West Bank
The Union of Doctors
The Union of Dentists
The Union of Pharmacists
The Union of Lawyers
The Union of Engineers
The Union of the Officials and Labourers of the Electricity
Board in Jerusalem
The Union of Scaffolding Workers in Jerusalem

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The Labourers in Printing Houses
The Workers in the Jerusalem Municipality Councils
The Workers in Exchange Offices
The Union of Workers in Hotels and Cafés
The Union of Workers and Chauffeurs
The Union of Bakers
The Union of Builders
The Union of Tourist Guides
The Union of Tailors
The Union of Shoemakers

124. The Personal Representative was also given a copy of an appeal on the subject by Arab Women on the West Bank.

125. The decisions taken by the "Higher Muslim Council", which has not been recognized by the Israel authorities, are made known to the Arab population through Amman Radio.

Economic situation

126. The Personal Representative was told that the measures already introduced or announced by Israel with respect to taxes, customs duties, licences, absentee properties, and other economic matters, were considered oppressive by the Arab population and that there was a growing feeling of economic strangulation. Even if the present dislocations in economic life should cease in due course, the Arabs feared that they would be permanently at a disadvantage in comparison with the Israelis, who were at a more advanced stage of economic development.

127. On the other hand, the Personal Representative had an opportunity to speak to a few Arab businessmen who considered it to their advantage to co-operate with the Israelis and had already entered into business relations with them. They stated that they were satisfied with the accommodating spirit shown by the Israelis.

Situation in the cultural and educational field

128. Where the schools were concerned, the Personal Representative found a pronounced aversion to the efforts of the Israel authorities to apply their own educational system to Arab schools. He was told that the teachers would refuse to resume their duties under the given conditions. It remains to be seen, in mid-September or late September, when the Arab schools are scheduled to reopen, to what extent the parents will likewise refuse to send their children to school.

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129. From the cultural standpoint, the fear was expressed that the Arab way of life, Arab traditions and the Arabic language would suffer permanent damage under the influence of the Israel majority. It was also pointed out in this connexion that from the standpoint of customs and origin the Israel community formed a heterogeneous society which might have an adverse effect on strict Arab morals.

D. General objections

130. The following observations relate in part to considerations of international law, and thus go beyond a presentation of facts. At the same time, however, they reflect an attitude and a state of mind which are vital to the evaluation of the factual conditions.

131. The Personal Representative was told that the Arabs recognized a military occupation régime as such and were ready to co-operate with such a régime in dealing with current questions of administration and public welfare. However, they were opposed to civil incorporation into the Israel State system. They regarded that as a violation of the acknowledged rule of international law which prohibited an occupying Power from changing the legal and administrative structure in the occupied territory and at the same time demanded respect for private property and personal rights and freedoms.

132. It was repeatedly emphasized that the population of East Jerusalem was given no opportunity to state for itself whether it was willing to live in the Israel State community. It was claimed that the right of self-determination, in accordance with the United Nations Charter and the Universal Declaration of Human Rights, had therefore been violated.

133. In conclusion, it was pointed out that the Arab population places its trust in the United Nations and relied on the resolutions adopted by the General Assembly.

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**VI. THE ATTITUDE OF THE REPRESENTATIVES OF THE
VARIOUS RELIGIOUS COMMUNITIES**

134. All representatives of the various religious communities whom the Personal Representative met agreed that the Holy Places needed special protection and that their believers should have free access to those places. They felt that the prime prerequisite for this was peace and stable political conditions. Their objective was to be able to perform their spiritual duties in peace without constantly having to fear that international conflicts or State interference could jeopardize their traditional tasks.

135. One detected among the religious dignitaries a feeling of relief that a cease-fire was in effect and that material damage to the Holy Places was relatively minor. It was acknowledged by all, with thankfulness, that the combatant parties obviously had it in mind to spare the Holy Places as much as possible. On the other hand, one detected concern for the future. Would the situation remain as it was, or were further convulsions to be expected? What would be the consequences if the Holy Places were under the sovereignty of a State which identified itself with one religion and which had never concealed the fact that, where Jerusalem was concerned, its political objectives coincided with the religious objectives?

136. One eminent member of the Christian faith expressed this concern as follows: Jerusalem must retain its universal religious character. The well-established rights of the three major religions must be protected in toto. History had shown that whenever a religion tried to assert its hegemony in the politico-religious field serious and sometimes bloody conflicts ensued.

137. Shortly after the cessation of hostilities, reassuring statements were already being made by the Israel side in this connexion.

138. Prime Minister Levi Eshkol, meeting on 7 June with the spiritual leaders of all communities, declared:

"Since our forces have been in control in the entire city and surroundings, quiet has been restored. You may rest assured that no harm of any kind will be allowed to befall the religious Holy Places. I have asked the Minister of Religious Affairs to contact the religious leaders in the Old City in order to ensure orderly contact between them and our forces and enable them to pursue their religious activities unhindered. At my request the Minister of Religious Affairs has issued the following instructions:

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(a) The arrangements at the Western Wall shall be determined by the Chief Rabbis of Israel.

(b) The arrangements in places sacred to the Moslems shall be determined by a Council of Moslem religious dignitaries.

(c) The arrangements in places sacred to the Christians shall be determined by a Council of Christian religious dignitaries."

139. Meeting with them again on 27 June, the Prime Minister declared:

"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 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."

140. The same day, the Knesset passed the "Protection of Holy Places Law" 5727-1967, as follows:

"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.

"2. Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.

"3. This law shall add to and not derogate from any other law.

"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.

"5. This law shall come into force on the date of its adoption by the Knesset."

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141. These statements and statutory measures were very favourably received. Various religious representatives in fact told the Personal Representative spontaneously that so far the Israel authorities had conformed to the principles which had been laid down and that there was therefore no ground for complaints. They hoped that whatever difficulties still existed or were feared - mostly of a practical and physical nature - would be resolved in a spirit of co-operation.

142. Although the attitude of representatives of other Christian denominations was, rather, one of "wait and see", they also described the present situation as satisfactory.

143. Apart from the Muslims, whose position was discussed earlier in connexion with the attitude of the Arabs generally, it was essentially only the Catholic Church which adopted a systematically divergent attitude. As is well known, the Holy See remains convinced that the only solution which offers a sufficient guarantee for the protection of Jerusalem and of its Holy Places is to place that city and its vicinity under an international régime in the form of a corpus separatum.

144. The Vatican has had talks with the Israel authorities on this and other

questions, and the talks are reported to be continuing.

145. Various religious representatives expressed the hope that their links with the outside world, including the Arab countries, would remain open. These links are of particular importance to the religious communities as they relate to contacts with the corresponding religious centres abroad, the influx of pilgrims and the exchange and replacement of clergy, monks, nuns, and so forth.

146. The Personal Representative was assured by the Israel side that a liberal practice would be pursued in this respect. It was stated that, so far as entry from Arab countries was concerned, it was for those countries to issue the relevant permits.

147. Other religious leaders displayed some concern that their privileges, including exemption from taxes, should be respected. These privileges are of particular importance to those religious communities whose income is derived entirely or partially from landed property, houses and shops.

148. With respect to religious schools, which now come under the "pedagogic supervision" of the Israel Ministry of Education, the feeling generally expressed was that no undue interference with the form of education was to be expected. Schools which have students from Arab countries feared that they might no longer be able to attend.

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149. Lastly, mention should be made of a special case which was submitted to the Personal Representative by the representative of the Syrian Catholic Church. Since 1948, the church and vicariate of the Syrian Catholic parish had been in no man's land and had remained intact throughout. It was stated that on 30 June and 2 July the buildings had been completely destroyed by the Israelis, without the parish's having been informed. The Vicar General of the Syrian Catholic Patriarchate had lodged a protest concerning this with the Military Governor of Jerusalem and claimed compensation. It was stated, however, that his demands had not yet produced any result.

150. The continuing interdenominational disputes with respect to the possession and custody of the Holy Places were mentioned by the religious representatives on a number of occasions, but the Personal Representative did not believe that they should be dealt with in his report.

VII. THE SECRETARY-GENERAL'S REMARKS

151. In conclusion, I would like to express my warm appreciation to Ambassador Thalmann for having gathered this very useful and important information on the situation in Jerusalem, in the brief space of time available to him. The information thus gathered has formed the sole basis for part one of this report.

152. I would also like to express my sincere thanks to the Government of Switzerland for having so readily responded to my request to make Ambassador Thalmann available for this specific ad hoc assignment, thus facilitating my report to the Security Council and the General Assembly.

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**PART TWO. IMPLEMENTATION OF GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V)**

153. On 15 July 1967, following the adoption of General Assembly resolution 2254 (ES-V), the Secretary-General addressed the following letter to the Minister for Foreign Affairs of Israel:

"Sir,

"At its 1554th plenary meeting, on 14 July 1967, the General Assembly adopted resolution 2254 (ES-V), a copy of which is attached.

"In operative paragraph 3 of that resolution the Secretary-General is requested to report to the General Assembly and the Security Council on the situation and the implementation of the resolution.

"I should be grateful if you would kindly bring the above-mentioned resolution to the attention of your Government as a matter of urgency.

"Accept, Sir, the assurances of my highest consideration.

"(Signed) U Thant"

154. Subsequent to the despatch of the above letter, the Secretary-General informed the Permanent Representative of Israel that the part of his report relating to the implementation of the resolution of the General Assembly would necessarily consist of the response to be received from the Government of Israel. The Permanent Representative of Israel assured the Secretary-General that a reply from his Government on the question of implementation of the resolution would be forthcoming in time for the Secretary-General to include it in his report.

155. On 11 September 1967, the Secretary-General received from the Minister for Foreign Affairs, transmitted by the Permanent Representative of Israel to the United Nations, the following reply to his letter of 15 July:

"Dear Mr. Secretary-General,

"After the adjournment of the emergency special session of the General Assembly on 21 July, the Government of Israel was consulted by you on the appointment of a personal representative entrusted with the mission of obtaining information for your report to the Security Council and the General Assembly.

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"Ambassador Thalmann visited Jerusalem from 21 August to 3 September. The Government of Israel extended to him all the assistance necessary for the discharge of his responsibilities. He had detailed conversations with the Prime Minister and me, and with heads of the religious communities represented in Jerusalem. He also met leading personalities of all communities and heard the frank expression of their views.

"A salient fact of Jerusalem's life today is the intrinsic necessity of ensuring equal rights and opportunities to all the city's residents by extending to them the same public services and facilities. No international or other interest would be served by the institution of divisions and barriers which would only sharpen tension and generate discrimination. This does not foreclose the final settlement of certain important aspects of the Jerusalem situation which lie at the origin of the international interest in the city. I refer to the need to secure appropriate expression of the special interest of the three great religions in Jerusalem. It is our urgent desire to promote this objective in co-operation with the universal interests concerned. I am confident that in an atmosphere of international tranquillity substantial progress could be made towards this aim, which has hitherto had no concrete fulfilment.

"We are now concentrating on this task. It is our policy to ensure that the Moslem, as well as the Christian and Jewish Holy Places, should be scrupulously respected and revered, and placed under the responsibility of a recognized Moslem authority.

"I should like to assure you that the report based on the information obtained by your Personal Representative will receive our close study and on its publication I shall make a further clarification of our policies.

"Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Abba Eban
"Minister for Foreign Affairs"

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ANNEX I

**DOCUMENTS SUBMITTED TO THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL BY ARAB PERSONALITIES**

**A. Letter from Sheikh Abd al-Hamid al-Sayeh and thirteen other
personalities received by the Personal Representative on
26 August 1967**

Sir,

On the occasion of your arrival in Jerusalem in the capacity of a personal representative for Mr. U Thant, the Secretary-General of the United Nations, to investigate and inform yourself on the steps the Israeli authorities have taken to implement the two resolutions adopted on the 4th and 17th of June 1967, in the course of the Emergency Session of the General Assembly of the United Nations, calling upon the Israeli authorities to rescind the measures it took to merge and annex Arab Jerusalem, we, the undersigned, both Muslims and Christians, have the honour to direct your attention to the following:

1. The Israeli authorities so far have not taken the slightest steps to indicate that they intend to comply with the resolutions of the General Assembly concerning Jerusalem. On the contrary, they have positively announced that they will not implement the aforesaid resolutions, and have taken more measures to demonstrate clearly their determination to annex Arab Jerusalem, revealing, in their actions, a complete disregard for the resolutions of the United Nations and the wishes of the inhabitants of Arab Jerusalem and their rights to self-determination.

2. In support of the above statement, the following measures, though not comprehensive, may nevertheless demonstrate the trend of their policy:

1. The occupying power dissolved the duly elected Arab Municipality Council in Jerusalem and dismissed the Mayor and other officials.
2. It placed Arab Jerusalem under the administration of the Municipality Council of Israeli Jerusalem which, in turn, confiscated the movable and immovable property of the Arab Council.
3. It subjected Arab Jerusalem to Israeli laws and regulations, and thus abrogated all the Jordanian laws previously applied in the City.

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4. It imposed upon the inhabitants of Arab Jerusalem the heavier taxes and municipal rates applicable in Israel, thus causing undue hardship and additional heavy financial burdens.
5. It constructed physical barriers between Jerusalem and the rest of the West Bank, and restricted passage between the two sectors to special permits to be issued by the authorities.
6. It dissolved the Jordanian civil administration in the City, and dismissed most of its officials.
7. It dissolved the Jordanian Courts of Justice in Jerusalem, and subjected the City and its inhabitants to the province and jurisdiction of the Israeli Courts.
8. It replaced the Jordanian currency by Israeli currency as the only legal tender in the City, and compelled the inhabitants to change their currency into Israeli tender at rates which were far lower than the official rates and rates prevalent in world markets, thus causing many of the Arab inhabitants to suffer substantial losses.
9. It subjected the inhabitants of Arab Jerusalem to heavier rates of income taxation, and thus burdened them to further material losses to those already sustained in consequence of the war and the occupation.
10. It erected customs barriers around Arab Jerusalem and imposed and collected excise duties on all the goods imported from the West Bank, while allowing free entry of Israeli imports.
11. It imposed customs and duties based on Israeli laws on Arab Jerusalem, and collected such duties even on the goods already in stock which were imported before 5.6.67 and already paid for under Jordanian laws.
12. It refused to recognize Jordanian license permits for vehicles and other trades or professions, thus compelling people to obtain Israeli permits under threat of punishment, and further exerted great economic pressure, especially on travel offices and their agents.

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13. It integrated the government schools in Arab Jerusalem into the Israeli Municipality Council's educational system, and replaced the Jordanian curriculum by an Israeli one, and further closed the office of the Director of Education in Arab Jerusalem.
14. It neglected the usage of the Arabic language in most of its measures and dealings, although it is the language of the inhabitants.
15. It placed the property of Arab absentee landlords under custodianship, as a preliminary step to confiscating it, as previously done with Arab property in Israel.
16. It attempted to place the religious courts and Muslim Waqf (property) under the jurisdiction of the Ministry for Religious Affairs in Israel, and apply the laws relating to personal status in Israel to Muslims.
17. It interfered with the personal freedom of citizens in that it exiled and committed to prison a number of Arab citizens who have expressed their views relating to the unacceptability to the Arabs of the annexation of Jerusalem.

Furthermore, the Israeli authorities have taken many arbitrary and provocative measures of which the following list, though not comprehensive, may give an idea:

1. The razing to the ground of the entire Mughrabi Quarter in the Old City comprising 153 houses and involving 650 persons, who were unable even to retrieve furniture because they were not given sufficient warning, and the destruction of two small mosques in that quarter.

2. The expulsion and rendering homeless of the 3,000 inhabitants of Sharif Quarter, on the pretext that Jews had lived in the Quarter in the past, although most of the houses in the area had been inhabited by Arabs throughout and owned by Muslim Waqf.

3. The destruction of many Arab houses and properties outside the walls of the Old City.

4. The occupying Israeli authority has also applied strong economic pressure against the inhabitants of Arab Jerusalem, with a view to reducing their resistance and forcing them to leave.

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5. It confiscated a large number of private and public cars, pullman buses, and occupied a number of hotels.

6. It introduced Israeli bus companies into Arab territory to compete with or replace Arab companies.

7. It did not respect the sanctity of Muslim and Christian religious shrines, and thus forced the custodian of the holy places to close some of the churches. Moreover, the Chief Rabbi of the Israeli Army, Brigadier Goren, conducted a prayer together with some followers in the Haram Al-Sharif (Holy Mosque), thus blatantly offending the Muslim's susceptibilities and infringing upon their established rights, while the Minister for Religion in Israel announced that the Muslim Mosque is Jewish property, and that sooner or later they will rebuild their temple there. Finally, the Ministry for Religion announced its intention of expanding the Wailing Wall again thus destroying some of the Muslim buildings surrounding it, and constructing a synagogue there, in contravention of the status quo, and an outright violation of the rights of Muslims and Muslim Waof.

It is quite clear that all these measures contradict basic principles of international law and international conventions governing the state of war and the treatment of civilians in occupied territories, which preclude the annexation by the occupying power of any territory or its division into administrative units to serve political purposes as long as the state of war still stands, and moreover do not give the occupying power the right to change or modify existing laws and administrations in occupied territories. On the contrary, international law and conventions call upon the occupying power to apply existing laws and administrative structures, and to protect private property, religious beliefs, and personal liberties, and to refrain from imposing new taxes and fees on the inhabitants under occupation.

The Israeli authorities, instead, have replaced the structure of Jordanian Arab administration in the city by a direct Israel administration in all aspects, and caused an exorbitant rise in the standard of living creating difficulties for Arab inhabitants.

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Although some of these measures were taken before the two resolutions of the General Assembly of the United Nations in its emergency session, the majority were taken after the resolutions. Thus, the Israeli authorities did not only mean to challenge the United Nations and the Muslim and Christian world, but also to violate the rights of the Arab inhabitants of the city, particularly their right to self-determination, contravening in this the Charter of the United Nations, the Declaration of Human Rights, and the principles of justice and equity.

Naturally, the inhabitants of Arab Jerusalem will not accept this situation or recognize its status, and strongly protest against the annexation of their city by Israel.

In the light of this, we pray that Your Excellency will take the earliest convenient opportunity to meet with the undersigned and others in Arab circles in the city to discover their views regarding the annexation of their city, and we, in turn, are perfectly willing to forward any information or other details that you may wish to obtain.

Please accept our deepest regards.

SIGNED:

1. Sheikh Abdal-Hamid al-Sayeh, Chief of the Moslem Supreme Court and Kadi-al-Kudah (Chief Justice)
2. Rubi al-Khahib, Mayor of Jerusalem
3. Bishop Nagib Aub'em, Arab Anglican Bishop in Jordan
4. Sheikh Sa'd al-Dein al-Alami, Mufti of Jerusalem
5. Auton Atallah, Senator and ex-Foreign Minister for Jordan
6. Muhamed Is'ak Darwish, Member of the Higher Arab Committee
7. Yuaef Khouri, for the Union of Engineers
8. Anwar Nusseih, ex-Jordanian Ambassador in London, Member of Parliament for Jerusalem, and ex-Minister of Defence for Jordan
9. Dr. Nabih Mu'mer, for the Union of Dockers
10. Sheikh Ali al-Taziz, President of the Chamber of Commerce for Arab Jerusalem
11. Taysiv Kan'an, President of the Court of First Instance in Jerusalem
12. Na'im al-Ashaf, Representative for Trade Unions
13. Fouad Abd al-Hadi, Senator
14. Sa'ed Ala al-Deiu, ex-Jordanian Minister for Economic Affairs

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B. Memorandum concerning the measures taken by Israel with respect to the City of Jerusalem, submitted by Mr. Rauhi El-Khatib on 26 August 1967

The Israel occupation authorities have not complied with the two United Nations resolutions on Jerusalem. Notwithstanding these directives, they have proceeded with and given effect to annexationist measures without heeding world public opinion and against the wishes of the Arab inhabitants, thus violating fundamental and elementary international laws relating to occupied countries. These measures, the ultimate goal of which - territorial expansion - the occupation authorities have not succeeded in concealing, include the following:

(a) Basic measures

1. They have torn down the barriers separating the two sectors of the city, and they have tacitly authorized their army and their people to harass the civilian population by pillaging houses, shops and vehicles, by seizing hotels, and by restricting the freedom of the population for a long period of time.
2. They have tacitly authorized the desecration of Christian and Muslim Holy Places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum shown by both men and women in dress and behaviour. This complete lack of respect has grossly offended the religious sensibilities of the faithful of both religions.
3. One hundred and thirty-five houses in the Mughrabi Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aksa, which are Muslim Holy Places, have been dynamited and razed by bulldozers. Because of this, 650 Muslim, all of them poor and pious persons living near the Muslim Holy Place, were removed from their homes and driven away, after having been allowed no more than three hours to evacuate their homes, which they had to do while the curfew was in effect. One can easily imagine the consternation of these families, who had to see to the removal of their property and take care of their children and their aged. One part of these buildings, comprising some houses and two small mosques, belongs to the Muslim Waqf. The other part was private property over which the Jews had no rights. They razed these buildings in order to make room for a Jewish religious institution.

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4. The occupation authorities also took over some houses in the area known as the Jewish Quarter inside the boundaries of the Old City. They forced the evacuation of 3,000 residents after a one to three day period of grace and during non-curfew hours. Many therefore had to abandon their property when they fled and thus swelled the number of the refugees, many of whom are still completely destitute. We should bear in mind that most of these houses were Arab property.

5. They applied several oppressive measures to the remaining inhabitants of the city, depriving them of their means of subsistence and preventing the arrival of relief supplies from abroad. All this was done to force them to leave the city and thus reduce their number.

6. They proceeded to take a general census of the city and its environs lying within an arbitrary demarcation line which they established to limit the population of the City of Jerusalem. Closed shops and houses were marked with a distinctive sign. Absentee owners were, as a result, liable to summary requisitions.

(b) Measures taken against the Municipality of Jerusalem

1. The Israel Parliament adopted a decision authorizing the occupation authorities to annex to the State of Israel whatever they deemed necessary without regard to international law or to the will of the inhabitants. Accordingly, their Minister of the Interior ordered the annexation of Arab Jerusalem and several neighbouring villages to the Jewish sector of the city and the placing of the entire area under the administration of the Jewish Municipal Council.

2. Consequently, their authorities dissolved the Arab Municipal Council and dismissed the Mayor and the members of the Council after having seized their files and their movable and immovable property.

3. The Jewish municipal authorities later dismissed some officials of the Arab Municipality and transferred others to the Office of the Mayor of the Jewish sector.

4. The unified Jewish Municipality continues to carry out Israel administrative measures, which are wholly at variance with the Jordanian administrative policies which the residents are supposed to continue to follow under the most recent resolutions of the United Nations and under international law.

5. The Jewish Municipality demolished many Arab buildings both inside and outside the walls of the Old City and it is continually taking similar measures in order to erase the last trace of the demarcation lines between the two sectors and to create a fait accompli while at the same time weakening the Office of the Arab Mayor as a separate authority in order ultimately to do away with it entirely.

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(c) Measures taken against the Arab administration

1. The Jordanian postal and telegraph, income tax, health and customs services, police system, cadastral survey and other city offices have been abolished. This administrative structure has been placed under the authority of the administrative centres of the other sector.
2. Officials have been subjected to pressure to sign work applications bearing the seal of the State of Israel. Most of them have refused to sign them or to co-operate, although previously during the military régime they had done their work out of a spirit of solidarity with their colleagues in the so-called "occupied" areas.
3. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israel measures and laws, in violation of international law, which stipulates that the laws in force in occupied territories must be respected.
4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.
5. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax-free, in order to compel the Arabs to buy Israel products.
6. They have asked owners of private vehicles to renew their licences and have required them to turn in their Jordanian "plates" for Israel plates and to insure themselves with Israel insurance companies, claiming that they do not recognize the validity of prior insurance and permits.
7. They have disregarded the Arabic language and, consequently, all their correspondence and documents have been drawn up in Hebrew.
8. Courts of justice have been suspended and made subordinate to the Israel courts. The judges have been asked to serve outside Jerusalem; they have refused, and continue to refuse, to do so, in order not to collaborate.
9. Government schools in the Arab sector of Jerusalem are now under the jurisdiction of the Jewish Municipality, which has forced them to adopt the Israel

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curriculum. The occupation authorities have requested some of the Arab teaching staff to transfer to the municipality and some to the Ministry of Education. Following the refusal of the teachers to co-operate, seals were affixed to the educational offices of the Jordanian Government.

(d) Matters relating to the Holy Places

1. Following repeated desecration of the Christian Holy Places, the Custodian of the Holy Places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These Holy Places include the Church of Gethsemane, or Church of the Nations, the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.
2. The failure of the occupation authorities to prevent desecrations of the Holy Places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.
3. Armenian and Latin priests have been victims of aggression or offences committed by Jews, including, in some cases, Jewish religious officials, as well as by Israel soldiers or police.
4. The Chief Rabbi of the Israel Army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 mounted to the Dome of the Rock with liturgical vestments and prayer-books. They conducted a prayer lasting two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a Holy Place venerated by all Islam. Far from stopping at this provocation, they made known their intention of repeating such religious acts. At an official meeting held in Jerusalem on 12 August 1967, the Israel Minister for Religion stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself. That statement shows how far their aggressive intentions against the Muslim Holy Places in Jerusalem extend, and no Muslim, or any honest man, could ever accept that statement.

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5. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near "Boraq"; one of the most recent statements, reported in the Jerusalem Post of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the Muslim Waqf or to Arab owners.

6. They have occupied a government school for girls which was built on Waqf land in the Mughrabi Quarter near the Aksa Mosque with a view to transforming it into a supreme religious tribunal without having asked the permission of, or even informed, the Muslim Waqf. They have even planted Jewish and religious emblems on them.

7. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Koranic Law and the commands of Muslim theology. The situation is still very tense between the occupation authorities and the Muslim Committee concerning this very important religious issue.

(e) Economic matters

1. The local banks were closed, their assets confiscated and their work suspended.

2. On the other hand, five of the main stores in the Arab sector were confiscated and turned into branches of Israeli banks.

3. The Israel authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israel currency at a rate much below that recognized in the free world markets and even further below the official rate, thus causing the Arab inhabitants and other residents heavy losses.

4. The occupying forces destroyed a large plastics factory inside the Walls, where 200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank and in some neighbouring Arab countries. The buildings were demolished and the machinery was pillaged before the owners had time to remove it. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.

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5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties.

6. The occupying forces seized the Pullman buses belonging to a Jerusalem tourist company and to date have not returned them. Thus, the employees of the company are denied the earnings they could have derived from tourism in Jerusalem.

7. The authorities recently declared that the law concerning absentee property would be applied, and they appointed a custodian for "absentee" property. This notoriously severe law gives the Israel Government the right to confiscate the movable and immovable property of Arabs who are absent from the country and to use it as they see fit. The property in question includes enormous tracts of land and buildings, shares in companies, movable property and a variety of merchandise, the whole amounting to millions of Jordanian dinars. This law is applied only to the Arab sector of Jerusalem, which is considered by the occupation authorities to form an integral part of the State of Israel. It would not have been applied if this sector of Jerusalem had been considered an "occupied area" of the West Bank of the River Jordan.

8. In the Arab sector of Jerusalem there are a number of holy and historic places. A large number of tourist companies and Arab guides are established there. There are many hotels, souvenir shops and motor vehicles catering to the tourist trade. There was a very close link between all these businesses and Jerusalem Airport, which thus represented the main source of income for the inhabitants of the Arab sector of Jerusalem. With the annexation of this sector to Israel, however, tourist agencies and companies are landing their aircraft at Lod Airport, and Israel tourist companies transport companies, guides, hotels and souvenir shops are monopolizing the tourist trade. Only a small minority in the Arab sector is allowed to engage in these activities concurrently with their people. If this situation continues any longer, it will cause many persons employed in the tourist trade to close down their businesses and leave the country. This is the opinion of all those who still remain. The purpose of Israel's policy of annexation will then have been achieved.

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(f) Social affairs

1. The annexation of Jerusalem to Israel separates those Arabs who remained inside the city limits from their brethren living on the West Bank and from those in the other Arab countries.
2. This annexation creates complicated situations for the inhabitants of Jerusalem and for those who work there. For instance, many city officials, workers and tradesmen reside outside Jerusalem, either in the Bethlehem or Jericho area or in the Ramallah and Bireh area. As in every large town in the kingdom and throughout the world, these persons come into town in the morning and leave in the evening. The separation of the city where they work from the areas where they reside causes them inconveniences, the least of which is the tremendous waste of time at the frontier posts or the trouble of having to set up homes inside the city, as a result of which they incur additional expenses and have to abandon their properties or sell them at ridiculous prices, not to mention the many cases where the members of a family are separated.
3. Until 5 June 1967, the population of Jerusalem was about 75,000, and if the population of the surrounding areas - Sha'fat, Beit Hanina, Ram, Kalandia and Tour - is included the figure was about 130,000. All these people were natives of the country, and many of these inhabitants had relatives who had temporarily taken refuge in Jordan, having fled at the time of the last incidents; similarly, many of them have members of their families working for a fixed period in Kuwait, Saudi Arabia, Libya, Qatar, Bahrain or Abu Zabi, or in other Arab countries. With what they earn, these emigrants help their relatives in the annexed country, thus ensuring their subsistence. They even managed, with the help of their savings, to purchase land or housing in anticipation of their return to the country. In the meantime, they were receiving the rentals for these properties. Some had invested their whole fortune in various companies in the country to provide for their old age. These emigrants alone number more than 60,000. They have rights in the city, like all the other present citizens; yet the annexation of Jerusalem to Israel will prevent them from returning and enjoying their property and will also deprive their relatives here of the help they were providing. This situation will inevitably force some persons to leave the country to seek a livelihood

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elsewhere, and this alone will further reduce the number of emigrants included in the population figure by 190,000. This number probably exceeds the figure for the Jewish inhabitants of the other sector - with this difference, that the Arabs are natives of the country, while the Jews are mostly recent immigrants.

4. The Jews are beginning to unveil their projects for the construction of great buildings in the town and its surroundings to increase the number of the Jewish inhabitants to 500,000. The Arabs are afraid that these projects may be carried out at the expense of their properties and of their possessions by confiscation or under pressure. Likewise they fear that Jews may become the majority of inhabitants of Jerusalem, thus appropriating the city, of which the Arabs would retain only memories.

5. The occupation authorities have infringed the individual liberty of the Arabs of the city by arresting certain members of the national committees who proclaimed their opposition to the annexation of the Arab sector of Jerusalem to the Jewish sector. They have also imprisoned other members of these committees for the same reason.

The inhabitants of the Arab sector of Jerusalem and those of the West Bank resolutely proclaim their opposition to all the measures which the Israel occupation authorities have taken and which those authorities regard as constituting a fait accompli not subject to appeal or reversal, namely, the unification of the two sectors of the City of Jerusalem. They proclaim to the whole world that this annexation, even camouflaged under the cloak of administrative measures, was carried out against their will and against their wishes.

In no event shall we submit to it or accept it.

Abdel Mughni El Natshe
Khader Abu Swai

Faek Barakat
Ali El Taziz

Nihad Abu Gharbieh
Dr. Rashi El Nashashibi

Members of the Municipal Council

Rauhi El-Khatib
Mayor

Dr. Ibrahim Tleel
Deputy Mayor

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C. Message dated 24 July 1967 addressed to the Military Governor for the West Bank by Mr. Anwar El-Khatib and twenty-three other personalities

Jerusalem 24.7.67

H.E. The Military Governor for the West Bank,

Whereas it is in the nature of an occupation by any country or any territory belonging to any other country that this occupation does not endow the occupying country with proprietor's rights over the occupied territory, nor does it endow it with sovereignty over such territory, but enjoins it to foster the interest of the occupied territory and to respect its laws and to protect the lives of the citizens as well as their rights and property, ensuring at the same time the freedom of conscience and worship, we therefore hereby declare that the orders issued by the legislative and executive authorities in Israel annexing Arab Jerusalem and its environs are null and void for the following reasons:

(a) Because Arab Jerusalem is an integral part of Jordan and because Israel is precluded by virtue of section 4 of clause 2 of the United Nations Charter from taking any action against the physical safety and political independence of Jordan territory and has therefore no right to annex any part of Jordan territory to Israel.

(b) Because the Assembly of the United Nations has resolved that the annexation is unlawful, such resolutions having been taken by the said Assembly in the course of its Emergency Session on 17.6.1967 and 21.7.1967 respectively.

(c) Because the Israeli Knesset has no authority that can enable it to annex territory belonging to another State.

(d) That while we declare that the inhabitants of Arab Jerusalem and its environs had already exercised their right of self-determination together with the inhabitants of the West Bank in full freedom when they had opted for Union with the East Bank thus constituting the Hashemite Kingdom of Jordan, in accordance with the unanimous resolution of the Jordan Parliament dated 24.4.1950.

And that in placing on record that the annexation of Arab Jerusalem is illegal and unilaterally imposed by the occupying power contrary to the wishes of the inhabitants of the city who oppose the annexation and who uphold the integrity of Jordanian territory.

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We, at the same time, place on record that the Israeli occupying authorities had interfered illegally and in a manner which is contrary to Islamic Law in Muslim religious matters of which the following are some examples:

(a) The supervision by the Ministry for Religions in Israel over the Friday Sermon which is usually delivered in the Aksa Mosque in Jerusalem and the deletion from the sermon of much of its contents including chapters from the Holy Quran.

(b) Allowing Israeli visitors, men and women, to enter the Aksa Mosque while unsuitably dressed and in a manner which is inconsistent with religious belief and Arab and Islamic traditions.

(c) The destruction of two Muslim Mosques in the Maghrabi Quarter in Jerusalem in addition to the destruction of the whole quarter which is entirely owned by charitable Muslim Waqf property.

(d) Violation of the sanctity of the Ibrahimi Mosque in Hebron and its closure thus preventing Muslims from visiting it throughout the week, with the exception of a few hours on Friday, while at the same time allowing Israelis to visit it throughout the week and perform within it certain ceremonies which are not allowed by Muslim Religious Law.

(e) The interference by the Ministry for Religious Affairs in Israel in matters pertaining to Muslim Waqfs.

(f) The appropriation of Waqf Land known as Al-Nather and situated on the Tour Road in Jerusalem without the knowledge of the Waqf Department and against the interests of the Waqf administration.

(g) The attempt by the Israeli Ministry for religious affairs to interfere in the Muslim Religious Courts including the Supreme Religious Court in Jerusalem.

In view of all the above we request the following:

1. To refrain from infringing upon the safety and political independence of territory belonging to the State of Jordan and to respect the Charter of the United Nations and the principles of Public International Law and the two resolutions of the United Nations Assembly which were adopted during its recent session and which declared as illegal the act of annexation and which called upon Israel to annul the annexation of Arab Jerusalem and its environs to Israel.

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2. To desist from interfering with Muslim religious matters including matters of personal status and the system of Muslim Religious Justice and matters pertaining to religious guidance, and to respect the sanctity of the religious ceremonies and Holy Places and not to interfere with Muslim Waqf.

3. To respect Arab Judicial religious or administrative and municipal institutions in Arab Jerusalem and to allow the same to undertake all their responsibilities which they have performed before the occupation.

And whereas the principles of Islamic Jurisdiction are clear and enjoin Muslims to undertake all their religious responsibilities in person in circumstances such as those existing now, and whereas the principle of Muslim Jurisprudence precludes non-Muslims from taking charge of Muslim religious matters, and whereas we, the representative Muslim citizens in the West Bank including Jerusalem have met on this day in the Hall of the Muslim Court of Appeal in Jerusalem, and after discussing the problems relating to Muslim matters in every way in the light of Muslim jurisprudence, we have resolved as follows:

1. The signatories hereunder have constituted themselves as the Muslim Body in charge of Muslim affairs on the West Bank, including Jerusalem, until such time as the occupation lapses.

2. The said body has decided as follows:

(a) Empowering His Eminence Sheikh Abd Al-Hamid Sayeh with the authority enabling him to undertake responsibilities of Chief Justice in the West Bank as defined in the Laws of Jordan.

(b) Empowering the Muslim Court of Appeal in Jerusalem to undertake all the responsibilities of the Council of Islamic Waqfs, the Council empowered to repair Al-Aksa Mosque and the Holy Dome of the Rock as defined in the Laws of Jordan, as well as all the responsibilities and powers vested in the Director-General of Muslim Waqfs.

(c) Empowering Sheikh Hilmi El-Muhtaseb to assume the responsibilities of Director of Muslim Law in addition to his present office as member of Islamic Court of Appeal.

(d) The appointment of H.E. the Mufti of Jerusalem, Sheikh Sa'ad El-Din El-Alami as an additional member of the Muslim Court of Appeal in addition to the present office.

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(e) The appointment of H.E. The Muslim Religious Judge of Jerusalem, Sheikh Sa'd Sabri to the membership of the Waqf and Islamic Affairs Council aforesaid and to the Council for the repair of the Mosques as aforesaid.

(f) The above persons shall exercise their jurisdiction and responsibilities in accordance with the Jordan Law applicable on the West Bank including Arab Jerusalem until the occupation lapses.

Signed by:

Anwar El-Khatib
Governor of Jerusalem

Rauhi El-Khatib
Mayor of Jerusalem

Abd El-Hamid Sayeh
President of the Supreme
Religious Court

Hilmi Al Muhtaseb
Member of the Supreme
Religious Court

Sa'd Sabri
Religious Judge in Jerusalem

Sa'd Ed-Deen El-Alami
Mufti of Jerusalem

Lawyer Kamal Dajani

Lawyer Ibrajim Baker

Aref El-Aref
Director of the Jerusalem
Muslim

Foud Abd Hadi
Lawyer and Senator

Abd Rahim El-Sharif
Lawyer and Senator

Lawyer Hafez Tahbob

Lawyer Sa'd Ala' Eddin

Lawyer Omar Wa'ri

Lawyer Abd El-Muhsen Abu Mizer

Ishaq Darwish

Ishaw Duzdar

Hasan Tahbob
Director of Jerusalem Waqf

Dr. Daoud Hussein

Dr. Subhi Ghosheh

Lawyer Anwer Zaki Nusseibeh

Ali Tazziz
President of the Chamber of Commerce

Faek Barakat

Nihad Abu Gharbieh

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D. Resolutions adopted by the Higher Waqf Council and the Committee for Muslim Affairs on 14 August 1967

The Higher Waqf Council and Committee for Muslim Affairs read in its meeting held on 9 August 1967 the report published by the Jerusalem Post in its issue of 8 August 1967 under the heading "The need to clear 82 metres in the area of Al-Baraq Wall" and discussed the evolution of the question of the Wailing Wall in its different phases and adopted the following conclusions.

1. The Jews have right of access to the Holy Place called the Wailing Wall, which is the Western Wall to the Holy Mosque, and the Muslims have preserved the Wall throughout the centuries and saw to it that no damage ever occurred.

2. The Jews enjoyed full freedom in using their rights of access to this Wall to conduct prayers and supplications until the 1948 war.

3. The Jews' rights in the Wailing Wall have been established by status quo and tradition.

4. In 1927 during the British Mandate Government, the Jews tried to go beyond their rights, and a bloody incident ensued between them and the Arabs. An official paper (The Western of Wailing Wall) was published by H.M. Mandatory Government in Palestine in 1931, following the resolution adopted by the League of Nations on 14 January 1930 and this paper announced the formation of a judicial Commission to consist of three non-British members. This International Commission, after investigations, gave the following ruling:

(a) The Western Wall is exclusive Muslim property, and Muslims exercise right in rem over the Wall since it is part of the area of the Holy Mosque which is muslim Waqf. Muslims also have right of property over the rasif facing the Wall and over the Maghrabi Quarter in the vicinity of the Wall since they are charitable Muslim Waqf.

(b) The Jews have right of access to the Wall where they can conduct prayers and supplications subject to the following rules.

(c) The door at the northern end of the Wall should be kept closed at certain hours which have to be decided upon and become binding, seeing to it that the Muslims' right of passage on the rasif in the customary way is respected and preserved.

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(d) It is prohibited for any person to use the area in front of the Wall or the area adjoining for speeches or political demonstrations of any type.

(e) Since the Wall is an historical site, the Administration in Palestine should undertake its reconstruction and preservation after consultation with the Higher Muslim Council and the Rabbinical Council.

(f) Failing any action by the Muslim authorities to reconstruct the rasif, the Administration in Palestine should then take the necessary steps to reconstruct it.

(g) The wooden door leading from the rasif to the corner in the northern end of the Wall should remain closed on Saturdays and on Jewish Feast days ... etc.

Reference: Palestine Laws 1933, Volume 4, page 3397 and following - Arab Edition.

5. When the Israeli Authorities occupied Arab Jerusalem with other Arab territories after the June war, they contravened all local and international law or conventions. In the Wailing Wall area they destroyed two Muslim Mosques and a whole quarter, the Maghribi Quarter, rendering its population homeless, although the quarter is a charitable Muslim Waqf, in order to expand.

6. It is established in international laws, and conventions that it is not allowed to infringe upon other peoples' rights in an attempt to expand one's own through the exercise of acclaim to expand. Therefore the above-mentioned actions contravene all laws and conventions.

7. The Israeli Authorities went further in the publication of a story in the Jerusalem Post under the heading "The need to clear 82 metres in the Area of the Al-Baraq Wall" which contained the following:

It is possible to settle the dispute which arose over the issue of decent behaviour in the area facing the Wall, and specially as regards the separation of women from men in the Area, if the plan drawn up in the Ministry for Religious Affairs to clear 82 metres is executed.

A Committee for Education attached to the Knesset toured the Jewish Holy Places yesterday, and was informed by Chief Rabbi Torin, an official in the Ministry of Religion, that the concerned area is concealed by a number of buildings adjoining the Wall, and that it is possible to destroy these buildings and thus clear 48 metres for those who wish to pray whilst the rest of the area will remain open to the general public.

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Chief Rabbi Torin also said that it has been proved that the northern part of the Wall also existed but was concealed by a number of buildings constructed over the centuries, and that the excavations carried out by the Jordanian Authorities showed that the Eastern part of the Wall existed in its entire length, and it is thought that the site for the Southern part also exists, and thus the Walls surrounding the Temple should extend for 480 metres.

In view of all this.

The Higher Council for Muslim Waqf in the Western Bank, in its mentioned capacity and in its capacity as a Muslim Committee responsible with the Director of the Office of Muslim Waqf, has convened and discussed the dangerous situation referred to by the aforementioned paper, and has decided to put the following on record:

1. The Muslim Committees in the occupied territories on the West Bank do not deny the Jews their traditional rights in the Western Wall.
2. The Muslim bodies, though, point out that the actions referred to in the Jerusalem Post, if accurate, imply the destruction of the honorary corner adjoining the Blessed Aksa Mosque, which is a Holy Muslim Shrine, together with other buildings, the destruction of the Tankizi School, the site of the Old Religious Court, where a Mosque stands, the destruction of the Institute for Muslim Studies and the Secretariat of the General Islamic Conference, all of which are religious and historical Muslim sites and charitable Muslim Waqf.

The above-mentioned Muslim bodies hope that the Authorities will take into consideration the consequences of such actions and its repercussions in the Muslim and international communities, and the damage which such actions would cause to the Aksa Mosque, and that it will further take into consideration that it is not permissible to infringe upon the rights of Muslims or to violate the sanctity of their Holy Shrines, and that such actions would contravene all international laws and conventions.

We hope that the Israeli Authorities will reassure the Muslim Community that it does not contemplate hurting Muslims' susceptibilities concerning their Shrines, Waqf and charitable institutions, and further that the story published in the Jerusalem Post is not accurate and has no support from the Ministry of Religious Affairs or any other official body.

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We have asked the Director of the Office of Muslim Waqf to inform the Military Governor of this meeting and the resolutions adopted in it.

Signed:

Said Sabri: Member of the Waqf Council and
Judge of the Muslim Religious
Court in Jerusalem

Hilmi Al Muhtaseb: Member of the Waqf Council and
Member of the Supreme Muslim Religious
Court

Abdel Hamid El Sayeh: President of the Waqf Council
and President of the Supreme Muslim
Religious Court

Hassan Tahboub: Director of the Muslim Waqf in Jerusalem.

Sa'd El-Din Alemi: Member of the Waqf Council and Mufty
of Jerusalem

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E. Document dated 22 August 1967 submitted by
Sheikh Abd Al-Hamid Al Sayeh and twenty-
eight other personalities

In the Name of God the Merciful the Compassionate

Ruling by the Muslim Jurists

In view of the publication of an article in the Jerusalem Post on 8 August 1967 under the heading: "The need to clear 82 meters adjoining the (Baraq Wall)" which stated that the Ministry for Religious Affairs in Israel had drawn up a plan to clear that area, and that the Committee for Education in the Knesset has toured the Holy Places and was informed by Chief Rabbi Torin, an official in the Ministry for Religion, that the area concerned was hidden by the buildings adjoining the Wall, and that the southern end of the Wall had existed before but was covered by buildings erected over time etc....

And in view of the prayer conducted by the Chief Rabbi of the Israeli Army, Brigadier Goren with some followers in the area of the Al-Aksa Mosque on 15 August 1967, and his statement that he intends to conduct other prayers in the area, and to build a synagogue there, on the pretext that it is some distance from the Al-Aksa Mosque, and Holy Dome of the Rock, and further his statement that the aforementioned area is part of Mount Mora, as alleged in Haaretz in its publication on 16 August 1967.

And in view of the statement by the Minister for Religion in a conference held by Jewish Rabbis for Jewish communities outside Israel in support of Jerusalem, which was held in the Hall of "The Suleiman Temple" in Jerusalem, and which was attended by the world Mizrahi party, representing Jewish communities in Britain, Canada, France and America, and in which the speakers included Dr. Samwel Yorsky, the Chief Rabbi of New York, and its Zionist leader, the Minister for Religion, and Dr. Mitchin, the Chief Rabbi in Britain.

And in view that the aforesaid statement of the Minister contained the following:

"The Liberation of Jerusalem has placed all the Christian Holy Places, and an important part of the Muslim Holy Places, under the province of Israel, and has returned to the Jewish their Holy Places. But Israel has

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other Holy Places in East Jordan, and the Holy Mosque in Jerusalem, though Holy to other religions (referring to Islam) is a Jewish shrine, but we are not thinking at the present of building our temple there, though we will do all we can about it, and we will build all the Jewish Synagogues in the Old City and enlarge the area of Al-Baraw Wall as soon as possible.

"As to the Holy Ibrahimi Mosque, the Cave is a Jewish shrine which we have bought, in the same way we have bought the Holy Rock in the days of David and the Yabusins, and our rights in the Cave and the Rock are rights of Conquest and acquisition."

And in view of what was reported in a talk with the Minister for Religion in the 18 August 1967 edition of Haaretz that the Cave of Makfila and the Beraq Wall are Jewish by right of conquest and acquisition.

And in view of the far-reaching consequences of the above statements and actions for Jerusalem and the Holiest Muslim Shrines.

We, the Muslim Jurists, Ulama, and Mufties in Jerusalem and the rest of the West Bank in the Hashemite Kingdom of Jordan announce and declare the following rulings:

1. That the Al-Aksa Mosque and the blessed Ibrahimi Mosque are Muslim Mosques which are Holy to Islam.
2. That the Aksa Mosque is the first place towards which the Muslims turn their faces in prayer, and the third Holiest Mosque in Islam the pilgrimage to which is imperative on all Muslims according to the Hadith of the prophet, may God's blessings and peace be upon him as reported by the Imam Bakhari and others. (The pilgrimage of Muslims should be directed to three Mosques only, this my Mosque (the Prophet's Mosque) and Al-Aksa and Al-Haram Mosques.)

And that the blessed Al-Aksa Mosque was the terminal point of the Prophet's Holy journey, may God's blessing and peace be upon him, and the starting point of his Holy passage, and that it is imperative on all Muslims throughout the world to safeguard the sanctity of Jerusalem and the blessed Mosque with the same care they safeguard the sanctity of Mecca and its Mosque and protect it from aggression, so that the two terminal points of the Prophet's Holy passage are cared for and cherished, and seem to that easy access to those Mosques is guaranteed to all Muslims throughout the world.

God the most high has ordained; (Mighty is He who transported His Servant at night from El-Haram Mosque to El-Aksa Mosque which We have blessed, as We have blessed the area surrounding it) - from Surat Al-Isra.

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3. That the Aksa Mosque referred to includes all the Mosque, which is the Mosque, the surrounding walls, and the doors, which today includes Al-Aksa Mosque, the Holy Dome of the Rock, and the adjoining area.

And that any violation of the sanctity of the area contained within the walls of the Holy Mosque is a violation of the sanctity of the Holy Mosque itself.

And that the jurists and historians have ruled that this area concerned extends 700 pics in length and 455 pics in breadth, whilst others maintained that the area was larger, because of the controversy over the principle of measurement used and the exact measure of a pic.

And that during the Mandatory period it was established after detailed study that the aforesaid area was 140 dunums and 900 metres.

References: Ibn Al-Fakih in 903 AD, Ibn Abd Rabboh Al-Andalusi in his book: Al-Ukd Al-Farid 913 AD, Al-Makdasi in 985 AD, and the Map of the Holy Mosque published in 1944 by the Survey Department, the British Mandate Government.

4. That the Jews have rights in the Wailing Wall established by the status quo and tradition, both during Muslim-Turkish rule and Christian Mandate Government, and that they had fully and freely utilized these rights until the Arab-Jewish war in 1948.

And that the Jews wished to expand these rights in 1929, causing bitter conflict with the Muslims and Arabs, leading to violence and revolution in 1929, and that, as a result of that bloody incident an official paper "The Western or Wailing Wall" was published in Palestine in 1931 by Britain following the resolution adopted by the League of Nations on 14 January 1930, and that this paper announced the appointment of an International Commission to consist of three non-British jurists, and that the Commission after the hearings from leading Muslim and Jewish lawyers, concluded the following ruling:

(a) That the Western Wall is exclusively Muslim property on which Muslims exercise right in rem, since it is contained within the area of the Holy Mosque which is Muslim Waqf, and that Muslims have rights of property over Al-Rasif, which stands before the Wall and before the area known as Moghrabi Quarter adjoining the Wall, since it is, according to Muslim jurisdiction, a Waqf property dedicated to charity.

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(b) That the Jews have right of access to the Western Wall to conduct prayers and supplications subject to the following rules.

(c) To keep the door on the tip of the Southern Wall closed on certain hours but to respect the right of access and passage to Muslims on Al-Rasif as customary.

(d) To refrain from using the area before the Wall or its surroundings for speeches or political demonstrations of any kind.

Reference: Palestine Laws 1933, Fourth Volume, page 3397 and following in the Arabic translation editions.

And that this ruling has settled that Arab-Jewish dispute concerning this Holy Place, and has become an international document which has universal application, and under no circumstances should this dispute be allowed to arise again, in the same way that judicial ruling should settle any other dispute.

Thus the expansion in the area of the Wailing Wall is a violation of the right of Muslims in the Moghrabi quarter which is a Muslim Charity Waqf, and the intended expansion, reported in the Jerusalem Post, will imply the destruction of the adjoining corner to the Holy Mosque, and includes a Mosque amongst other houses and buildings, and the destruction of the Tankizi School, on the site of the old Muslim Jurisdiction Court, on which a Mosque, the Institute of Muslim Studies, and the office of the Muslim Conference stand, all of which belong to Muslim Charity Waqfs, and are historical sites which should not be tampered with or touched, and that the aforesaid intention violates Muslim rights and is in contravention to international laws.

5. That the rights of property over the Holy Rock and the Makfila Cave in the Holy Ibrahimi Mosque, established by old traditions and rulings after the passage of fourteen centuries during which the Muslims exercised these rights, are undisputed and that to dispute them is not permissible by any religious convention or rule, or any local or international law, and that to dispute these rights will subject personal and international rights to grave dangers, especially since the Muslims, on entry into this country after the Roman rule, have never violated the sanctity of the Temple or its relics but acted as custodians for Jews and offered them refuge from the aggression which they suffered throughout to non-Muslim world and that, finally, the site of the Temple has not been established categorically in any religious text, and is controversial issue amongst historians and archaeologists.

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In view of all this, and following the juridical rulings and historical facts, we declare the following:

1. Any violation of any part of the area of the Holy Mosque is a violation of the sanctity and holiness of the Mosque itself.
2. That the Ibrahimi Mosque in Hebron, is a Muslim Mosque in its entirety, and that any violation of any part of the shrine is a violation of its sanctity.
3. That the area surrounding the Status of the Wailing Wall, which is the Western Wall to the Holy Mosque, has been settled in the International Ruling mentioned above, and published by the International Commission in 1931, as Muslim property, and this ruling is categoric and binding.
4. That to change the status quo in the Holy Mosque and the Ibrahimi Mosque, or to expand the area of the Wailing Wall is a blatant violation of the sanctity of the Muslim shrines, and constitutes a naked aggression which will have far-reaching consequences not only within the Muslim community in Jerusalem, but throughout the Muslim world and the international community.
5. That the Muslims offer free access to Jews and non-Jews to the Muslim holy places, subject to the condition that this access is treated with the behaviour and decency imperative in respecting the sanctity of these Holy shrines.

Signed by:

Jerusalem, 22 August 1967

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|-----------------------------|---|
| 1. Abd Al-Hamid Al Sayeh | Chief Jurist in the Western Bank and President of the Court of Appeal |
| 2. Said Abd Allah Sabri | Chief Judge of Jerusalem and Member of the Muslim Institute |
| 3. Suleiman Al Ja'bari | Religious Instructor in the Ministry of Education |
| 4. Mustafa Tahbub | Chief Judge of Hebron |
| 5. Wasef Abdo | Chief Judge of Jennin |
| 6. Sufian Al-Khalidi | Chief Judge of Tulkarem |
| 7. Abd Al-Hai Arafah | Mufti of Hebron |
| 8. Rashad Al-Hilwani Tamimi | Member of Muslim Institute and Teacher at the Ibrahimi Mosque |
| 9. Yasin Sadeq Al-Bakri | Imam and Teacher at the Al-Aksa Mosque |
| 10. Abd El-Kader Abdeen | Teacher at the Aksa Mosque |

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|---------------------------------|--|
| 11. Ahmad El-Khatib | Roving Preacher for the Ramallah area |
| 12. Yunis Abu Rab | Preacher for Jennin |
| 13. Fath Allah Salmudi | Preacher and Imam of Silwad Mosque |
| 14. Saleh El-Silwadi | From the Ulama |
| 15. Rateb Al Duwick | Chief Clerk in the Court of Bethlehem |
| 16. Hilmi Muhtaseb | Member of the Court of Appeal |
| 17. Said Eddin Alami | Mufti of Jerusalem |
| 18. Mohd. As'ad Imam Hussein | Chief Judge in Ramallah |
| 19. Jum'ma Al-Silwadi | Chief Judge in Nablus |
| 20. Rajab Bayood Tammimi | Chief Judge in Bethlehem |
| 21. Mohd. Said Al-Jamal | Assistant Chief Judge in Jericho |
| 22. Tawfiq Jarrar | Mufti of Jennin |
| 23. Jamil El-Khatib | Preacher and Imam of the Aksa Mosque |
| 24. Mohd. Khalil El-Takruri | Imam and Teacher at the Aksa Mosque |
| 25. Akramah Sabri | Teacher at the Muslim Institute |
| 26. Yousef El-Silwadi | Chief Preacher in Ramallah Area |
| 27. Mohd. Khalawi Jolani | Chief Preacher in Bethlehem |
| 28. Abd El-Sam'eh Hasan Rifa'ei | Imam and Preacher in Mosque of Bethlehem |
| 29. Mahmoud Al-Habeeh | From the Ulama |

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ANNEX II

**DOCUMENTS SUBMITTED TO THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL BY ISRAELI AUTHORITIES**

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**A. Survey of Activities Undertaken by Government Ministries
to Implement the Reunification of Jerusalem**

This survey summarizes the activities undertaken by the Government Ministries in charge of services and economics after the reunification of Jerusalem. These activities were primarily concerned with the renewal and establishment of vital services to the civilian population and the return to normal of economic and commercial conditions.

During this period preparations were also made for the expansion of government services, such as preparations for opening the schools for the new academic year beginning September 1, arrangements for introducing student medical services and opening of social welfare offices under the auspices of the Ministry for Social Welfare and the Jerusalem Municipality.

I. Activities of Service Ministries and the Jerusalem Municipality

1. Ministry of Health

a. Activation of Services

All health services functioning before June 5 have been reinstated with the former medical, administrative and maintenance staffs remaining at their posts under the supervision and professional direction of the Ministry of Health.

Because organization and level of services are of a lower standard than those in Israel, the Israeli supervisory staff is working with the local employees to improve gradually the quality of services.

b. Institutions Operating

1. Government hospital with a 104 bed capacity.
2. Health Bureau which sponsors a general clinic offering basic medical services to the population without charge.

In addition to its role as a professional and administrative authority, the Bureau is also concerned with general questions of public health,

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prevention of malaria, enforcement of work safety ordinances and registration of births and deaths.

3. A blood bank serving the city hospitals and, at present, the hospitals of the West Bank.

4. A central laboratory which provides services for the hospitals of the region (Ramallah, Jericho, Bethlehem and Hebron).

5. A Tuberculosis Prevention Centre serving the city and the West Bank.

6. The Ministry assists the Mother and Child Welfare Stations by supplying midwives to some of the stations and granting other forms of aid according to need.

c. Health services functioning with the help of the Ministry of Health :

Jerusalem has six philanthropic-public hospitals with a 383 bed capacity. Attached to these hospitals are clinics offering ambulatory and consultative services. The Ministry of Health provides these institutions with laboratory and blood bank services, vaccines, etc.

d. The licensing of medical personnel is in process, on the basis of a list compiled by the Health Bureau.

e. Standard inoculation given to the Israeli population will be extended automatically to East Jerusalem residents.

f. The Minister of Health appointed a Commission to study East Jerusalem health services and submit a comprehensive health programme including recommendations on organisation and activities of health services and delineation of areas of responsibility of the various service bodies involved.

g. The Hospital Authority is at present examining the question of hospital facilities available in United Jerusalem, including those of East Jerusalem and Mt. Scopus.

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2. Ministry of Posts

a. Mail and Telegraph Service.

On July 5, 1967 the first East Jerusalem Post Office branch was inaugurated across from Herod's Gate. All branch workers are former employees of the Jordanian Postal Services. The branch is open 7 days a week and offers a complete range of postal services. These include telegram delivery to all of East Jerusalem, with the exceptions of Shufat and Beit Hanina where branches are to be opened shortly.

b. Telephone

After the East Jerusalem telephone system was repaired, the lines were connected to the national network on July 31, 1967. All services, including international connections, are now available in East Jerusalem. Some lines are still undergoing repairs, but the Ministry of Posts hopes to have the entire network completed within 4 weeks.

3. Ministry for Religious Affairs

a. Activities of the Department for Moslem and Druze Affairs.

This Department is in contact with the various Moslem institutions in East Jerusalem, including the Shari's Court of Appeals, the Shari'a Kadi, the School for the training of Religious leaders and the administrators of the Moslem religious sites.

The Ministry for Religious Affairs has allotted the sums requested by the Moslem leaders to pay the June salaries of their employees.

The Minister for Religious Affairs has met with the Moslem Kadi to discuss various problems concerned with the Shari'a Courts. Arrangements have been made to continue with the repair work at the al-Aksa Mosque.

In response to the request of the Kadis, and in consultation with them, an agreement concerning visits to the Moslem Holy Places has been reached.

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b. Activities of the Department of Christian Affairs.

Immediately after the cessation of fighting, contact with Church leaders residing in East Jerusalem was resumed. It should be pointed out that most of the Jerusalem Patriarchs and Bishops remained in communication with the Ministry for Religious Affairs over issues including the unification of Jerusalem during their visits to Church institutions in Israel.

The Ministry assisted the Church leaders with such problems as war damages, exemption from taxation, travel permits and documents for travel abroad.

In consultation with Christian leaders, arrangements were made concerning access to the Christian Holy Places.

The Ministry for Religious Affairs, in cooperation with the Police and the Ministry of Labour, cleared the approach to the Western Wall. Necessary improvements of paths leading to the Wall have been made, as well as plans for the paving of existing and constructing of new approaches.

4. Ministry of Education and Culture

a. Children and Schools

Establishing of compulsory kindergartens -

The Jordanian Compulsory Education law does not include kindergarten attendance for children above the age of five. To remedy this, the Ministry of Education and Culture has prepared a programme for the gradual introduction of compulsory kindergarten education and the establishment of such kindergartens. At the commencement of the 1967 academic year, parents will be informed of the opening of kindergartens attached to government elementary schools as is done in the Arab schools in Israel.

During the coming academic year, the Ministry of Education will retain the educational structure prevailing in East Jerusalem before the War. Accordingly, Junior High School comprises the 7th, 8th and 9th years of schooling. the Ministry will administer examinations for passing into the 10th grade as was done under the Jordanian regime, and will set graduated school fees for the 10th, 11th and 12th years.

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The Ministry of Education has made arrangements to retain the teaching and administrative staff formerly employed by the Jordanian Government. Nine former officials of the Regional Education Office of Jordan are assisting with the necessary preparations for the opening of the academic year.

b. Department of Antiquities and Museums

Immediately after the War, the Department of Antiquities and Museums was entrusted with the responsibility for the Rockefeller Museum and its collection. The Department immediately began examination of the exhibits and has taken the necessary steps to safeguard the building and collections. Though the building and some of its exhibits were damaged during the war, the museum was reopened to the public on July 11, 1967. The Dead Sea Scrolls which were removed to safety before the fighting were found. A number of former Jordanian employees have resumed their work at the Museum.

Archeological work in East Jerusalem has been renewed; and, Kathleen Kenyon, the British archeologist, has resumed with her 4 excavations in East Jerusalem.

5. Ministry of Police

The activities of the Ministry of Police may be divided into two major periods :

- end of hostilities until reunification (June 29, 1967);
- from reunification onward.

During the first stage, the police was primarily occupied with assisting the military forces in protecting the historical and holy sites, preventing looting, directing traffic, supervising traffic between the two sectors of the city, etc.

With the transfer of Jerusalem from military to civilian responsibility, the police were given the task of controlling traffic to the Holy Places. To date 36 local policemen and officers have been hired out of a total of 100 planned to be added to the Israeli Police Force. Former regional

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police personnel are now working with the Israeli force. Thirty policemen will be placed at the Church of the Holy Sepulchre, the Mosques of Omar and al-Aksa and the Western Wall.

6. Ministry of Justice

The Ministry has taken over the existing Land Register Books in order to allow continuation of land transactions.

According to regulations promulgated by the Minister of Justice, East Jerusalem lawyers may continue to practice without the need of additional examinations.

7. Ministry for Social Welfare

The Ministry for Social Welfare conducted a study of welfare institutions in East Jerusalem to facilitate continuation of their food distribution activities. In coordination with the Juvenile Court and the Police, arrangements were made for probation Officers to continue their work with children under their care.

In coordination and cooperation with the Jerusalem Municipality, the Ministry is basing its activities upon the following :

Continuation of welfare payments at their previous standard, to persons deemed needy by the Jordanian Government;

Registration of new welfare cases since the War;

Opening of a Welfare Bureau in the Old City;

Employment of 5 former Jordanian welfare workers who previously served in East Jerusalem.

The Regional Bureau of the Ministry of Social Welfare and the Municipal Social Department are drawing up a programme for the gradual improvement of welfare services to the level in West Jerusalem.

8. Ministry of Labour

a. Surveys of the various areas within the Ministry's sphere of responsibility are being carried out. These cover cooperative enterprises,
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vocational education institutions, industrial plants, trades, services and labour relations. With completion of the surveys in the near future, a comprehensive programme of activity will be formulated.

b. Legal aspects concerning the labour situation are being studied -- for example, corporations which were registered under Jordan as cooperative societies, or labour contracts which were registered as collective agreements.

The Ministry will make special budgetary allotments for implementation of its services in eastern Jerusalem.

d. Services offered to the public :

1. A Labour Bureau was opened which operates according to the 1959 Labour Services Law and handles registration of job-seekers, centralization of requests for labour and notification of suitable job-seekers and provision of relief work.

2. Establishing contact with employers (governmental and public bodies during the first stage) to bring to their attention the responsibilities of employers toward their workers and the work-safety regulations (work accidents, building activities, overtime-work hours, etc). The distribution of such information has already started, though communication problems related to the difference between the spoken and written language have arisen.

3. Investigations of work accidents and safety-inspection visits have begun.

4. The Ministry's Public Works Department is executing the following :

Building for the Ministry for Religious Affairs near the Western Wall;

Repairing of the Church at David's Tower;

Repairing of war damage to the Rockefeller Museum;

Completing of government hospital (at Sheih Jarra);

Repairing of war damage to Old City Walls near Damascus Gate;

Constructing of Post Office;

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When possible the Department responds to request from various government ministries (Toursim, Prime Minister's Office, etc.) and at present is negotiating with UNRWA concerning work on their buldings.

9. Ministry of the Interior

On June 26, 1967 a census was taken by the Ministry of the Interior, in cooperation with the Central Bureau of Statistics.

The Ministry has opened a Bureau for registration of citizens and offering necessary services, principally distribution of identity cards.

10. Ministry of Transport

a. After a survey, the Ministry of Transport issued new automobile and drivers licenses (private and commercial vehicles) to East Jerusalem residents. With the exchange of licenses, third person liability insurance was also arranged. The Ministry is preparing qualifications regulations for public transportation.

b. Licenses for operation of buses in East Jerusalem have been issued. Permits are valid for a three-month period, until vehicles are inspected and the traffic schedule organised.

c. The Ministry has made the necessary arrangements for testing all vehicles in the city.

d. The Ministry is conducting a survey of all automobile owners in East Jerusalem. When the survey is completed, the Ministry will decide upon issuance of licenses to East Jerusalem residents, according to the criteria applied in West Jerusalem.

e. The Ministry has permitted the operation of two car rental agencies and, in coordination with the Ministry of Tourism, of touring cars.

f. The Minister of Transport appointed a Commission to study transportation problems resulting from the reunification of the city. The Commission's recommendations will be implemented by the Ministry of Transport, in cooperation with the Ministry of Finance and the Jerusalem Municipality.

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II. The Jerusalem Municipality

With the decision to reunite Jerusalem, the Municipality extended all its services to East Jerusalem, though, in reality, vital services were provided immediately after the War.

a. Municipal Services

The Supply of water, the most important municipal service, was resumed with the connection of the water networks of both parts of the city shortly after the War ended. The water allotment of East Jerusalem was increased and a plan for further expansion of the water supply is being executed. The Jerusalem Municipality accepted responsibility for the maintenance of its water sources though these lay outside the municipal area. The Municipality also improved and repaired the water supply system in the villages within her jurisdiction (Shufat and Sur Bahar).

Sanitation and Public Health services were considerably expanded and the Municipality ordered new mechanized equipment and trash containers. The Public Health Department conducted anti malaria examinations and improved municipal health installations.

The Central Bus Station has been repaired and the fire-fighting services reorganised.

The Municipality is devising a plan for those areas which were previously "no-man's-land". As the first step, it has torn down several structures and cleared roads for passage between the 2 parts of the city.

b. Reorganisation of Administration in the United City

1. Municipal departments have been merged and their employees have joined the unified departments. The Departments of Public Health and Sanitation and Municipal Supervision have moved to the East Jerusalem Municipality building.

2. Former employees whose jobs were eliminated by the department mergers were placed in a "pool" and efforts are being made to find them other employment.

3. Absorption of workers in government services transferred to the municipality has begun (education, welfare, public health).

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4. Labour procedures and registration rules have been set.

II. Activities of Government Ministries concerned with Economic Conditions

1. Ministry of Finance

The Ministries of Finance and Commerce and Industry are working toward the resumption of normal economic activity as rapidly as possible. The Foreign Currency Department has instituted the procedures necessary to handle the requests of East Jerusalem residents. Sections of the Foreign Currency Act are being translated into Arabic, particularly those dealing with tourism in order to facilitate resumption of tourist activities in Jerusalem. The Income Tax and Import Tax Departments have also taken all necessary action to permit normal functioning within their spheres of responsibility.

2. Ministry of Commerce and Industry

The Ministry of Commerce and Industry is conducting a survey of trade in East Jerusalem. The Ministry is in contact with the Jerusalem Chamber of Commerce which has a membership of 1,500. Ministry controllers have visited factories and workshops and have advised their owners on such subjects as acquisition of raw materials, import licenses, etc. Food wholesalers are being informed that they must hold permits from the Ministry in order to continue their trade.

3. Ministry of Tourism

The Ministry surveyed and registered all persons connected with tourism in Jerusalem. Representatives of the Ministry met separately with all those involved in the tourist industry in order to gather information and clarify existing problems.

a. Hotels

A general survey of hotels was conducted, including establishing the number of rooms and level of services offered. Once hotels were classified according to the system prevailing in Israel, they were permitted to accept tourists. Hotel owners met with Ministry officials and

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decided upon price levels, which were then published in Israel and abroad. The Ministry of Tourism is processing requests for loans for hotel renovations. Negotiations on the Inter-continental Hotel have been concluded and management will pass to the company within a few days.

b. Publications

A new map of Old Jerusalem and a pamphlet on Christian and Moslem Holy Places have been published, as has a booklet on the Jewish Holy Places. A revised pamphlet on Jerusalem is in the final stage of execution and a new publication on Christian pilgrimage is being prepared.

c. Travel Agencies

Temporary permits have been issued to travel agencies which will gradually be exchanged for permanent licenses once the agencies fulfill the Israeli requirements.

d. Tourist Guides

East Jerusalem guides will be able to escort tourists on the basis of a temporary permit. To receive the permanent license, a guide is required to undergo instruction according to existing regulations.

e. Stores

Registration of East Jerusalem stores is in process.

f. Tours

Tours which include all the historical and holy places of the three religions have been organized.

August 25, 1967

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**B. Activities Report of the Joint Municipality
in East Jerusalem - July 1967**

Municipal services have been in full operation since 29 June. In fact, they began to function right at the beginning of June, when the municipality was acting as the agent of the Military Government. In providing the services, the following principles were observed:

- a. Union of the two parts of the city.
- b. Equalisation of services.
- c. A standard of services compatible with the needs of the capital of Israel.

The municipality did not confine itself to the services which it is required by law and custom to supply. It also dealt with such other matters as care of refugees, repairing war damage, tackling economic and employment problems, transportation, and the safeguarding of the Holy Places.

I. Plans, Surveys and Coordination

1. A provisional programme of activities and a draft budget has been drawn up. After the financial committee had reviewed the draft budget, it was submitted to the Ministry of Finance and the Ministry of the Interior and by the end of the month items of its several sections - an ordinary, extraordinary and a development budget - were generally approved.
2. A Population and Housing Census was carried out to gather the data necessary for planning municipal operations and drawing up the tax assessment schedule and the overall system of taxation.
3. A Business Census is being planned for the purposes of statutory commercial taxes and licensing processes.
4. Meetings were held with institutions interested in statistical material, and Jordanian statistical sources, dispersed as a result of the War, were located.
5. Meetings were also held with organs interested in physical and mapping data and again Jordanian sources of information were located and made available.

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6. A survey of municipal lands and buildings was conducted and an inventory drawn up. The former municipality's assets and liabilities, were checked, contracts and the system of taxation were examined.
7. A water supply scheme, to be operated until 1969, was prepared.
8. The Falk Project for Economic Research was asked to prepare a medium-term economic, social and cultural development plan, and a "brains trust" was assembled to help the planners in their work.
9. A commission of sculptors and painters, architects and graphic artists was set up to draft directives for "street furnishings" in the Old City such as street signs and lighting.
10. A survey of school premises was conducted with a view to opening the new school year in September.
11. A transport survey was carried out and road building priorities were determined in the light of transport problems arising out of the unification of the City.
12. The municipality was represented in planning teams formed to restore the Jewish quarter of the Old City.

II. Administrative Reorganisation

1. The unification of Departments and the redistribution of workers were completed. The Sanitation and Street Cleaning Department and the Municipal Inspection Department were shifted to the Old City municipal offices.
2. Workers were integrated into Departments; those awaiting integration have been placed in a "pool" and efforts are being made to find suitable employment for them.
3. Integration was begun of Old City civil servants in municipal departments such as education, social welfare, and public health.
4. Work and registration procedures were laid down.

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III. Municipal Services

- 1. Street Cleaning and Sanitation - Garbage-disposal was partly rationalised and mechanised. Over 150 people were taken on in this department. New mechanical equipment, garbage containers and dust-bins were ordered. The Sanitation Department of West Jerusalem carried out anti-malarial tests and found many anopheles-infested drains. The abattoir is being overhauled and the garbage dump has been transferred to an empty site east of Amatot.**
- 2. Maintenance of Public Property - Damaged street lamps were repaired and part of war-damaged roads; public parks were put in shape again and repairs of the central bus terminal were started. The fire brigade was re-organised and a temporary station set up at the airport.**
- 3. Town Planning - The demolition of buildings in the former no-man's land was completed. Rubble was cleared away, and dividing barriers were taken down in the Jaffa, Mamilla, St George, Hebron and Bethlehem roads, and Pope's - Mount Zion-Gate Road, and in a temporary track next to Suleiman Road, all of which are now open to traffic. Traffic regulations have been laid down and entry of vehicles into the Old City is barred.**
- 4. Stores and Supplies - The municipal stores were transferred to suitable buildings in the eastern part of the City.**
- 5. Municipal Inspection - Inspection of compliance with municipal by-laws began. At first, municipal inspectors were posted at the entrances to the El Aqsa mosque and the Church of the Holy Sepulchre to ensure that visitors behave with due respect, but the Police are now in charge.**
- 6. Miscellaneous - Hebrew names were given to twenty-two streets in the Old City. The by-laws of West Jerusalem were translated into Arabic.**
- 7. Tourism - The Citadel is being cleared so that it may be opened to the public. A Tourist Information Office run by the municipality and the Ministry of Tourism jointly has been opened at Jaffa Gate. The Cave of Zedekiah is under preparation for tourists' visits. Plans for a "son et lumière" spectacle are under way.**

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The municipality has attended discussions between the Ministry of Tourism and the agencies and parties concerned to deal with the problems of the tourist industry.

8. **Water** - The networks of the two parts of the city were joined and the amount of water supplied to East Jerusalem was greatly increased. Expansion of the system in East Jerusalem is proceeding according to an approved development programme; consumers were registered and meters are being installed. Besides current maintenance of the sources outside the city - Ein Farrah, Ein Fuar, Ein Kelt and Solomon's Pools - the supplies to the villages of Shanfat and Tsur Baher, which are under municipal jurisdiction, were repaired and improved.

IV. National Services

1. **Education and Culture** - The necessary arrangements were made in coordination with the Ministry of Education and Culture for the commencement of the school year on 1 September. Buildings were prepared, furniture was examined and textbooks were ordered. Meetings were held with the administrative staff and school inspectors, and the public libraries were checked.

2. **Youth and Sports** - A basketball match has already taken place between teams from East and West Jerusalem.

3. **Social Welfare** - The Social Welfare Department are to begin operations shortly; funds and instructions are awaited from the Ministry of Social Welfare.

4. **Public Health** - Preparations were made for school health services to be extended once the new school year begins. Ten nurses and two doctors will be required. It is also proposed to open at least two Mother-and-Child Clinics in East Jerusalem, and one in Silwan.

V. Public Relations

Meetings between corresponding professional and social organizations in East and West Jerusalem were arranged, and meetings and tours in the villages

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incorporated within the municipal bounds were held. Contact was maintained with ecclesiastical and other organizations principally to assist them in repairing war damage that may have been caused to their buildings. The mayor and his officers made the acquaintance of the new Arab employees of the municipality at a special meeting.

Steps were taken to obtain loan funds for commercial enterprises suffering from a shortage of working capital. Workers referred to the municipality by the Labour Exchange were employed on relief allocations.

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ANNEX III

LIST OF PERSONALITIES INTERVIEWED BY THE PERSONAL REPRESENTATIVE
OF THE SECRETARY-GENERAL

Israel officials and other personalities

Mr. Levi Eshkol, Prime Minister of Israel
Dr. Y. Herzog, Director of the Prime Minister's Office
Mr. Abba Eban, Minister for Foreign Affairs
Rabbi Warhaftig, Minister for Religious Affairs
Mr. A. Levavi, Director-General, Ministry of Foreign Affairs
Mr. A. Lourie, Acting Director-General, Ministry of Foreign Affairs
Mr. Y. Tekoah, Deputy Director-General, Ministry of Foreign Affairs
Mr. Teddy Kollek, Mayor of Jerusalem
Mr. J. Gadish, Director of the Arab Department at the Ministry of Education
Mr. D. de Shalit, Ministry of Tourism
Mr. I. Zuriel, Ministry of Tourism
Ambassador A. Chelouche, Director of the Economic Department at the
Ministry of Foreign Affairs
Mr. Menashe Eliachar, President of the Chamber of Commerce
Dr. Carpas, Acting Director of Hadassa Hospital
Mr. Raphael Levi, Assistant District Officer

Arab personalities

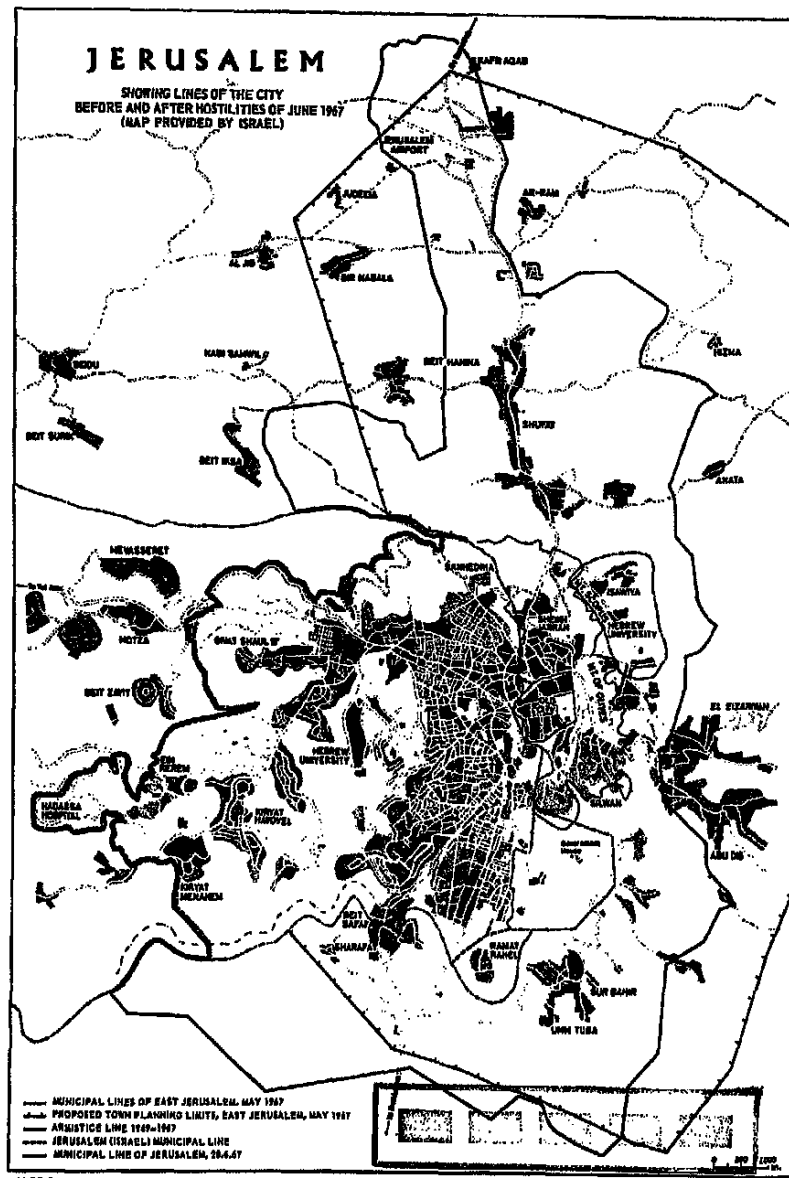
Abd Al-Hamid Al Sayeh, President of the Sharia Court of Appeal
Hilmi Al-Muhtaseb, Member of the Sharia Court of Appeal
Sa'ad El-Din Alami, Mufti of Jerusalem
Mr. Anwar Zaki Nusseibeh, Lawyer, Member of Parliament for Jerusalem,
ex-Minister of Defence, and former Jordanian Ambassador to London
Mr. Anton Attallah, Senator and former Minister for Foreign Affairs
Mr. Rauhi al-Khatib, Mayor of East Jerusalem
Dr. George Farah, Director of Augusta Victoria Hospital
Mr. Ayoub Musallam, ex-Minister, ex-Mayor of Bethelam
Mr. Hassan Abdul Fattah Darwish, ex-Member of Jordanian Parliament
Mr. Jalil Harb, Cinema and hotel owner

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Religious authorities

Rabbi Y. Untermann, Chief Rabbi of Israel
Patriarch Benedictus of the Greek Orthodox Church
Patriarch Gori of the Latin Church
Patriarch Deridian of the Armenian Church
Monsignor Sepinski, Apostolic Delegate
Archimandrite Antony, Head of the Russian Orthodox Mission in Jerusalem
Archbishop McInnes of the Church of England
Abbot Rudloff (Benedictine), Dormition Monastery
Bishop A. Yossef of the Abyssinian Church
Bishop Bazileus of the Coptic Church
Bishop Qubaïm (Arab) of the Anglican Church
Bishop Elias Ziadé of the Maronite Church
Monsignor Naoum, Syrian Catholic Church
Father Joseph Alliot (Franciscan), First Assistant to the Custodian of
the Holy Land

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Security Council
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The situation in the Middle East
Question of Palestine

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 61/25 of 1 December 2006. It contains replies received from the President of the Security Council and the concerned parties to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 18 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful solution. The report covers the period from September 2006 through September 2007.

* A/62/150.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 61/25 of 1 December 2006.

2. On 1 August 2007, pursuant to the request contained in paragraph 18 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

“I have the honour to refer to resolution 61/25, which the General Assembly adopted on 1 December 2006, at its sixty-first session, under the agenda item entitled ‘Question of Palestine’.

“In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 August 2007.”

3. On 10 September 2007, the following reply was received from the Security Council:

“The situation in the Middle East, including the Palestinian question, remains one of the most important items on the Security Council agenda. The Council continues to consider the situation in the Middle East on a regular basis, in particular with monthly briefings by the Under-Secretary-General for Political Affairs, the Special Coordinator for the Middle East Peace Process and senior Secretariat staff, followed by an open debate of the Council or by consultations.

“On 12 December 2006, the Security Council adopted a presidential statement (S/PRST/2006/51), which was read by its President. On that occasion, the Council stressed that negotiation was the only way to bring peace and prosperity to peoples throughout the Middle East and welcomed the agreement between Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas to establish a mutual ceasefire in Gaza, signed in December 2006. It also encouraged the parties to engage in direct negotiations and reaffirmed the vital role of the Quartet in providing needed assistance to the parties.

“In early January 2007, the Security Council considered a draft presidential declaration, proposed by Indonesia, aimed at keeping the momentum from positive developments on the ground, including the ceasefire agreement and the understandings reached at the summit between Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas on 23 December 2006. Due to a lack of consensus, the draft was not adopted.

“On 25 January 2007, the Security Council held consultations on the situation in the Middle East, including the question of Palestine, which, owing to the worsening humanitarian crisis in the Palestinian territories, focused on initiatives aimed at reviving the peace process and on the need to preserve the Gaza ceasefire agreement.

“On 13 February 2007, the Security Council held an open debate on the situation in the Middle East, in which Mr. Alvaro de Soto, Special Coordinator for the Middle East Peace Process, gave a briefing. The Council members took note of the agreement between Hamas and Fatah, reached in Mecca on

8 February 2007, under the leadership of Saudi Arabia, with a view to putting an end to the fratricidal clashes between Palestinians.

“Several Council members expressed great concern about the violence resulting from the construction carried out near the Al-Aqsa Mosque, raising tensions in the Palestinian territories and in Muslim countries.

“On 14 March 2007, Council members heard a presentation by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, which was followed by consultations on the situation in the Middle East.

“On 5 April 2007, the Council considered your report after your visit to the Middle East and the meetings you had held during and in the margins of the League of Arab States Summit, held in Riyadh (Saudi Arabia), on 28 and 29 March 2007, including on the question of the revitalization of the Israeli-Palestinian peace process.

“On 15 and 18 May 2007, we exchanged letters on the appointment of Mr. Michael Williams as Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestinian Liberation Organization and the Palestinian Authority, succeeding Mr. Alvaro de Soto.

“On 24 May 2007, a presentation by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, was followed by consultations on the Middle East. Council members generally deplored the renewed violence and urged the principal parties to exercise restraint. They expressed the hope that the Middle East Quartet would become more involved in the effort to revive the Israeli-Palestinian peace process.

“On 30 May 2007, the President of the Security Council delivered a press statement on the breakdown of the ceasefire in the Gaza Strip in which the members of the Council expressed their grave concern at the resulting increase in violence.

“On 1 June 2007, you informed the Council of the outcome of the meeting of the Middle East Quartet, held in late May 2007.

“On 20 June 2007, the Council held consultations on, in particular, the situation in Palestine. It deplored the serious events in Gaza and the West Bank that had led to the dissolution of the Palestinian National Unity Government and to the declaration of a state of emergency.

“Council members appealed to the Palestinians to settle their differences peacefully through dialogue. Special emphasis was placed on the worsening humanitarian situation in Gaza. Several Council members welcomed the measures aimed at lifting the financial blockade imposed on Palestine since the Hamas victory in the legislative elections.

“On 25 July 2007, the Council heard a public presentation by Mr. Michael Williams, Special Coordinator for the Middle East Peace Process, in which the continued violence and the worsening humanitarian situation, particularly in Gaza, were stressed.

“On this last point, a draft presidential declaration on the worsening humanitarian situation in Gaza, proposed by Qatar and Indonesia, was not adopted owing to a lack of consensus.

“On 29 August 2007, the Council held an open debate on the situation in the Middle East. The Council heard the last briefing of Mr. Michael Williams as Special Coordinator for the Middle East Peace Process.

“Council members commended Mr. Williams’s work as Special Coordinator and expressed their hope that the diplomatic momentum described by Mr. Williams (substantive dialogue developing between Palestinian President Mahmoud Abbas and Israeli Prime Minister Ehud Olmert; upcoming high-profile international meetings on the Middle East, particularly the meeting called by the President of the United States of America) could pave the way for substantial developments towards finding a solution. Council members expressed the view that meaningful steps in the field would be useful to back this diplomatic process.

“The Council continues to keep the evolving situation in the Middle East, including the Palestinian question, under active review through monthly briefings, open meetings and informal consultations. During these meetings, the Council members reiterate their support for a just and comprehensive settlement in the Middle East based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the outcome of the Madrid Conference, the principle of land for peace, the previous agreements reached by the parties, and the Arab Peace Initiative, reaffirmed at the League of Arab States Summit in Riyadh.”

4. In a note verbale dated 8 June 2007 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 1 September 2007, the following replies had been received:

“Note verbale dated 24 August 2007 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

“As you are aware, Israel has voted against this resolution, as it has done time and time again against similar resolutions adopted by the General Assembly during previous sessions. Because the situation in the Middle East stands at a delicate crossroads, Israel wishes to once again put on record its position on this matter.

“Palestinian terror continues. Mortar and Qassam rocket attacks, launched by Palestinian terrorists in the Gaza Strip at Israeli communities in the south, occur on a daily basis. Over the last month, numerous rockets were launched by Palestinian terrorists, bringing the total number of Qassam rockets that hit Israeli territory during the past year to over 1,000, causing deaths, hundreds of casualties, and vast damage to properties, including schools, kindergartens and residential areas. Hamas has been holding Corporal Gilad

Shalit captive ever since he was kidnapped by the terrorist organization more than a year ago. His abduction also presents a pressing humanitarian situation.

“Palestinian terrorists continue to smuggle weapons across the southern border. Tunnels, burrowed deep beneath the ground, are used by terrorists to move weapons and other munitions. The build-up of weapons presents a grave threat, and efforts must be reinforced to stem the tide of arms smuggling.

“The horrific violence of last June, which resulted in the death and injury of countless innocent Palestinians, imperils the region. Moreover, Hamas’s terrorizing of Palestinian society has created a serious humanitarian situation in the Gaza Strip. Nevertheless, Israel remains committed to ensuring that the necessary humanitarian aid is delivered to the Palestinians in the Gaza Strip. Despite the departure of Palestinian Authority security forces from the crossings between the Gaza Strip and Israel, arrangements have been made for humanitarian aid and other supplies to enter and exit the crossings. Since 19 June, more than 50,000 tons have been transferred through the Sufa crossing, and more than 4,000 tons have passed through the Kerem Shalom crossing. Israel continues its coordination activities on the ground, working through the appropriate channels to ensure the passage of aid and other materials. Israel is committed to working with a Palestinian leadership that supports peace and renounces violence. As just one example, on 20 July, Israel released 255 Palestinian prisoners who had been held in Israeli prisons in connection with terrorist activity. In the past month a number of meetings took place to set in motion the building blocks for a political horizon and to maintain a dialogue between Israel and the Palestinian Authority. Most notable among them was the meeting held on 6 August between Prime Minister Olmert and President Abbas in Jericho. Israel hopes to work with its moderate counterparts in the region to advance mutual understanding and formulate the framework that will allow Israel and the Palestinians to move forward on a bilateral process. This process, it must be underscored, should be supported by other like-minded moderate States in the region and the international community, but it cannot be a substitute for direct Israeli-Palestinian dialogue.

“General Assembly resolution 61/25 also cannot be a substitute for direct Israeli-Palestinian dialogue. Rather than promoting a vision that recognizes the rights and obligations of both sides, it obscures the efforts of the parties to achieve a negotiated outcome. It is one-sided resolutions like this one that jeopardize the efficacy of the United Nations and the efficiency of the General Assembly.”

“Note verbale dated 19 July 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

“At the writing of this note, the situation in the Occupied Palestinian Territory, including East Jerusalem, remains grave, with the humanitarian, economic, social, political and security situation deteriorating on all fronts since the adoption by the Assembly of resolution 61/25. In June of this year, the Palestinian people solemnly marked the fortieth year of Israel’s military occupation of the Palestinian territory, including East Jerusalem. Tragically,

the Palestinian people remain a stateless, dispossessed and oppressed people, suffering mounting hardships in their ongoing struggle to realize their inalienable human rights, including the right to self-determination. Each passing year witnesses the deepening of the injustice imposed upon the Palestinian people, including the Palestine refugees, further trampling of their human dignity and further shredding of the fabric of Palestinian society.

“The fact is that, while resolution 61/25 and the many resolutions that preceded it remain unimplemented and while the peace process remains stalled, despite efforts exerted to revive it, Israel, the occupying Power, has exploited the passage of time and the inaction of the international community for the continued execution of its illegal policies and actions in the Occupied Palestinian Territory, including East Jerusalem. The result has been the continued Israeli violation of the fundamental rights of the Palestinian people and the creation of even more unlawful facts on the ground in the Occupied Palestinian Territory, including East Jerusalem, with the consequent deepening of the humanitarian crisis and the further fragmenting territorial contiguity of the Palestinian territory, seriously endangering the viability of the two-State solution, the crux of any peaceful solution, and further compounding the Israeli-Palestinian conflict.

“The daily actions of Israel, the occupying Power, are in total contradiction to the provisions of the General Assembly’s resolution on the ‘Peaceful settlement of the question of Palestine’ and in total breach of the relevant tenets of international law. Instead of abiding by the law and United Nations resolutions and actually pursuing peace, Israel has continued acting with flagrant impunity, denying the rights of the Palestinian people and committing grave breaches, including systematic human rights violations, acts of State terror and war crimes against them.

“Since the adoption of resolution 61/25, the occupying Power has not ceased its brutal military campaign against the Palestinian civilian population, a defenceless population entitled to protection under international humanitarian law. The Israeli occupying forces have killed and injured hundreds more Palestinian civilians, including children, in frequent military attacks and raids launched in the Occupied Palestinian Territory, typically characterized by excessive and indiscriminate use of force and frequent extrajudicial killings. Since the adoption of resolution 61/25 until the date of this note, the Israeli occupying forces have killed at least 184 Palestinian civilians. The Israeli occupying forces have also continued to cause the wanton destruction of Palestinian property, including homes, agricultural lands and orchards, vital civilian infrastructure, cultural, religious and historical properties, and national institutions, leading to further displacement and homelessness of civilians, loss of livelihoods, and environmental damage. Such unlawful, lethal and destructive military attacks by the occupying Power not only deepen the suffering of the Palestinian civilian population at all levels, but also constantly fuel tensions and perpetuate the cycle of violence between the two sides.

“Israel also continues to unlawfully and arbitrarily detain and imprison more than 11,000 Palestinians, including at least 112 women and 300 children, and has persisted with daily arrest campaigns. These civilians are typically

held in inhumane conditions, enduring harassment, physical and psychological ill treatment and many subject to torture, rarely having any recourse to due process of law, and many are denied visitation by their families, whose access to the prisoners and to any knowledge about them is severely restricted by the occupying Power. In addition, Israel continues to illegally imprison several democratically elected Palestinian officials.

“Simultaneously, Israel has continued to pursue its illegal colonization campaign via the construction of settlements, the wall, and bypass roads and the imposition of the checkpoints throughout the Occupied Palestinian Territory, including East Jerusalem. After the passage of so many decades of Israel’s systematic and constant violations, it has become glaringly clear that the occupying Power has been carrying out its illegal policies against the Palestinian people with the deliberate intent of oppressing and keeping under siege the entire Palestinian population while it consolidates its unlawful occupation of the Palestinian land — now the longest occupation in contemporary history — in order to achieve the de facto annexation of as much of that land as possible. Israel has done this in flagrant violation of the rule of international law regarding the inadmissibility of the acquisition of territory by force and in grave breach of the Fourth Geneva Convention and Additional Protocol 1.

“Since 1967 and continuing today, the occupying Power has relentlessly carried out its colonization campaign, confiscating thousands of dunums of Palestinian land, destroying thousands of Palestinian properties and imposing countless illegal measures for this purpose. Israel’s construction, expansion and fortification of illegal settlements is a vast enterprise. The major organs of the United Nations have explicitly affirmed the illegality of these settlements and have called for their dismantlement. Yet, there are now 161 settlements and at least 96 settlement outposts in the Occupied Palestinian Territory, including East Jerusalem. More than 450,000 Israeli settlers — many armed and fanatical, who constantly harass and terrorize the Palestinian civilian population — have been illegally transferred into these settlements and continue to be transferred on a daily basis. Settlement construction in and around occupied East Jerusalem has been especially intense, with the occupying Power declaring its intention to create a contiguous Jewish presence linking East Jerusalem to major settlement areas in the West Bank, including via the so-called E-1 plan, totally isolating the city and its Palestinian inhabitants from the rest of the Occupied Palestinian Territory and furthering the Judaization of the city.

“Over the past four years, this colonization campaign escalated, with the occupying Power’s unlawful construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is intricately linked to the settlements and intended to entrench them and to advance the land grab. The International Court of Justice and the General Assembly have deemed this wall to be unlawful and have demanded that Israel dismantle the wall and make reparations for all damages caused by it. Yet, in 2007, the construction of the wall has continued unabated. Entire communities are being destroyed and thousands of Palestinians continue to be displaced by this apartheid wall, which separates Palestinian areas, many of which have become walled-in enclaves, and is causing extensive socio-economic

devastation by destroying thousands of livelihoods, particularly those related to agriculture, and preventing access, inter alia, to education, food and water supply, medical care and other essential social services.

“In yet further collective punishment of the Palestinian people, Israel maintains a discriminatory road network for Israelis only, a racist permit system, and more than 550 checkpoints and roadblocks, including hundreds of ‘flying checkpoints’ per month, throughout the Occupied Palestinian Territory, including East Jerusalem. Prolonged closures and severe restrictions on the movement of Palestinian persons and goods throughout the Occupied Palestinian Territory and into and out of that territory are imposed by the occupying Power via these measures. Such restrictions violate the freedom of movement of the Palestinian people and many of their other basic human rights and continue to damage the economy, undermine development and deepen the humanitarian crisis. There is also extensive documentation of the harassment, physical abuse and humiliation endured by the Palestinian people at these checkpoints, as well as of the numerous deaths and live births that have occurred there, as civilians have been repeatedly prevented from reaching hospitals by the occupying forces. In this regard, the occupying Power also continues to obstruct the movement and access of humanitarian and medical personnel, including the staff of United Nations agencies, hampering the provision of essential services to the civilian population and the provision of emergency food and medical care.

“In terms of the closures, the Gaza Strip has been most impacted. In violation of the Agreement on Movement and Access of 2005, the Rafah crossing for people and the Karni crossing for goods are frequently closed and, when opened, only a limited amount of traffic is permitted through. At the time of the writing of this note, both crossings have been closed indefinitely by Israel. This has, among other things, left more than 6,000 Palestinians stranded on the Egyptian side of Rafah under severe humanitarian conditions. These persons include more than 1,000 Palestinians who had travelled to Egypt for medical care, 16 of whom died at or near the crossing due to the long wait under inhuman conditions. Moreover, the closures have gravely affected the economy in Gaza, since goods for export typically perish before reaching their destination, leading to loss of income and livelihoods, and basic goods are often in short supply in Gaza, aggravating already poor socio-economic conditions. Moreover, the Gaza Strip remains separated from the West Bank.

“Such unlawful Israeli measures are clearly intended to completely control the movement of the Palestinian people and contain them in disconnected, non-viable and unsustainable cantons. The shocking result of this massive and illegal Israeli colonization campaign is the carving up of the Palestinian territory into several isolated, non-contiguous Bantustans. All of these illegal Israeli practices and measures are dramatically altering the demographic composition, geographic character and nature of the Occupied Palestinian Territory, including East Jerusalem, and destroying its territorial contiguity and integrity, gravely undermining the prospects for achieving the two-State solution.

“Further, all aspects of Palestinian life continue to be gravely impacted by the illegal and inhumane Israeli policies and practices enumerated above.

Socio-economic and humanitarian conditions are particularly acute. Poverty, unemployment and hunger have sharply risen, frustrations, insecurity and despair remain high, and day-to-day survival in the Occupied Palestinian Territory has become more difficult, particularly in the impoverished Gaza Strip. These precarious conditions in the Occupied Palestinian Territory worsened in the past year with the continuation of the financial sanctions unjustly and punitively imposed on the Palestinian people following the democratic elections of January 2006. Today, at least 70 per cent of the Palestinian civilian population lives in poverty and nearly 50 per cent of the population is dependent on food aid.

“It is a tragic irony that the Palestinian people — an occupied people — have had sanctions and one condition after another imposed on them, while Israel, despite decades of systematic and grave breaches of the law, has never been placed under sanctions. Overall, this sanctions regime, in addition to Israel’s withholding of Palestinian tax revenues, in violation of the Paris Protocol, has caused a severe financial crisis for the Palestinian Authority, debilitating its ability to function effectively and causing the degradation and de-development of Palestinian institutions and public services, particularly in the health and education sectors. The short and long-term effects of this unjust, illogical and unethical boycott continue to plague the Palestinian people.

“In this regard, it is unquestionable that the sanctions regime greatly contributed to the steep deterioration of the situation in the Gaza Strip and the upsurge of tensions, which in turn fuelled a cycle of internal fighting between Palestinian political factions and the complete downward spiralling of the situation in June with the regrettable criminal actions carried out by outlaw militias affiliated with Hamas that took over Palestinian Authority institutions in the Gaza Strip. Following these developments, the President of the Palestinian Authority, Mahmoud Abbas, initially formed an emergency government, which became a caretaker government, and continues to pursue efforts to bring calm and stability to the Palestinian people and to refocus energies towards a resumption of peace negotiations.

“Yet, the crisis on the ground continues, primarily as a result of the continuation by Israel, the occupying Power, of all of its illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and the negative ramifications of the sanctions, which have undermined peace efforts. The current situation thus remains dire and the prospects for achieving a peaceful settlement of the question of Palestine seem more remote.

“Unfortunately, numerous efforts and initiatives over the years and countless United Nations resolutions have not brought an end to this conflict and/or achieved the realization of the inalienable rights of the Palestinian people. However, this is not because these resolutions are defective. On the contrary, the many resolutions adopted by the United Nations, including the annual resolution on the item entitled ‘Peaceful settlement of the question of Palestine’, as well as the advisory opinion of the International Court of Justice (9 July 2004), justly, thoroughly and realistically address the core issues of the Israeli-Palestinian conflict and set out in very clear terms the requisites for redressing the plight of the Palestinian people and resolving this conflict. Yet, Israel, the occupying Power, has remained intransigent, acting in absolute

contempt of these resolutions and in grave breach of international law, including international humanitarian and human rights law. Such impunity by the occupying Power has undoubtedly been encouraged by the inaction of the international community in the face of such continuous violations and grave breaches of the law. This vicious cycle must be brought to an end.

“Urgent action must be taken by the international community to redress this unjust and unlawful situation in the Occupied Palestinian Territory, for its continuation is untenable. There can never be peace, security and prosperity in the Middle East as long as the question of Palestine, the core of the Arab-Israeli conflict, remains unresolved. If implemented, the many relevant United Nations resolutions addressing this crisis, including resolution 61/25, would have long ago ended the conflict. These resolutions remain valid and the principles and positions therein constitute the foundations of the peace process and the keys to resolving this prolonged conflict.

“The international community must uphold its responsibilities vis-à-vis international law and United Nations resolutions by taking practical measures to ensure respect for the law and the implementation of these resolutions and thus to finally hold Israel, the occupying Power, accountable for its actions, bring an end to its impunity and compel it to comply with its legal obligations. Only this will augur a new era in which the requisites for achieving a just and lasting peace could be implemented and fulfilled.

“Despite all of the difficulties and challenges, the achievement of such a peace — at the core of which is the two-State solution of Israel and Palestine, living side by side in peace and security on the basis of the 1967 borders — must remain our ultimate goal. This is recognized by the international community in resolution 61/25. In this regard, assessing the status of implementation of resolution 61/25 requires at minimum a brief examination of the calls made by the international community in the operative paragraphs of the resolution.

“While the Assembly has reaffirmed, inter alia, the necessity of achieving a peaceful settlement and intensifying all efforts towards that end, reaffirmed its full support for the Middle East peace process, and called for the fulfilment of road map obligations, developments in the Occupied Palestinian Territory over the past year, resulting mainly from the illegal policies and practices of Israel, the occupying Power, as detailed above, have undermined such efforts. Nevertheless, opportunities for pursuing peace are still before us and must be seized.

“The Palestinian leadership is committed to achieving a just, lasting and peaceful solution to the conflict and has repeatedly reaffirmed its commitment to the peace process on its agreed basis, to the agreements concluded between the two sides, to the road map and to the Arab Peace Initiative. In fact, the Palestinian side has repeatedly extended its hand in peace and indicated its readiness to proceed with final status negotiations without conditions and, in a very important development in the past year, President Abbas has been mandated by all political groups to negotiate a final peace settlement with Israel.

“Moreover, it is significant that the Arab Summit decided to renew and revive the Arab Peace Initiative, which continues to present a just basis for the achievement of peace. Full peace and normalization of relations are being offered to Israel in exchange for full withdrawal from the territories occupied by Israel in 1967 and the establishment of an independent Palestinian State on the basis of the 1967 borders, with East Jerusalem as its capital, along with a just and agreed upon solution for the Palestine refugees on the basis of General Assembly resolution 194 (III) of 1948. The Assembly has welcomed this initiative and should continue to support its promotion. At the same time, the Quartet recently decided to re-energize itself and to become more active by holding more meetings, including with the two parties, with the aim of promoting the implementation of the road map, and its efforts should continue to be supported as well. The promotion of confidence-building measures between the two parties by both the Quartet and the Arab side and all other efforts to stabilize the situation and restart the peace process should be supported, including the call by United States President George Bush on 16 July 2007, for the convening of an international conference for this purpose in the fall of 2007.

“In resolution 61/25, the Assembly also called upon the parties themselves to exert efforts to halt the deterioration of the situation, to reverse all measures taken on the ground since 28 September 2000 and to immediately resume direct peace negotiations, and stressed the need for a speedy end to the reoccupation of Palestinian population centres and for the complete cessation of all acts of violence, including military attacks, destruction and acts of terror. Most regrettably, these calls remained unheeded and the situation continued to deteriorate. Moreover, despite the Israeli withdrawal from within the Gaza Strip and the international community’s call for the resolution of all remaining issues in the Gaza Strip, the situation there deteriorated to unprecedented lows as Israel continued to carry out attacks against the civilian population, to violate the Agreement on Movement and Access, and to keep Gaza under a total siege.

“Operative paragraphs 11, 12 and 13 of resolution 61/25 are very important. The complete cessation of Israeli violations of international law, including Israel’s illegal colonization campaign and all other violations and grave breaches, is imperative for salvaging the potential for peace.

“In this regard, the Assembly has called upon Israel to comply strictly with its obligations under international law and to cease all of its unlawful measures and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character and status of the Territory, including via the de facto annexation of land, and thus at prejudging the final outcome of peace negotiations. It also has demanded that Israel comply with its legal obligations under international law, as mentioned in the advisory opinion and as demanded in resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004. In addition, the Assembly has reiterated its demand for the complete cessation of all Israeli settlement activities and for the full implementation of the relevant Security Council resolutions. Regrettably, and much to the detriment of the search for a peaceful settlement, Israel, the occupying Power, has not complied with any of these demands and in fact continues to actively and flagrantly commit violations.

The Assembly must therefore continue to demand that Israel, the occupying Power, abide by international law and United Nations resolutions and cease all such illegal actions, and should seriously consider actions to compel it to comply.

“Operative paragraphs 14, 15 and 16 of resolution 61/25 are also central to this resolution and indeed to the peaceful settlement of the question of Palestine as a whole. The elements in these paragraphs constitute key requisites for achieving a just and lasting peace, and all efforts must continue to be exerted towards their fulfilment.

“The aid has become ever more crucial in light of the continued deterioration of socio-economic and humanitarian conditions over the past year, the deterioration of the economy and the degradation of Palestinian national institutions.

“Finally, we urge the Secretary-General to exert the efforts requested in operative paragraph 18, guided by the Charter and on the basis of international law and United Nations resolutions. Indeed, the United Nations as a whole has a permanent responsibility towards the question of Palestine until it is resolved in all its aspects, in accordance with international law. The United Nations should work concertedly to implement its relevant resolutions, which form the foundations for the achievement of a just, lasting and comprehensive peace.

“As resolution 61/25, regrettably, remains unimplemented, the General Assembly is duty-bound to continue pursuing efforts for a peaceful settlement of the question of Palestine via, inter alia, the implementation of the provisions of this important resolution. Serious efforts must be exerted to uphold the law, to bring an end to the Israeli occupation and to bring about the realization by the Palestinian people of their inalienable rights in their independent State of Palestine, with East Jerusalem as its capital, and to thus allow for the establishment of peace, stability and security for both the Palestinian and Israeli peoples, as well as the region as a whole. Accordingly, in light of the current critical situation, the international community must act collectively to compel Israel, the occupying Power, to comply with United Nations resolutions 242 (1967), 338 (1973) and all other relevant General Assembly and Security Council resolutions, to abide by its legal obligations under the Fourth Geneva Convention and the human rights covenants, to fully respect the advisory opinion of the International Court of Justice. Such action by the international community will tangibly contribute towards the promotion of the peace process and the ultimate achievement of a peaceful settlement of the question of Palestine.”

II. Observations

5. During the reporting period, political turmoil, violence and the creation of facts on the ground further undermined efforts to achieve a peaceful settlement of the question of Palestine. However, in a positive development, bilateral dialogue between the Israeli Prime Minister and the Chairman of the Palestine Liberation Organization resumed, in a context of renewed regional and international engagement, to help realize the vision of two States living side by side in peace and security.

6. The reporting period was marked by intense rivalry between Palestinians loyal to Fatah and to Hamas in Gaza, with efforts to bridge differences undermined by episodes of heavy violence. In February 2007, following a year of isolation of the Hamas-led Palestinian Authority Government, an agreement to form a national unity Government which respected the signed agreements of the Palestine Liberation Organization, was reached under the auspices of King Abdullah of Saudi Arabia. President Abbas subsequently tasked Prime Minister Hanniyeh to form a national unity Government.

7. The Quartet, which had stated in January 2006 that it was inevitable that assistance to any Palestinian Government would be reviewed by donors against the commitment of that Government to the principles of non-violence, recognition of Israel, and acceptance of previous agreements and obligations, encouraged progress in the direction of these principles. Some donors engaged the new Government, but most maintained a “wait and see” approach.

8. Regrettably, the agreement did not lead to significant alterations in the behaviour of security elements and militias. Heavy intra-Palestinian fighting resumed in May 2007. On 15 June, Hamas took control of the Gaza Strip, in fighting that shocked many by its brutality. President Abbas declared a state of emergency, dismissed Prime Minister Hanniyeh, and appointed Salam Fayyad as Prime Minister of an emergency Government.

9. Hamas refused to accept the appointment of the new Government and continued to assume control over the Gaza Strip. As the Palestinian Legislative Council failed repeatedly to convene to confirm or dismiss the emergency Government, owing to boycotts by either Hamas or Fatah, Prime Minister Fayyad was reappointed by President Abbas on 13 July to lead a caretaker Government. I believe that the Palestinian Authority remains the only legitimate authority, and that Gaza and the West Bank continue to form one single Palestinian territory. Without the de facto reintegration of Gaza under the Palestinian Authority, efforts to revitalize the peace process will be difficult to sustain.

10. In Israel, the Government faced difficulties throughout the reporting period due to political scandals and investigations into the conduct of the July 2006 conflict with Hezbollah. Prime Minister Olmert broadened his coalition in October 2006 by including the party Israel Our Home, which favours transfer of Palestinian citizens of Israel. In June 2007, the Labour Party, a partner in the governmental coalition, elected Ehud Barak as its leader. On 13 June, Shimon Peres was elected by the Knesset as Israel’s ninth president.

11. Violence between Israelis and Palestinians, as well as among Palestinians, continued into the seventh year since the collapse of the Oslo process. Altogether, 11 Israelis and 1,053 Palestinians lost their lives in the reporting period. I deplore the heavy internecine violence in Gaza, which has brought about a major increase in the number of Palestinians killed and injured by fellow Palestinians. I condemn acts of terrorism, including a suicide bombing in Eilat and Palestinian rocket fire from the Gaza Strip, which have continued during the reporting period, causing civilian casualties and damage in Israel, and have also targeted crossings into the Strip. I also deplore the continuation of Israeli military operations into the Gaza Strip, which lead to civilian casualties. While fully acknowledging the right to self-defence of Israel, I recall that this right must be exercised in accordance with international law, that civilians must be protected, and that an appropriate

mechanism of accountability must be in place. In this regard, I note with concern the continuation of the practice of extrajudicial killings of alleged Palestinian militants, which has often resulted in the deaths of innocent bystanders.

12. On 4 July, I was relieved when Alan Johnston, a British journalist who had been kidnapped by Palestinian militants in Gaza nearly four months before, was released. However, it is a matter of regret that Israeli Corporal Shalit, who was captured by Palestinian militants in June 2006, has not been released. I am grateful to the Government of Egypt for its efforts to secure his release and that of a number of the more than 10,000 Palestinian prisoners in Israel. I am also concerned by the continuing detention by Israel of nearly a third of all Palestinian legislators, and I call for their release.

13. The wide-ranging military operation initiated by the Israel Defence Forces in the Gaza Strip after the capture of Corporal Shalit continued until a ceasefire was reached in November 2006. This operation was marked by a deplorable incident on 8 November, when at least 18 Palestinians, nine of whom were children, were killed in their homes by Israeli fire in Beit Hanoun. The General Assembly, at its tenth emergency session, requested the Secretary-General to establish a fact-finding mission on the attack. In a letter to the President of the General Assembly dated 21 December, my predecessor informed her that the Israeli Government had not indicated that it would extend the necessary cooperation to the mission, and he regretted that he had been unable to dispatch the mission.

14. Israeli excavations surrounding a new link between the Mughrabi Gate to the Haram as-Sharif/Temple Mount in the Old City of Jerusalem led to incidents of civil disorder and tension both on the ground and regionally.

15. The continued Israeli creation of facts on the ground has also undermined the search for a peaceful settlement. The Government of Israel has continued to fail to meet its obligation under the road map calling for a comprehensive settlement freeze and the dismantling of outposts. I wish to emphasize that a halt to settlement expansion is a necessity for the creation of a contiguous and viable Palestinian State, and for the credibility of the process not to be undermined. During the reporting period, settlement development and construction has continued, with major construction taking place, and the number of settlers in the West Bank and East Jerusalem has increased by 5.5 per cent. Furthermore, none of the more than 100 outposts in the West Bank have been removed.

16. I continue to note with concern the route of the wall, particularly as it results in the confiscation of Palestinian land and cuts off the movement of people and goods, in contravention of Israel's legal obligations as set forth in the advisory opinion of the International Court of Justice of 9 July 2004. In accordance with the provisions of General Assembly resolution ES-10/17, I have continued efforts to establish the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. On 10 May 2007, I appointed three international experts as members of the Board of the Register of Damage. The Secretariat is also in the process of completing the recruitment of qualified staff and the establishment of the Office of the Register of Damage at the United Nations Office at Vienna. As detailed by the Office for the Coordination of Humanitarian Affairs, the route of the barrier and the nature of the closure regime in the West Bank are intimately related to the existence and continued expansion of settlements, in violation of the Fourth Geneva Convention.

17. It remains a source of great concern that the Agreement on Movement and Access of November 2005 has not been implemented. Exports from Gaza have totalled only a fraction of the agreed targets. Even before the more severe closure of Gaza crossings following the Hamas takeover, many factories had closed and farmers were unable to export crops. No progress has been reported on bus or truck convoys between the Gaza Strip and the West Bank, nor on plans to rebuild the Gaza seaport and airport. The number of the internal closures imposed by the Israeli authorities in the West Bank increased from approximately 400 at the time of the Agreement on Movement and Access, to 532 in August 2007, severely impeding normal economic activity.

18. During the reporting period, the European Commission, in agreement with the Quartet, renewed and expanded the mandate of the temporary international mechanism. Total assistance to Palestinians in 2006, excluding funds channelled by donors not following the Quartet principles, reached approximately \$1.2 billion, representing an increase of 10 per cent over 2005. Approximately €510 million, including a total European Union contribution of €485 million, was made available between June 2006 and August 2007 to the temporary international mechanism, thus helping the health and education sectors to continue to function, albeit with major disruptions. Humanitarian assistance also increased dramatically. In spite of this substantial effort, the deterioration of the situation made it clear that the temporary international mechanism could not be a substitute for the Palestinian Authority.

19. Consequently, the period before June 2007 was marked by an unprecedented fiscal crisis for the Palestinian Authority. As a result of the suspension of most direct international assistance and the withholding by Israel of the clearance revenue it collected on behalf of the Palestinian Authority, it faced a deficit of about 30 per cent of gross national product. This fiscal crisis in turn contributed to a serious decline in the delivery of public services. Most public schools in the West Bank remained closed for a prolonged period of time; public health facilities offered only limited services; and non-payment of the security services did not contribute to their effective functioning.

20. The takeover of Gaza by Hamas led to the absence of Palestinian Authority forces at the crossings, leaving the crossings mostly inoperable. I expressed my concern about the humanitarian and economic impact of this situation, and I reiterate my call on all parties to work constructively to operate the crossings. While humanitarian assistance is entering Gaza, it cannot suffice to stop the economic decline that results from the virtual inability to import raw materials essential for the production of industrial goods and construction, and export agricultural products and commercial goods. It is estimated that 90 per cent of Gaza's industrial capacity has been suspended and more than 70,000 workers have been laid off since June. Eighty per cent of the population in Gaza relies on food assistance from the United Nations.

21. The decision of the international community to re-engage with the Palestinian Authority during the summer of 2007, and the transfer by the Israeli Government of Palestinian tax revenues to the Palestinian Authority helped to ameliorate the latter's fiscal situation. As a result, Prime Minister Fayyad was able to pay full salaries to 160,000 Palestinian Authority employees for the first time in 15 months. In spite of this progress, the fiscal situation of the Palestinian Authority remains precarious, as its fiscal framework for 2007 shows a deficit for current operations of close to \$1.6 billion.

22. I welcome the renewal of international diplomatic efforts in the reporting period to help the parties resume dialogue and overcome the many obstacles to peace. United States President Bush renewed his commitment to a two-State solution in a speech on 16 July 2007, and announced the intention of the United States to convene an international meeting in the autumn. This initiative built on the efforts of United States Secretary of State Condoleezza Rice from the start of 2007 to facilitate regular meetings between Palestinian President Abbas and Israeli Prime Minister Olmert. The leaders have met on several occasions during the reporting period for substantive discussions.

23. I encourage the leaders to find genuine and substantive understandings on permanent status issues for the international meeting, together with an agenda on further steps, both diplomatic and on the ground. Such steps would build on those already taken, such as the transfer of withheld Palestinian tax revenues to the Palestinian Authority, the release of 256 Palestinian prisoners, and the agreement not to arrest 173 wanted persons. The additional steps must, inter alia, bring an end to settlement expansion and remove outposts, improve Palestinian Authority security performance, enhance security cooperation, ease the severe restrictions on freedom of Palestinian movement, and create new economic opportunities for Palestinians.

24. In helping to advance this agenda, former British Prime Minister Tony Blair, who was appointed as Quartet representative on 27 June, will have a vital role to play. He has taken up with admirable commitment his new functions to support Palestinian institutional reform and economic rejuvenation. The United Nations is committed to providing the necessary support to ensure the success of his mission.

25. I welcome the efforts of the League of Arab States and several Arab countries to advance regional efforts for peace. On 28 March in Riyadh, the League of Arab States reaffirmed the Arab Peace Initiative. A follow-up ministerial committee established working groups to engage international partners and Israel and create greater public awareness of the potential of the initiative, and in July the Ministers for Foreign Affairs of Egypt and Jordan travelled to Israel to engage the Government of Israel. I note also that the Syrian Arab Republic has continued to state its commitment to the Arab Peace Initiative.

26. I further welcome Norway's proposal to reactivate the ad hoc liaison committee, which has not met since December 2005. The next meeting, to be held in New York on 24 September 2007, will be an opportunity to discuss management of assistance to the Palestinians, financial support to the Palestinian Authority, and Palestinian institutional reform, in consultation with the Quartet representative. It will be a stepping stone towards a donor pledging conference planned for December. In this context, the Palestinian Authority is expected to publish a three-year medium-term expenditure framework by November 2007. I hope that this strategy will take into account the needs of all Palestinians, in the West Bank and in Gaza.

27. The United Nations has remained engaged at a political level. The Secretariat has provided monthly briefings to the Security Council on developments in the Middle East, as well as whenever the situation on the ground has demanded that the Council be kept urgently apprised. I travelled three times to the region since becoming Secretary-General. I also attended four meetings of the Quartet, which has been re-energized, and I will host a meeting of the Quartet in New York on 23 September 2007. Members of the follow-up committee of the League of Arab States on the Arab Peace Initiative will also meet with the Quartet. I am confident

that this round of consultations will be helpful in shaping the context for the international meeting this autumn and the intimately related work of Mr. Blair.

28. I take this opportunity to deplore any threat or violence exerted against United Nations staff and humanitarian workers operating in the Occupied Palestinian Territory in general. I am particularly concerned at the fact that Palestinian and international United Nations staff members have faced increasingly arbitrary treatment by Israeli authorities, and I am looking forward to improvements in this regard in the context of ongoing discussions with the Government of Israel. I am also concerned by Palestinian violence targeting United Nations personnel, as has occurred inside or in the immediate vicinity of United Nations installations, and elsewhere in Gaza. Two national staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) were killed and others were injured while serving the Palestinian people. I pay tribute to their memory.

29. In this difficult and challenging context, I want to praise the courage and dedication of the United Nations personnel serving in the Occupied Palestinian Territory. In particular, I am grateful to the Director of UNRWA Operations in Gaza, his staff and the security personnel, who remained at their posts throughout the height of the fighting in June 2007. I also wish to express my deep appreciation to Alvaro de Soto and Michael Williams, the previous and outgoing United Nations Special Coordinators for the Middle East Peace Process and my successive Personal Representatives to the Palestinian Liberation Organization and the Palestinian Authority, and the staff of their Office, as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, the staff of the Agency and all other United Nations agencies, funds and programmes, who continue to provide indispensable and remarkable service under demanding and sometimes dangerous circumstances.

30. At this juncture, I am encouraged by the renewed and substantive dialogue between the parties and the reaffirmed commitment of the international community, including regional partners, on the political and assistance aspects of the peace process. I am also reassured by the repeated polls that show that a majority of people on both sides support the realization of the two-State solution in a non-violent manner. However, I remain deeply conscious of the challenges, particularly in the light of the continued Israeli settlement policy, the de facto division of the Occupied Palestinian Territory, the challenge of improving Palestinian Authority security performance and rejuvenating its economy, and the potential for those who oppose progress in the peace process to try to derail it through violence. I stress that it is vital that Hamas cease any effort to establish separate rule in Gaza and that Palestinians find peaceful means to overcome their internal differences and unite towards peace under the Palestinian Authority.

31. As Secretary-General, I will continue to ensure that the United Nations works towards the creation of an independent, democratic, contiguous and viable Palestinian state living side by side in peace with a secure Israel, within the framework of a comprehensive regional settlement, consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.



**United
Nations**

**Secretary-
General**

New York

21 October 2014

Secretary-General's remarks to Security Council briefing on the Situation in the Middle East [as delivered]

I thank Argentina for organizing this important briefing session. As you know, I returned last week from Egypt, Israel and Palestine, which included my first visit to Gaza since this summer's conflict.

In Egypt, I attended the Conference on Palestine which focused on Gaza's reconstruction. I would like to thank the co-chairs, Egypt and Norway, for their leadership.

The event surpassed expectations with pledges from some 50 countries amounting to \$5.4 billion. It is important that these promises quickly materialize into concrete assistance on the ground.

The clock is ticking. \$414 million is immediately needed for humanitarian relief, \$1.2 billion for early recovery needs and \$2.4 billion for reconstruction efforts.

More than 100,000 residents of Gaza remain homeless with over 50,000 still sheltering in UNRWA school buildings. Many still lack access to the municipal water network. Blackouts of up to 18 hours per day are common.

Meanwhile winter is approaching.

I urge the international community to move quickly to deliver much needed assistance.

Nothing could have prepared me for what I witnessed in Gaza.

I saw mile after mile of wholesale destruction. I visited a United Nations school in the Jabalia refugee camp which was shelled during the hostilities. Civilians had sought protection under the UN flag.

Parents and children shared heart-wrenching accounts of suffering and pain.

I met a young man whose brothers and sisters perished in the blasts. He is now confined to a wheelchair having lost his legs.

I look forward to a thorough investigation by the Israeli Defence Forces of this and other incidents in which UN facilities sustained hits and many innocent people were killed.

I am planning to move forward with an independent Board of Inquiry to look into the most serious of those cases, as well as instances in which weaponry was found on UN premises.

Israelis also suffered during the conflict. I travelled to a kibbutz where I met the grieving family of a four-year-old child named Daniel who was killed by a Hamas rocket - another innocent victim of this mindless conflict. As I said in Gaza, firing rockets is unacceptable, and the rockets have brought nothing but suffering.

I also visited a tunnel built by militants to launch attacks.

I fully understand the security threat to Israel from rockets above and tunnels below. At the same time, the scale of the destruction in Gaza has left deep questions about proportionality and the need for accountability.

Despite the harsh reality on the ground, I left Gaza with a measure of hope.

During my visit to Gaza, the first supplies of urgently needed construction materials entered Gaza under the temporary mechanism brokered by my Special Coordinator.

If implemented in good faith, this mechanism can help bring stability to Gaza.

I also welcome the offer by Turkey of a ship to serve as a temporary power plant and Israel's positive consideration of this arrangement. This is the kind of action and cooperation needed now to alleviate the situation in Gaza.

Palestinians are taking critical steps to forge a united path to the future.

This includes an intra-Palestinian reconciliation agreement followed by a historic meeting in Gaza of the Cabinet of the Government of National Consensus. A united Palestinian Government is beginning to take shape.

During my visit, I met Prime Minister [Rami] Hamdallah and his Cabinet in Ramallah and Deputy Prime Minister [Ziad] Abu Amr and several Ministers in Gaza to further underscore UN support for a unified Palestinian leadership.

The national consensus government must be consolidated so it can assume its rightful responsibilities in Gaza, including deployment to the border crossings.

This is crucial, as effective management of Gaza's borders will facilitate the flow of construction materials into Gaza and allow the restoration of trade between Gaza and the West Bank.

Civil and administrative reform and other related issues must also become a priority to help unify the two separate strands of administration for the Gaza Strip.

I welcome the generous contribution by the Government of Qatar and the Emir, His Highness Sheikh Tamim bin Hamad Al-Thani, towards a one-time humanitarian payment by the end of this month in Gaza for a number of civil service employees.

Notwithstanding the immediate needs in Gaza, the situation in the West Bank demands renewed attention.

In my meetings in Jerusalem, I reiterated my deep concerns about plans to construct residential housing units in occupied East Jerusalem.

International law is clear: settlement activity is illegal. It runs totally counter to the pursuit of a two-state solution. I urge the Israeli Government to reverse these activities.

I also remain deeply concerned by unilateral actions, restrictions and provocations at the Holy Sites in Jerusalem.

I take note of Prime Minister [Benjamin] Netanyahu's personal assurance to me in Jerusalem of his Government's commitment to refrain from altering policies with respect to the Holy Sites that have been in place over many decades.

I am also concerned about mounting numbers of attacks by settlers and others as well as Israeli plans to "relocate" some 7,000 Palestinian Bedouins, the majority of whom are refugees, from their current locations in the central West Bank, including in the strategic E1 area.

Such an action, if implemented in a forcible manner, would be contrary to international human rights and humanitarian law.

The cycle of build and destroy must end.

The international community cannot be expected to continually pick up the pieces of another war and then pick up the bill.

As I said in Cairo, let this be the last Gaza reconstruction conference.

I welcome the planned resumption of indirect ceasefire talks between Israel and the Palestinians, under Egyptian auspices in Cairo. I also recognize positive steps by Israel to ease restrictions on movement and trade in the West Bank and Gaza. These must be further expanded.

But, as I repeated throughout my visit to the region, there is no hope for long-term stability in Gaza without addressing the underlying causes of the conflict: an end to the occupation that has grinded on for nearly half a century, a full lifting of the blockade on the Gaza Strip and effectively addressing Israel's legitimate security concerns.

Ultimately, long-term stability requires a comprehensive peace agreement leading to a viable and independent Palestinian state.

Leaders on both sides must overcome their differences and dispense with the unilateral initiatives that serve only to fuel mistrust and polarization. The two-state solution is the only viable option for a durable peace.

It is time for courage and vision to make the tough compromises that are needed now.

I challenge both sides to rise to the occasion.

Allow me to use this opportunity to also say a few words about Syria and Lebanon, neither of which can be considered in isolation from the broader context.

On Syria, last week I called on all parties to step up to protect civilians in the town of Ayn al-Arab/Kobane.

Ayn-al Arab/Kobane is just one of many places across Syria where civilians are under imminent threat.

In addition to the barbarity of ISIL or Daesh, the Syrian Government continues to brutally and indiscriminately attack populated areas, including with barrel bombs.

Our long-term strategic objective in Syria remains a political solution based on the Geneva Communiqué.

A purely military response to the vicious new threat posed by Daesh could ultimately contribute to the radicalization of other Sunni armed groups and spark a cycle of renewed violence.

I urge your full support for my Special Envoy's efforts to reduce the suffering of the Syrian people and contribute to a political solution.

In Lebanon, I am troubled by a dangerous escalation since the August attacks by Daesh and Nusra Front on Aarsal, the latest fighting earlier this month between the Nusra Front and Hizbullah outside the town of Brital.

I welcome efforts by Prime Minister [Tamam] Salam and Lebanese leaders to uphold national unity. The Lebanese parties should urgently demonstrate flexibility to open the way for the election of a President of the Republic of Lebanon without further delay.

In this context, the challenge of the refugee presence in Lebanon has become ever more complex. I welcome the upcoming meeting of the International Support Group for Lebanon in Berlin on 28 October.

Finally, I would like to underscore the importance of ensuring calm continues to prevail along the Blue Line. This is vital to the stability of Lebanon and the region.

I welcome the re-commitment by both Lebanon and Israel to their obligations under resolution 1701 and to cooperating fully with UNIFIL.

Thank you once again for this opportunity and thank you for your attention. Let us work together to bring long-sought peace and lasting stability to the people of the Middle East. Thank you.



**United
Nations**

**Secretary-
General**

Jerusalem, Israel

20 October 2015

Readout of the Secretary-General's meeting with MK Isaac Herzog, leader of the Zionist Union party in Israel, and MK Tzipi Livni

The Secretary-General met today with MK Isaac Herzog, leader of the Zionist Union party and leader of the opposition at the Knesset. The Secretary-General offered his condolences for the tragic deaths of Israeli citizens in recent attacks in Jerusalem, the West Bank and Israel.

He expressed his concern that unless urgent action is taken, dynamics on the ground will only get worse and the violence will be exploited by religious extremists.

The Secretary-General said that he is particularly concerned with the situation at Haram al Sharif/Temple Mount and the religious dispute over it, which has serious repercussions not only for Israel and Palestine but throughout the region. He underscored the importance of direct dialogue between Israel and Jordan, in line with previous agreements between the two countries, and in recognition of Jordan's special role.

The Secretary-General concluded that ultimately, only moving forward to restore a political horizon will end the recurring cycles of violence.

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**United
Nations**

**Secretary-
General**

Jerusalem

20 October 2015

Remarks at press encounter with Prime Minister Benjamin Netanyahu of Israel

Ban Ki-moon

Mr. Prime Minister, thank you very much for the warm welcome. Ladies and gentlemen, Shalom. I thank Prime Minister Benjamin Netanyahu for welcoming me on such short notice. These are difficult times for Israelis and Palestinians. I am here in the hope that we can work together to end the violence, ease the tensions, and begin to restore a long-term political horizon of peace.

I want to offer, first of all, my sympathy for the loss and injury of innocent victims. Allow me to express my condolences to you and the people of Israel for the killing of your citizens.

I deplore the random attacks against civilians. Such terror attacks make every place unsafe, and every person, regardless of gender or age, a potential victim. Tomorrow, I plan to meet with some of the families of the victims of the recent violence.

I understand the fear and the anger felt by many Israelis in the current environment, as well as the duty that weighs on you, Mr. Prime Minister, to ensure that your citizens can enjoy safety and security.

Clearly, those attacks by individuals are not taking place in a vacuum. Over the past weeks, I have been deeply troubled by statements from Palestinian militant groups, including Hamas and Islamic Jihad, praising such heinous attacks. In a recent call with President Abbas, I voiced my deep concern over instances of inflammatory rhetoric and urged all to refrain from it. I have also condemned the arson attack by Palestinian protesters against Joseph's Tomb last week, and I welcome President Abbas' condemnation of that incident.

I urge the Israeli Government to do its utmost to help calm the situation. I welcome the recent statements by you, Mr. Prime Minister, and members of your government and prominent rabbis expressing Israel's commitment to the preservation of the historic status quo at the Temple Mount/Haram al Sharif. I look forward to discussing with you how to uphold the status quo, in accordance with the agreements between Israel and Jordan and with respect to Jordan's special role as custodian. I urge you, Mr. Prime Minister, to engage with the King of Jordan directly. I am going to see His Majesty, the King of Jordan, on Thursday in Amman.

Mr. Prime Minister, the security challenges your Government is currently facing raise many complicated dilemmas and may require tightening of security measures. However, security measures can be counterproductive if they are applied without special efforts to defuse situations before people lose their lives. If the use of force is not properly calibrated, it may breed the very frustrations and anxieties, from which violence tends to erupt. I urge Israel, as a democratic state, to guard against such incidents and to conduct thorough investigations when necessary.

Israelis and Palestinians stand on the brink of another catastrophic period of violence. We need to keep the situation from escalation into a religious conflict, with potential regional implications. We must create the conditions for meaningful negotiations that will end the occupation and realize the aspirations of both peoples.

The only way to end this conflict is through negotiations that produce visible, meaningful results. Unilateral actions from either side will only perpetuate the downward spiral.

The leaders on both sides, and their peoples, face extremely difficult decisions on the road to peace. No one can take those decisions for them – but neither can the world wait and watch another deadly tragedy unfold.

The generation born after the Oslo Peace Accord expect and want peace. We cannot fail them.

I and my special coordinator on the ground, Mr. Nickolay Mladenov, are fully committed to working closely with your government and all the relevant actors regionally and internationally in order to create conditions for meaningful negotiations.

There can be no de-escalation of violence without a re-emergence of hope.

Toda raba (Thank you)!

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JAN ELIASSON

UNITED NATIONS DEPUTY SECRETARY-GENERAL

BRIEFING TO THE SECURITY COUNCIL
ON THE SITUATION IN THE MIDDLE EAST

22 OCTOBER 2015

The Israeli-Palestinian conflict has, once again, entered a dangerous phase. The eruption of violence gripping the occupied West Bank, including East Jerusalem, as well as Israel and Gaza shows no signs of abating. From 1 to 21 October, 47 Palestinians and seven Israelis have been killed. More than 5,000 Palestinians and some 70 Israelis have been injured.

We condemn, in the strongest terms, all attacks against Israelis and Palestinians alike. The recent wave of knife attacks and shootings is particularly appalling. There can be no justification for such despicable acts.

As he reported to the Council yesterday, the Secretary-General travelled to Israel, Palestine and Jordan where he met with senior Israeli and Palestinian officials and King Abdullah II. In all his exchanges he condemned and conveyed alarm at the upsurge in attacks and violence over the past two weeks and offered his deep condolences to the people of Israel and Palestine. He also had moving meetings with victims and their families on both sides.

The Secretary-General's visit had a clear goal: to support collective efforts to stop the violence, reduce the tensions and incitement, and begin to draw a political horizon that can lead to lasting peace and security. President Abbas and Prime Minister Netanyahu assured the Secretary-General that they are working to curb the violence, in particular through continued security coordination. Yet, while important, security measures alone will not suffice.

Let us be clear. There is no justification whatsoever for murder. That should not stop us from asking why the situation has deteriorated. This crisis would not have erupted, I suggest:

if the Palestinian people had a perspective of hope towards a viable Palestinian state,

if they had an economy that provides jobs and opportunities,

if they had more control over their security and the legal and administrative processes that define their daily existence – in short,

if the Palestinians did not still live under a stifling and humiliating occupation that has lasted almost half a century.

They see, instead, the growth of illegal settlements in the occupied West Bank, including East Jerusalem, which undermines the very possibility of a two-state solution and poses growing security risks to the Palestinian population.

They see the emergence of a parallel de-facto settler community, with better infrastructure, better services and better security than in Palestinian populated areas.

With every passing day their dream of real statehood is becoming more elusive. Nowhere is the frustration and anger at the current situation more evident than among the young people.

The current situation also, understandably, sharpens a sense of fear amongst the Israeli population. Israeli civilians see the recurrence of violence as seriously threatening their personal security, and their country's security. They are also alarmed over signs that anti-semitism is on the rise globally. We must understand these Israeli concerns. Israelis see growing attempts in the international community at what they believe aimed at "delegitimization" of the State of Israel. When confronted with a climate of terror, Israelis rightly expect their authorities to enforce security.

Taken together, the failed peace initiatives and the reluctance of leaders on both sides to take the bold steps necessary to make progress will create a highly combustible reality. A reality in which Israel's security concerns remain unmet and the Palestinian national struggle risks taking on an ever more violent dimension – and this in a region already wracked by violent, religious extremism.

The Secretary-General condemned the setting ablaze of Joseph's Tomb last week in the West Bank by hundreds of Palestinians. This was a shocking act of violence with the potential to lead to reprisals affecting other Holy Sites. The sanctity of all Holy Sites must be respected, especially so as to deny extremist elements any opportunity to transform the current situation into a religious conflict.

Tensions at the Holy Sites in the Old City of Jerusalem continue to be a dangerous driver of the current wave of violence. This year, during the holy month of Ramadan – the most quiet in ten years by the way – Jerusalem welcomed some three million visits by Muslim worshippers from the West Bank, Gaza and Jerusalem.

However, extremists on all sides have sought to disturb the historic status quo. Concerns among Muslims that this is under threat have been exacerbated by irresponsible incendiary statements. These have come from a number of sources and directions, reaching the point that many have become convinced that the Israeli government plans to violate the historic status quo.

The Secretary-General welcomes Prime Minister Netanyahu's repeated assurances, most lately during his visit, that Israel has no intention of changing the historic status quo at the Haram al Sharif/Temple Mount. But that message will only resonate if swift action is taken on the ground

that demonstrates this public commitment. In this regard, we welcome the Prime Minister's decision to ban Ministers and Knesset members from visiting the Holy Sites.

The Secretary-General encourages Israel and Jordan, in view of its special role as a Custodian of the Holy Sites, to act jointly and coordinate the necessary steps. This would be in line with their previous understandings to ensure that the historic status quo is preserved.

The shocking murders of the Dawabshe family in July and the lack of progress in arresting the perpetrators were another critical trigger of the current escalation. This incident reflects an increasing sense of critical exposure among Palestinians in the face of settler violence and reinforces their feeling of injustice.

It is imperative that Israel takes action to empower Palestinian institutions to protect vulnerable communities. It must vigorously address the perceived impunity for settler violence by expediting investigations and prosecutions of the Dawabshe family's killers.

The third factor perpetuating the fragile situation is the level of force used by Israeli security forces in countering some of the violence. A number of incidents, many caught on video and widely disseminated, call into question the degree of response, including the apparent disproportionate use of lethal force as a first resort.

The Secretary-General has reminded Israeli authorities that live fire should be used only as a last resort, in situations of imminent threat of death or serious injury. It is their duty to ensure a prompt and independent investigation into incidents where use of force has resulted in death or injury, and to ensure accountability where there is evidence of wrongdoing.

The Secretary-General is also concerned that Israeli authorities have resumed punitive demolitions, targeting the homes of perpetrators, or alleged perpetrators, of attacks against Israeli civilians and security forces.

Incitement is another factor significantly fueling the situation. While the leadership on both sides have tempered their rhetoric of late, misleading and inflammatory public statements continue to surface from all sides. The vitriolic nature of the public discourse is alarming. Every incident that takes place evokes impassioned narratives and counter-narratives that feed a vicious cycle of hatred and division.

Contrary to the shameful boasts by militant Palestinian groups, including members of Hamas, there is nothing "heroic" about the killing of an innocent man and the serious injury of his wife and two-year old child as they walked through Jerusalem's Old City. Or the stabbing of a 65-year-old woman near a bus station in Tel Aviv. Or the killing of an Israeli couple while driving with their four children. This is murder, full stop.

Crimes like these risk perpetuating the current climate of fear and mistrust. We call on all stakeholders, including the Palestinian leadership, to unequivocally condemn the violence and stand up publicly against extremism and incitement.

Failure to do so, on both sides, leaves the door open for extremists to aggressively promote their destructive agendas.

The first priority for all of us must be de-escalation. Let me emphasize again, as the Secretary-General did yesterday, that the violence is rooted in the absence of a genuine political narrative and political horizon. Each month we have conveyed to this Council the reality on the ground that is the backdrop of this latest outbreak. Efforts must be amplified from all quarters to restore Palestinian and Israeli hope that peace is still possible. We must urgently achieve real progress towards a negotiated two-state solution.

To do so we must see significant change of policies, consistent with prior agreements, which will strengthen the Palestinian institutions, economy and security. This would help create the conditions for the parties to return to meaningful negotiations. We need to hear Palestinian leaders address sincerely Israelis' legitimate security concerns and see them take steps to end incitement.

To this end, the Middle East Quartet Envoys must continue their outreach to regional and international partners to examine how they may contribute to a comprehensive resolution of the conflict. The Envoys are planning visits to Israel and Palestine in the coming period.

In closing, Palestinians and Israelis deserve a future free from the fear of repeated new rounds of violence. Establishing the beginning of trust between the parties is key to overcoming the painful legacy of this conflict. The United Nations will continue to work at the side of Israelis, Palestinians and international partners to advance this crucial goal towards peace and reconciliation.

I thank you.



Security Council

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Implementation of Security Council resolution 2334 (2016)

Report of the Secretary-General

I. Introduction

1. The present report is the twenty-fourth quarterly report on the implementation of Security Council resolution 2334 (2016), covering the period from 21 September to 7 December 2022.

II. Settlement activities

2. In its resolution 2334 (2016), the Security Council reaffirmed that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, had no legal validity and constituted 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. The Council reiterated 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 that regard. No such steps were taken during the reporting period, as settlement activities continued.

3. On 23 November, the Supreme Court of Israel rejected a petition by an Israeli non-governmental organization and Palestinian landowners against the allocation of land, which has been declared by Israel as “State land”, for a new settlement known as Givat Eitam, near the existing settlement of Efrat. The decision allows the process planning for the new settlement to begin. If built, the settlement will impede the contiguity between Bethlehem and the southern occupied West Bank, further undermining the territorial integrity of a future Palestinian State, as well as Palestinian development in the area.

4. Demolitions and seizures of Palestinian-owned structures continued across the occupied West Bank, including in East Jerusalem, throughout the reporting period. Israeli authorities, citing the lack of Israeli-issued building permits, which remain almost impossible for Palestinians to obtain, demolished, seized or forced people to demolish 199 structures. The demolition of those structures resulted in the displacement of 196 persons, including 106 children, and affected 700 other persons.

5. A total of 6 per cent of the structures were demolished or seized with no or very short prior notice on the basis of military order 1797, which authorizes an expedited process for the demolition of unauthorized “new structures” in Area C and gives



owners 96 hours to demonstrate possession of a valid building permit. Another 10 structures were demolished by their owners following receipt of demolition orders. Of the structures that were demolished or seized, some 20 were funded by international donors.

6. On 2 October, the High Court of Justice of Israel rejected a petition for an additional hearing on its 4 May ruling on Masafer Yatta allowing for the eviction of 12 Palestinian herding communities, which comprised more than 1,150 residents, including more than 500 children, in the southern occupied West Bank. The rulings authorized the Israeli military to train in the “firing zone” located on some 7,400 acres of privately owned Palestinian land.

7. On 3 October, the High Court of Justice granted the Government of Israel a postponement until 1 February 2023 for its response to a petition aimed at compelling Israeli authorities to implement their previous decisions to evacuate the Bedouin village of Khan al-Ahmar, in Area C of the occupied West Bank.

8. On 23 November, Israeli authorities demolished a donor-funded school in Masafer Yatta. Construction of the school had recently been completed for children who previously had to walk several kilometres through settlement areas to attend school.

9. On 13 November, the Jerusalem District Court announced that it had rejected an appeal by a Palestinian family to cancel eviction orders seeking to remove the family from its homes in the Batan al-Hawa section of Silwan in favour of a settler organization. The family is one of 85 in Batan al-Hawa facing displacement.

10. Overall, in occupied East Jerusalem, at least 218 Palestinian households comprising 970 people, including 420 children, are facing eviction cases in Israeli courts. Most cases were initiated by Israeli settler organizations and are based on the application of Israeli laws that allow for properties in East Jerusalem that were owned by Jews prior to 1948 to be reclaimed. No similar law allows Palestinians to reclaim their property in Israel.

III. Violence against civilians, including acts of terror

11. In its resolution [2334 \(2016\)](#), the Security Council called for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, called for accountability in that regard, and called 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.

12. Violence increased significantly and continued on a daily basis during the reporting period, including clashes between Palestinians and Israeli security forces, high levels of settler-related violence, attacks and alleged attacks by Palestinians against Israelis, and operations by Israeli security forces, including the use of lethal force.

13. In total, 56 Palestinians, including 12 children, were killed by Israeli security forces during demonstrations, clashes, security operations, attacks and alleged attacks against Israelis, as well as in other incidents. Some 1,830 Palestinians, including 75 women and 168 children, were injured. Of that number, 239 were injured by live ammunition, while 1,275 were injured owing to tear gas inhalation. In addition, Israeli settlers or other civilians perpetrated some 264 attacks against Palestinians, resulting in 103 cases of injury and/or damage to Palestinian-owned property.

14. A total of seven Israeli civilians, including one child, as well as two members of Israeli security forces, were killed. In all, 46 civilians, including 3 women and 3 children, as well as 19 members of Israeli security forces, were injured by Palestinians in attacks, clashes, rock- and Molotov cocktail-throwing, and other incidents. The majority of them were stone-throwing attacks against Israelis, including settlers, that resulted in injuries or damage to Israeli-owned property.

15. Israeli security forces conducted more than 765 search-and-arrest operations, resulting in the detention of more than 826 Palestinians, including some 54 children.

16. On 28 September, five Palestinians, including a 12-year-old-boy, were killed by Israeli security forces, and more than 50 Palestinians were injured by live ammunition in the context of an exchange of fire during an Israeli arrest operation in the Jenin refugee camp.

17. On 3 October, Israeli security forces opened fire on a Palestinian vehicle near the Jalazone refugee camp, near Ramallah, killing two Palestinian men and injuring another. The three were workers who regularly commuted along the route. Israeli security forces said that they had shot at the vehicle after an attempted ramming attack. The injured man, who was released without charges from Israeli custody on 13 October, said that the Israeli personnel shot at them from various directions as the vehicle was turning around.

18. On 8 October, Israeli security forces shot and killed a 17-year-old Palestinian and injured another 17-year-old in al-Mazra'a al-Gharbiyah, near Ramallah. The shooting occurred after the boys threw stones at Israeli security forces in the context of a protest against a settlement outpost.

19. Amid a spate of shooting attacks against Israelis, in October, Palestinians shot and killed two Israeli soldiers. On 8 October, an Israeli soldier was killed at a checkpoint outside the Shu'fat refugee camp, in occupied East Jerusalem. The Al-Aqsa Martyrs Brigade claimed the attacker as a member. On 19 October, the suspected perpetrator was shot and killed in an exchange of fire with an Israeli guard at the entrance of Ma'ale Adummim settlement. On 11 October, a second Israeli soldier was killed in a drive-by shooting near Nablus. The Lions' Den Brigades, a group of armed Palestinians based in Nablus, claimed responsibility for the attack.

20. On 23 October, an explosive device placed in a motorcycle killed a senior member of the Lions' Den. On 25 October, four Palestinians, including two unarmed bystanders, were shot and killed during an Israeli military operation in the Old City of Nablus. Israeli authorities said that they had been targeting an explosives workshop belonging to the Lions' Den and that a senior member of the group was among those killed. During the operation, another Palestinian was killed when his car exploded; Israeli authorities denied responsibility. Subsequently, thousands of Palestinians in Nablus and across the occupied West Bank protested against the deaths of the five Palestinians. During one related clash, a Palestinian man was shot and killed by Israeli security forces in Nabi Salih village.

21. On 25 October, a Palestinian stabbed an Israeli civilian, who later died of his injuries, in Funduq village, near Qalqilyah, in the occupied West Bank.

22. On 28 October, Israeli security forces shot and killed two Palestinian men, later identified as members of the Palestinian civil defence, and injured two others at Huwwarah checkpoint, near Nablus. Israeli authorities said that their personnel had returned fire after one of the men shot towards the checkpoint. The circumstances of the incident remain unclear.

23. On 29 October, a Palestinian shot and killed an Israeli civilian and injured three others near the Qiryat Arba' settlement in Hebron. According to video footage, the

assailant was subsequently rammed with the vehicle of a settlement guard and then shot and killed by an off-duty Israeli soldier. One Palestinian was injured by live ammunition fired by Israeli security forces during the incident.

24. On 30 October, a Palestinian conducted ramming attacks at two different junctions near Jericho, injuring five Israeli soldiers. The man was subsequently killed by Israeli security forces.

25. On 2 November, a Palestinian rammed and injured an Israeli soldier at Bayt Awr al-Fawqa checkpoint, near Ramallah. The man then exited his vehicle and wielded an axe before being killed by an Israeli soldier.

26. On 3 November, during a search-and-arrest operation in Janin, Israeli security forces shot and killed a Palestinian suspected of involvement in the earlier killing of a member of Israeli security forces. The man was later claimed as a commander by Palestinian Islamic Jihad. Amid a subsequent armed exchange, a 14-year-old boy was shot and killed by Israeli security forces, reportedly after having fired at Israeli security forces personnel, and three other Palestinians were injured by live ammunition.

27. On 3 November, a 20-year-old Palestinian man stabbed and injured two Israeli security forces personnel in the Old City of Jerusalem. The man was subsequently killed by Israeli security forces. That same day, Israeli security forces shot and killed a Palestinian man during confrontations in the context of a search-and-arrest operation in Bayt Duqqu village, near Jerusalem.

28. On 5 November, Israeli security forces shot and killed an 18-year-old Palestinian and seriously injured a 16-year-old Palestinian boy after the Palestinians threw stones towards Israeli vehicles near Sinjil village, in Ramallah.

29. On 9 November, a 15-year-old Palestinian boy was killed, reportedly while placing an explosive device that detonated, and 60 others were injured by Israeli security forces – 57 by tear gas and 3 by rubber bullets – during armed clashes between Palestinians and Israeli security forces in Nablus. The clashes began after Palestinians reportedly threw stones and explosive devices towards a group of Israelis, including members of Knesset, who were visiting the nearby Joseph's Tomb, accompanied by Israeli security forces.

30. On 14 November, Israeli security forces killed a 15-year-old Palestinian girl with autism and injured a Palestinian man in a search-and-arrest operation in Baytunya, near Ramallah. Israeli security forces said that they had opened fire towards a suspicious vehicle that was accelerating towards them. Palestinian witness accounts and video footage indicated that the car was moving slowly when Israeli security forces opened fire. The injured Palestinian man was taken to the hospital and released on 17 November without charges being pressed.

31. On 15 November, a 19-year-old Palestinian stabbed and killed two Israeli civilians and injured another near the Ariel settlement, stole the car of one of his victims, using it to ram and kill a third Israeli civilian, and then stabbed and injured another person. The man was subsequently killed by Israeli security forces.

32. On 21 November, a 17-year-old Palestinian boy was killed, reportedly a bystander, and three others were injured by Israeli security forces during a search-and-arrest operation near the Jenin refugee camp, in which Israeli security forces reportedly launched a shoulder-fired missile and exchanged fire with armed Palestinians.

33. On 23 November, two bombs exploded at separate bus stops in Jerusalem. Two Israeli civilians were killed, including a 16-year-old Israeli-Canadian boy, and 13 others were injured, 3 seriously. According to Israeli authorities, the explosions were caused by explosives planted at the sites.

34. On 23 November, Israeli security forces killed two Palestinians, including a 16-year-old boy, and injured 210 others during clashes in Nablus. The clashes occurred after Palestinians reportedly threw stones and other projectiles towards a group of Israelis who were visiting Joseph's Tomb.
35. On 28 November, Israeli security forces killed a Palestinian man in the context of armed clashes in Bayt Ummar, near Hebron. Twenty-one Palestinians were injured by live ammunition. At the time that he was killed, the man was videorecording the clashes.
36. On 29 November, Israeli security forces shot and killed a Palestinian man in Mughayyir, near Ramallah. Israeli authorities stated that the man had thrown a petrol bomb at them. Video footage and eyewitness accounts indicated that the man was running away when he was shot.
37. Also on 29 November, Israeli security forces shot and killed two Palestinians in Kafr Ayn, near Ramallah, one of whom was reportedly carrying a Molotov cocktail.
38. On 1 December, Israeli security forces shot and killed two Palestinian men with live ammunition during armed clashes in Janin.
39. On 2 December, a Palestinian man was shot and killed in Huwwarah. Video footage appeared to indicate, and eyewitnesses stated, that the man was unarmed and resisting arrest at the time that he was shot. Israeli authorities stated that the man was armed with a knife while attempting to break into a civilian vehicle in which there were two Israelis and that he subsequently stabbed a member of Israeli security forces.
40. On 5 December, Israeli security forces shot and killed a Palestinian man and injured six others with live ammunition during a search-and-arrest operation in the Dheisheh refugee camp, in Bethlehem, in the context of stone-throwing at Israeli security forces.
41. Settler-related violence increased twofold over the same period in 2021 against the backdrop of the olive harvest in the occupied West Bank.
42. On 12 October, a group of Israeli settlers, reportedly accompanied by Israeli security forces, set fire to Palestinian agricultural structures in Qusra, killing approximately 30,000 chickens. Subsequently, Israeli security forces clashed with Palestinians in the area; two Palestinians were injured with live ammunition.
43. On 18 November, a group of Israeli settlers, accompanied by Israeli security forces, attacked Palestinians whose livestock were grazing near Badiw al-Mu'arrajat Centre, a Bedouin community east of Ramallah. A 14-year-old Palestinian was injured.
44. On 18 and 19 November, approximately 35,000 Israelis, many of them settlers, visited Hebron to attend a religious festival. During the event, hundreds marched through the Palestinian-administered H1 area of Hebron, chanting nationalistic slogans and flying Israeli flags. Tensions escalated in the H2 area of Hebron as settlers threw stones, attacked Palestinian houses and businesses and smashed the windows of two mosques. One Palestinian was injured by settlers, and six were injured by Israeli security forces. One member of Israeli security forces was injured in clashes with settlers.
45. Since the start of the harvest season, at the beginning of October, at least 60 incidents have been recorded, in which 49 Palestinian harvesters have been injured, and more than 3,600 olive trees have been damaged or had their harvest stolen. Some Palestinian farmers have also faced challenges in gaining access to their groves behind the separation barrier or in the vicinity of settlements, which requires Israeli approval.

46. On 19 October, some 50 Israeli settlers attacked Palestinian farmers and Israeli activists gathering olives near the Ma'ale 'Amos settlement, south-east of Bethlehem. One 70-year-old Israeli woman was beaten and injured, and more than 300 olive trees were destroyed.

47. On 3 November, some 30 Israeli settlers attacked a Palestinian family with stones, batons, steel pipes and dogs as the family was harvesting olives on their land near the Asfar settlement, south of Bethlehem. Six Palestinians, including an older man and woman, were injured.

48. In and around the holy sites in the Old City of Jerusalem, which saw increased numbers of Israeli visitors to mark the Jewish High Holidays in October, tensions remained. In advance of the holidays, Israeli authorities imposed strict security measures around the sites, arresting dozens of Palestinians. Israeli police also arrested several Israeli activists who had sought to hold Jewish prayers at a cemetery adjacent to the holy sites, citing the potential for such actions to lead to violence. Sporadic clashes erupted between Israeli security forces and Palestinians in the area throughout the holidays, but no major outbreaks of violence were reported.

49. In the Gaza Strip, Palestinian armed groups launched five rockets from Gaza towards Israel, three of which fell short within the Strip and one of which was intercepted by the Israeli air defence system. In retaliation, the Israel Defense Forces conducted 11 air strikes against what it said were militant targets in Gaza, with no injuries reported.

IV. Incitement, provocations and inflammatory rhetoric

50. In its resolution [2334 \(2016\)](#), the Security Council called 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.

51. Some Fatah officials and social media pages praised and glorified perpetrators of previous attacks against Israelis, while Hamas and Palestinian Islamic Jihad issued statements praising the deadly terrorist attacks in Jerusalem of 23 November, in which two Israeli civilians were killed. Some Palestinian Authority officials denied the right of Israel to exist, as well as the historical and religious connection of Jews to the land and its holy sites.

52. An Israeli Minister called members of Israeli Arab Knesset parties “terrorists in suits”, saying that they should be banned from the Knesset, while another senior member of Knesset called the Israeli Arab parties “terrorism supporters”. Another member of Knesset called upon the Government of Israel to use live fire against Palestinians protesting and clashing with the Israeli security forces in occupied East Jerusalem, calling them “terrorists”, and in another incident brandished a gun against Palestinian protestors, some of whom had thrown stones, calling upon Israeli police to shoot them. Another member of Knesset called for changing the status quo at the holy sites in Jerusalem, saying, “we are going return to the days when the Temple Mount was truly in our hands”.

V. Affirmative steps to reverse negative trends

53. In its resolution 2334 (2016), the Security Council called for affirmative steps to be taken immediately to reverse the negative trends on the ground that were imperilling the two-State solution. Notwithstanding some positive steps, negative trends on the ground continued during the reporting period.

54. On 13 November, an important step was taken in support of the fishing sector in Gaza as dual-use materials for the repair of fishing boats entered the Gaza Strip for the first time since 2007. This development, facilitated by the United Nations and Palestinian and Israeli authorities, will support the revitalization of a decimated fishing sector, contributing to the employment of and income generation for a vulnerable population in Gaza.

55. Some easing of movement restrictions on people and goods between Gaza and Israel continued. Since the end of the escalation of May 2021, Israeli authorities have issued a total of 18,200 permits for Gaza residents to work and do business in Israel, the highest number since 2007. The daily average of truckloads of goods, excluding fuel, entering and exiting Gaza through the Kerem Shalom crossing during the reporting period – 298 and 17, respectively – represents a 23 per cent and a 13 per cent decline compared with during the same reporting period in 2021. However, overall, for 2022, the total volume of goods exiting Gaza through Kerem Shalom increased by nearly 50 per cent. Through the Rafah Crossing to Egypt, the reporting period witnessed a 148 per cent increase in the daily average of trucks entering and a 3 per cent decline in the daily average of goods exiting Gaza compared with the same reporting period in 2021.

56. Notwithstanding some improvements, access restrictions continued, affecting the delivery of humanitarian and development programming in Gaza. Currently, nearly 300 staff of the United Nations and implementing partners have either been denied their permit applications or have not yet received a response thereto. Access restrictions also continued to affect patients in Gaza in need of medical care. During the reporting period, there were 4,544 permit applications of patients to reach health facilities outside the Gaza Strip. The approval rate was 70 per cent, with just under 1 per cent denied and 29 per cent delayed, meaning that patients received no definitive response to their application by the date of their hospital appointment.

57. Since the most recent escalation of violence in Gaza, on 5 August, which resulted in the total destruction of 26 houses and damage to 1,543 housing units, only 121 damaged units have been repaired owing to a lack of funding. As a result, 150 families – a total of 850 individuals, including nearly 400 children and 200 women – remain displaced. Approximately \$3 million is needed for the reconstruction and repair of those houses.

58. In addition, little progress has been made towards construction and the repair of damages incurred during the escalation of 2021, with only 213 of 1,688 destroyed housing units rebuilt. While work to rebuild 831 totally destroyed units is in progress, the complete reconstruction of another 644 units faces a funding gap of \$39 million, and \$10 million is needed for the repair of 12,031 partially damaged units. Meanwhile, 600 units, which were totally destroyed in the 2014, 2018 and 2019 conflicts, await reconstruction.

59. In the occupied West Bank, on 20 October, Israeli authorities began to implement a pilot phase of new regulations governing the entry of certain foreign passport holders into the occupied West Bank, formally differentiating between travellers visiting only the Occupied Palestinian Territory and those visiting Israel as well.

60. On 5 November, in Ramallah, the Palestinian security forces prevented the holding of a civil society conference to discuss reform of the Palestine Liberation Organization and detained two organizers. On 8 November, the Palestinian security forces halted a follow-up event and threatened to use force against the organizers.

61. Between 6 and 10 November, the Israeli authorities opened the Allenby Bridge border crossing between the occupied West Bank and Jordan 24 hours a day in a pilot programme that was meant to lead to the permanent opening of the crossing at all hours. This step, announced during the recent visit of the President of the United States of America, Joseph Biden, to the region, was intended to reduce delays that Palestinians faced when entering or leaving the occupied West Bank through Jordan.

62. On 29 November, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) stated that it had identified a human-made cavity underneath the grounds of one of its schools in Gaza. The Agency immediately took measures to render the school safe, including by permanently sealing the cavity, and condemned the presence of such a structure to the relevant authorities in Gaza. The presence of such a cavity was a serious violation of the inviolability of United Nations premises and a breach of international law. It exposed children and United Nations staff to significant security and safety risks.

VI. Efforts by the parties and the international community to advance the peace process and other relevant developments

63. In its resolution [2334 \(2016\)](#), the Security Council called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967. No such steps were taken during the reporting period.

64. Also in its resolution [2334 \(2016\)](#), the Security Council called 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 urged in that 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 road map, and an end to the Israeli occupation that was begun in 1967. The Council underlined 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.

65. On 21 September, on the margins of the general debate of the General Assembly, the Ministers for Foreign Affairs of Egypt, France, Germany and Jordan met in the presence of the High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, and the United Nations Special Coordinator for the Middle East Peace Process. As noted in the joint ministerial statement issued after the meeting, the Ministers met “with a view to advancing the Middle East peace process towards a just, comprehensive and lasting peace on the basis of the two-State solution”. They also, inter alia, called for the resumption of “direct, serious, meaningful and effective negotiations between the parties at the earliest possible point in time” and for “an immediate and complete cessation of all unilateral actions”.

66. On 13 October, following an interfactional dialogue hosted by the Government of Algeria, 14 Palestinian factions, including Fatah and Hamas, signed the Algiers declaration, in which the factions agreed, inter alia, to “resolve differences in the Palestinian arena with the aim of full national affiliation with the Palestine Liberation

Organization as the sole legitimate representative of the Palestinian people”. The participants also called for “the holding of presidential and legislative general elections in the Gaza Strip and the West Bank, including Jerusalem ... within a period not to exceed one year from the date of signature of this declaration”.

67. In Algiers, on 1 and 2 November, the League of Arab States held its first Summit since 2019. In their final statement, Arab leaders affirmed, inter alia, the “centrality of the Palestinian cause, including their right to freedom, self-determination and the establishment of the independent and fully sovereign State of Palestine on the lines of 4 June 1967, with East Jerusalem as its capital”. It was noted in the statement, that the Israeli-Palestinian conflict should be resolved “on the basis of land for peace”, and support was expressed for the 2002 Arab Peace Initiative.

VII. Observations

68. I remain deeply concerned by continued illegal Israeli settlement activity in the occupied West Bank, including East Jerusalem. Settlements have no legal validity and constitute a flagrant violation of international law and United Nations resolutions. They further entrench Israel’s military occupation of Palestinian territory, undermine the legitimate rights of the Palestinian people to self-determination and sovereignty, encroach on Palestinian land and natural resources, and hamper the free movement of the Palestinian population. They undermine the prospect of achieving a two-State solution by systematically eroding the possibility of establishing a contiguous, independent, sovereign and viable Palestinian State. I call upon the Government of Israel to cease all settlement activity immediately, in line with its obligations under international law.

69. The reporting period saw no advancements of housing units in the occupied West Bank, including East Jerusalem. However, the total number of settlement housing units advanced in 2022 remains high, albeit slightly lower than in 2021. Overall, during the year, in Area C, some 4,800 units were advanced compared with some 5,400 in 2021, while tenders decreased, from 1,800 in 2021 to 150 in 2022. However, in occupied East Jerusalem the number of housing units that were advanced tripled from the previous year – from some 900 units in 2021 to some 3,100 units in 2022, with tenders also doubling, from 200 to 400.

70. I remain deeply concerned by the continued demolitions and seizures of Palestinian structures, in particular the demolition of a school in Masafer Yatta and the stated intention of Israeli authorities to demolish additional structures in the herding communities of Masafer Yatta, which would exact a significant humanitarian toll if implemented. Demolitions and forced evictions entail numerous human rights violations and raise concerns about the risk of forcible transfer. I call upon the Government of Israel to immediately end the demolition of Palestinian-owned property and prevent the possible displacement and forced eviction of Palestinians, in line with its international obligations, and to approve plans that would enable those communities to build legally and address their development needs.

71. I am increasingly concerned about several consequential settlement-related legal developments in 2022. They include the legal opinion of the Attorney General of Israel enabling the advancement of settlement plans in the partially evacuated outpost of Evyatar and the potentially precedent-setting reversal by the Supreme Court of Israel of its 2020 ruling ordering the evacuation of settlers from the illegal outpost of Mitzpeh Kramim. In addition, two rulings by the Supreme Court postponed the eviction of Palestinian families from their homes in the Shaykh Jarrah and Silwan neighbourhoods of occupied East Jerusalem. The rulings may also help to delay dozens of other eviction cases in these neighbourhoods.

72. All figures point to an inevitable conclusion that there has been a sharp increase in violence against civilians on both sides. I remain gravely concerned by this trend, which risks a further deterioration of the security situation on the ground and undermines a peaceful resolution of the conflict. The violence must stop, and all perpetrators must be held accountable. I condemn all acts of terrorism and violence against civilians, which must end and be rejected and condemned by all. I call upon political, religious and community leaders on all sides to help to calm the situation, to avoid spreading inflammatory rhetoric and to speak up against those seeking to incite and escalate the situation.

73. The high levels of settler-related violence over the past year, in particular reports of armed settlers carrying out attacks against Palestinians, sometimes in proximity of Israeli security forces, is alarming. In 2022, four Palestinians were killed in settler-related violence, the same number as in 2021. Settlers are rarely held accountable for such attacks, increasing the level of threat to Palestinians and their property. I urge Israel, as the occupying Power, to ensure the safety and security of the Palestinian population and to investigate and hold the perpetrators of the attacks accountable.

74. The year 2022 has been the deadliest for Palestinians in the West Bank since the United Nations began to track fatalities, in 2005. I condemn the killing of Palestinians by Israeli security forces in incidents in which they did not appear to present an imminent threat to life, raising concerns regarding the possible excessive use of force. Approximately 58 per cent of Palestinian fatalities across the occupied West Bank in 2022 occurred during military operations or search-and-arrest operations, in many cases involving armed exchanges with Palestinians. Security forces must use lethal force only when strictly unavoidable to protect life and must promptly and thoroughly investigate all instances of death or injury resulting from its use and hold those responsible accountable.

75. I also condemn the killing of Israeli civilians by Palestinians, including in terrorist attacks. The year 2022 has been the deadliest since 2015 for Israeli civilians killed in attacks in Israel and the occupied West Bank. An increase in the use of small arms by Palestinians against Israeli security forces and civilians has also been witnessed.

76. I am particularly appalled that children continue to be victims of violence. The year 2022 has tragically witnessed the killing of 42 Palestinian children and 1 Israeli child. Children must never be the target of violence or be put in harm's way. I am also concerned that Palestinian children continue to be arrested in large numbers and held for prolonged periods of time, including in administrative detention. To date, 6,085 Palestinians, at least 452 of whom are children, have been arrested by Israeli forces in 2022 – the highest number of detainees since 2008 – and the number of those held under administrative detention has more than doubled in the past two years. I reiterate my call for Israel to use detention as a measure of last resort and for the shortest appropriate period, to prevent all forms of ill-treatment in detention and to end the administrative detention of children, who are entitled to special protection.

77. I condemn the indiscriminate launching of rockets, including from highly populated residential neighbourhoods in Gaza, towards Israeli population centres, which is prohibited under international humanitarian law and must stop immediately.

78. The fate of two Israeli civilians and the bodies of two Israel Defense Forces soldiers held by Hamas in Gaza remain an important humanitarian concern. I call upon Hamas to provide information on their status, as required under international humanitarian law, and to return the withheld bodies to their families.

79. I remain concerned by the continued Israeli practice of holding the bodies of killed Palestinians, totalling 119, including 2 women and at least 12 children,

according to available data. I call upon Israel to return the withheld bodies to their families, in line with its obligations under international humanitarian law.

80. In Gaza, a fragile calm is being maintained, but the risk of escalation persists. Efforts by the United Nations and international partners, including Egypt and Qatar, to improve Palestinian lives, as well as measures by Israel to ease pressure and facilitate more economic activity, have enabled the ceasefire to hold. While progress has been made, restrictions and delays continue to affect humanitarian and development efforts, as well as important sectors of the economy. Much more remains to be done. Notwithstanding efforts made over the past months, more needs to be done to alleviate the humanitarian situation, improve the economy and lift the debilitating Israeli closures, in line with Security Council resolution 1860 (2009). Only sustainable political solutions will restore hope to the long-suffering population of Gaza.

81. I remain seriously concerned about the financial situation of UNRWA, which is putting the delivery of essential services, including education, health and social protection, to Palestine refugees in the Occupied Palestinian Territory and the region at risk. This includes a projected funding gap of between \$50 million and \$80 million. As the West Bank witnesses the highest level of violence in years, UNRWA remains one of the few stabilizing elements in the lives of thousands of Palestinians. I reiterate my urgent call to provide UNRWA with the funds needed to fully deliver on its mandate from the General Assembly.

82. While needs across the board are on the rise and require a scaled-up humanitarian response, the World Food Programme is facing a significant decline in bilateral financial support, putting at risk its ability to maintain critical food and cash assistance to some 435,000 of the most vulnerable food-insecure people across the occupied West Bank, including East Jerusalem, and the Gaza Strip. The World Food Programme needs \$35 million over the next six months to be able to continue this support, with urgent funding needed to prevent the imminent suspension of electronic food voucher assistance to 180,000 people.

83. The multiple instances in which officials have used dangerous and hateful rhetoric, which has the potential to increase tensions and spark violence, are disturbing. Terrorism, violence and incitement must be clearly condemned and unequivocally rejected by all, never celebrated or amplified.

84. I reiterate and amplify my call to the parties for the status quo at the holy sites in Jerusalem to be respected and upheld, taking into account the special and historic role of Jordan as custodian of the Muslim and Christian holy sites in Jerusalem.

85. The actions taken by the Palestinian authorities in the occupied West Bank and Gaza to restrict freedom of expression and assembly are worrying. I call upon the authorities to halt any measures that infringe on these freedoms, which are critical to ensuring effective public participation.

86. I am increasingly concerned by the fragility of the current political and security dynamics, in particular in the occupied West Bank, including East Jerusalem. The deepening occupation, the increase in violence and terrorism, and the absence of a political horizon have empowered extremists and are eroding hope among Palestinians and Israelis that a resolution of the conflict is achievable. These dynamics are fuelling an already dangerous situation. Simultaneously, the Palestinian Authority is facing mounting economic and institutional challenges, which have been compounded by the constraints of the occupation, the absence of serious reforms by the Palestinian Authority and unclear prospects for donor support.

87. The United Nations and its partners have been engaged in extensive efforts to improve the dynamics on the ground while encouraging the parties to take concrete

steps towards improving the current conditions and establishing a political horizon. My Special Coordinator for the Middle East Peace Process, Tor Wennesland, has continued to hold discussions with a range of Palestinian and Israeli officials and regional and international partners to address the dangerous dynamics in the occupied West Bank, including East Jerusalem.

88. I welcome the signing on 13 October of the Algiers declaration by 14 Palestinian factions as a positive step towards intra-Palestinian reconciliation. I encourage all factions to overcome their differences through dialogue and urge them to follow up on the commitments included in the declaration, including the holding of elections. I reiterate the importance of Palestinian reconciliation for a politically stable, economically viable, sovereign and independent State of Palestine. Gaza is, and must remain, an integral part of a future Palestinian State as part of a two-State solution.

89. There is no substitute for a legitimate political process that will resolve the core issues driving the conflict. Israelis, Palestinians, regional States and the broader international community must take steps to enable the parties to re-engage on the path towards meaningful negotiations and, ultimately, peace. I remain committed to supporting Palestinians and Israelis in resolving the conflict and ending the occupation in line with international law, relevant United Nations resolutions and bilateral agreements in pursuit of the vision of two States – Israel and an independent, democratic, contiguous, viable and sovereign Palestinian State – living side by side in peace and security within secure and recognized borders, on the basis of the pre-1967 lines, with Jerusalem as the capital of both States.

90. I express my deep appreciation to my Special Coordinator for his outstanding service in what remains a challenging context. I also pay tribute to all United Nations personnel working under difficult circumstances in the service of the Organization.



**UNITED
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THE QUESTION OF PALESTINE

Secretary-General Shocked and Appalled by the Violence and Beating by Israeli Security Forces Inside al-Qibli Mosque in Jerusalem – 05 April 2023 Daily Press Briefing by Spokesperson for Secretary- General – (Excerpts)

**HIGHLIGHTS OF THE NOON BRIEFING BY STÉPHANE DUJARRIC,
SPOKESMAN FOR SECRETARY-GENERAL ANTÓNIO GUTERRES**

WEDNESDAY, 5 APRIL 2023

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MIDDLE EAST

Turning to the Middle East, I can tell you that the Secretary-General is shocked and appalled by the images he saw this morning of the violence and beating by Israeli security forces inside the al-Qibli mosque in Jerusalem. At a time of the calendar which is holy to Jews, Christians and Muslims, this should be a time for peace and not violence. Places of worship should only be used for peaceful religious observances.

And you may have seen that we also have a [statement](#) by Tor Wennesland, the UN Special Coordinator for the Middle East Peace Process, which was issued earlier this morning. He said he too is appalled by the images of violence inside the al-Qibli mosque and disturbed by the apparent beating of Palestinians by Israeli security forces and the large number of arrests.

Mr. Wennesland also strongly rejects the stockpiling and use of fireworks and rocks by [Palestinians inside the mosque](#).

He called on political, religious and community leaders on all sides to reject incitement, inflammatory rhetoric, and provocative actions and added that the UN remains in close contact with all concerned parties to de-escalate the situation.

And on a related note, we and our humanitarian partners stand ready to help ensure the restoration of medical services as soon as possible at the Haram Al Sharif/Temple Mount compound. The health clinic at the compound was severely damaged which forced its closure after Israeli forces used it to enter the Al Qibli Mosque in East Jerusalem. That's based on an initial assessment carried out by our humanitarian colleagues, who spoke with multiple sources at the site, including health care providers and worshippers.

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Questions and Answers

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Question: But... Okay. Well, let me give you a question then about Al-Aqsa. Clearly, the Secretary-General is very unhappy. You read the statement about what has happened. But this is a very sensitive time. There's a danger that things are going to get much worse. Is it now time for the Secretary-General to take this on directly? Is it time for him to pick up the phone to Prime Minister Netanyahu and to express his displeasure about what happened?

Spokesman: It is indeed a very delicate time, especially given the calendar and the confluence of high holy days for the three religions represented in Jerusalem, and I will keep you up to date on any contacts the Secretary-General has. Ibtisam Azem, I know your name. I'm just so slow this morning.

Question: *Alhamdulillah.* Okay. So, on the same subject, there are relevant Security Council resolutions and the General Assembly. What does the Secretary-General want from countries to do to implement these resolutions? Because it's clear we have been here before. This is not the first time we see this and it's constantly happening. So, what do you want countries to do specifically, and is the Secretary-General or his representative on the ground doing something in this regard too?

Spokesman: In terms of the immediate situation in the holy sites, it's very important that the status quo be respected in line with the special role that Jordan has. It's important that all those who are directly involved, and all those who have an influence of those are directly involved, use that influence to calm this situation in the immediate. We've also seen the exchange of a fire around the Gaza Strip into Israel. There are a lot of Member States that have influence in the area. And it is important that they all use it in the same direction.

Question: Is the Secretary-General talking with these countries, specifically the US which has the most funds. If I would follow up on James' question, is he picking up the phone to talk to the Americans to put more pressures on the Israelis?

Spokesman: He and his colleagues remain in touch with all relevant parties. I will brief you on any contacts that I may share with you.

/...

Question: Thank you, Stephane. I want to refer to the statement issued by Tor Wennesland in which he criticized that Palestinians are accumulating fireworks inside the mosque. Do you think that it's fair when the worshippers were attacked at 11 p.m. and mosques in the area started calling for people to help? Some people came with these fireworks from outside to help those who are trapped inside. Four hundred were arrested outside.

Spokesman: Abdelhamid, I'm not here to analyse or answer statements that have been made by representatives of the Secretary-General. Those words are in black and white. They're on paper. My job is to refer to them, amplify them. Your responsibility as a journalist is to write about them, comment them, analyse them and parse them, criticize them or support them, but we have different responsibilities.

Question: But, my question: is that a fair description of the situation?

Spokesman: That's exactly what I'm saying. You answer that question yourself. Mr. Wennesland spoke on behalf of the Secretary-General. He's his representative on the ground. He says what he has to say. People can like it. People cannot like it. People can feel nothing. But, my job is not to be analyst of what I say, so to speak.

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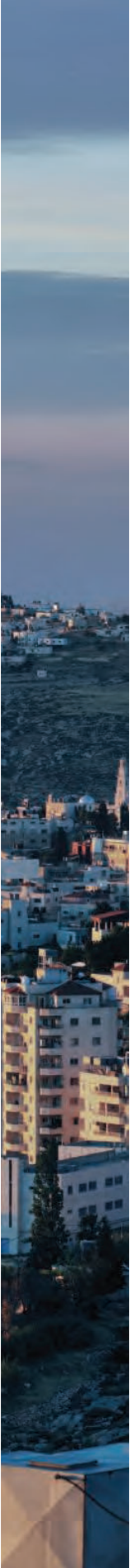
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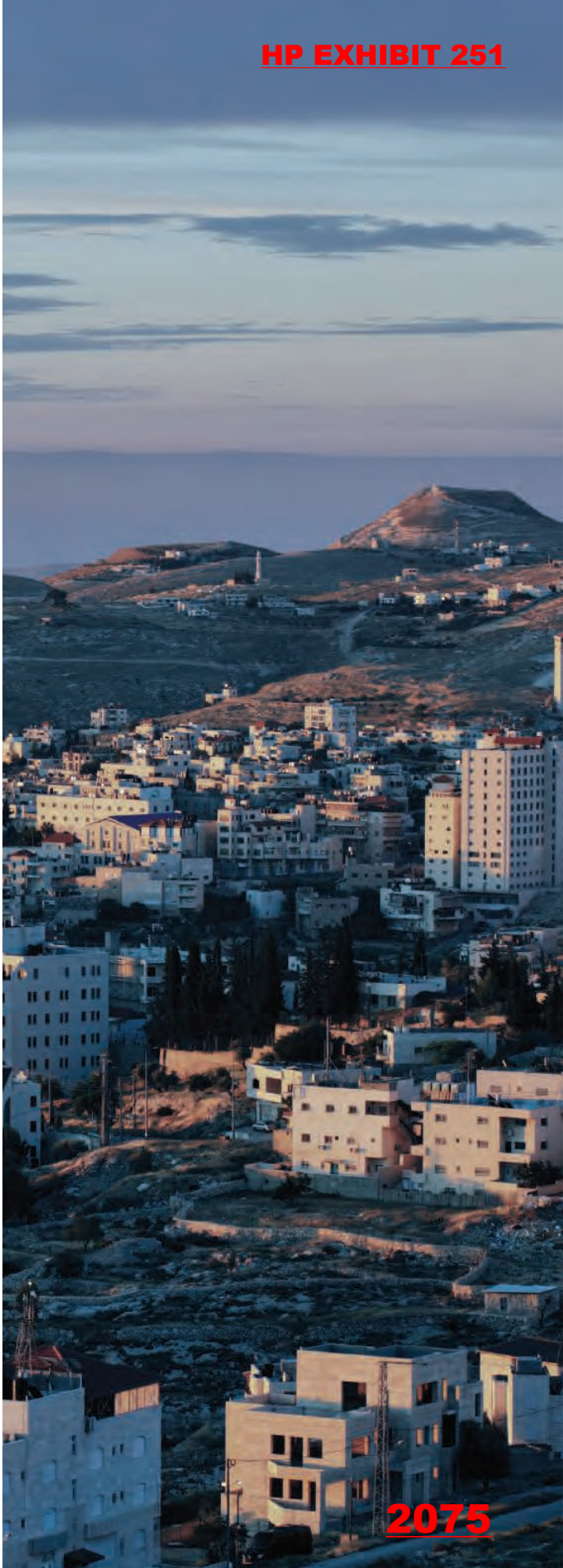
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JANUARY 2020

PEACE TO PROSPERITY

A Vision to Improve the Lives of the Palestinian and Israeli People



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PART A

POLITICAL FRAMEWORK



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Demilitarization Criteria and other Security Arrangements

Hashemite Kingdom of Jordan, thereby facilitating Palestinian travel to and from the Hashemite Kingdom of Jordan and beyond, and subject to the immigration rules of the State of Palestine, allow Jordanians and others from the region to enter the State of Palestine.

- First-rate infrastructure solutions (including tunnels and overpasses) will be built to maximize unimpeded movement throughout both states and in between states and their respective enclaves.
- The security barrier will be realigned to match the new borders. New, modern and efficient border crossings will be constructed.
- The drawing of borders pursuant to the Conceptual Map shall be without prejudice to individual claims of title or rights of possession traditionally litigated within the Israeli judicial system.
- Freedom of access to all religious sites of all faiths in both states should be agreed to and respected by the parties. The State of Israel and the State of Palestine should enter into an access agreement to ensure freedom of access to and prayer rights at all religious sites within the State of Palestine and the State of Israel. A list of such holy sites should be compiled during negotiations between the parties.
- This Vision contemplates the establishment of an international fund (the “**INTERNATIONAL FUND**”) for the development of the land swap areas designated for the State of Palestine, as well as all infrastructure improvements and all security measures contemplated by the Israeli-Palestinian Peace Agreement, including port facilities, roads, bridges, tunnels, fences, overpasses, rail links, border crossings and the like. The cost of these improvements and measures is not expected to be absorbed by the State of Israel or the State of Palestine.

SECTION FIVE
JERUSALEM

The United States recognizes the heightened sensitivity surrounding Jerusalem, a city that means so much to so many.

Jerusalem is a city unique in the history of civilization. No other place on earth can claim significance to three major religions. Each day, Jews pray at the Western Wall, Muslims bow in prayer at the al-Aqsa Mosque and Christians worship at the Church of the Holy Sepulchre.

Throughout history, Jerusalem has been subject to war and conquest. It has been used to divide people and to instigate conflict by those with evil intentions. But it does not have to be this way.

Jerusalem must remain a city that brings people of all faiths together to visit, to worship, to respect each other and to appreciate the majesty of history and the glory of God’s creation.

The approach of this Vision is to keep Jerusalem united, make it accessible to all and to acknowledge its holiness to all in a manner that is respectful to all.

RELIGIOUS ASPECTS OF THE JERUSALEM ISSUE

We understand that theological interpretations differ within each religion. The descriptions below of Judaism, Christianity, and Islam are not intended to be definitive theological interpretations. It is nevertheless clear that each of these three great faiths has its own connection to Jerusalem.

For Judaism, Jerusalem is where Mount Moriah is located. According to Jewish tradition, it was there that Abraham nearly sacrificed his son, Isaac, until God intervened. Centuries later, Jerusalem became the political center of the Jewish people when King David united the twelve tribes of Israel, making the city the capital and spiritual center of the Jewish people, which it has remained for nearly 3,000 years. King David's son, King Solomon, built the First Temple on Mount Moriah. According to Jewish tradition, inside the Temple, within the Holy of Holies, were stored the original Ten Commandments, revealed by God to Moses at Mount Sinai. The First Temple was destroyed by the Babylonians in 586 B.C. The Second Temple was built atop the same mountain and stood until it was destroyed by the Romans in 70 A.D. However, Jerusalem never lost its holiness to the Jewish People: It remains the direction to which Jews throughout the world turn in prayer and the destination of Jewish pilgrimage. Every year, on the 9th day of the Jewish month of Av, Jews fast, mourn and commemorate the destruction of the two Temples. Although Jews pray today at the Western Wall, which was a retaining wall of the Second Temple, the Temple Mount itself is the holiest site in Judaism. There are nearly 700 separate references to Jerusalem in the Hebrew Bible. For 100 generations the hopes and dreams of the Jewish people have been encapsulated by the words "Next Year in Jerusalem."

For Christianity, Jerusalem is where Jesus of Nazareth preached, was tried, crucified, resurrected, and ascended to Heaven. Immediately after the recognition of Christianity as the official religion of the Roman Empire by Constantine in the early 4th century, religious institutions were established at important sites such as the Church of the Holy Sepulchre and the Mount of Olives. After the Islamic conquest of Jerusalem in 637, Christians longed to recover the holy city, which they finally achieved in 1099, although it was lost to them again in 1187. During the medieval period, Jerusalem remained the premier Christian pilgrimage site, and a steady stream of visitors followed the footsteps of Jesus through Jerusalem, despite the dangers and challenges inherent in such travel. Under the Ottoman Empire, Christians were granted legal rights to their holy sites by successive *firmans* in the 18th and 19th centuries, establishing the Christian "Status Quo," which was re-affirmed in the 1993 Vatican-Israel Fundamental Agreement. Today, Jerusalem is home to more than a dozen Christian sects and a thriving Christian population.

For Islam, Jerusalem acquires prominence as stated in the Holy Koran: "Glory to Him who made His Servant go by night from the Sacred Mosque (al-Masjid al-Haram) to the Farthest Mosque (al-Masjid al-Aqsa) whose surroundings We have blessed, that We might show him some of Our signs." According to Islamic tradition, the verse refers to the Prophet Muhammad's nocturnal journey from Mecca to Jerusalem (al-Isra'); he arrives at the area of the Temple Mount/Haram al-Sharif, where he ascends to Heaven (al-Mi'raj), to meet the earlier prophets and receive the commandment of prayer. In early Islam, when

Muhammad had taken his followers from Mecca to Medina, he established Jerusalem as the direction of Islamic prayer (the first Qiblah) before later changing the direction of prayer to Mecca. There have been Muslim rulers who also emphasized the religious importance of Jerusalem. The Ummayyad Caliphate, based in Damascus, offered Jerusalem as an alternative place of pilgrimage when Mecca was controlled by a rival caliphate. The victory of Saladin over the Crusaders in 1187 led to a revival of Islamic interest in Jerusalem, and in 1517, Sultan Suleiman the Magnificent rebuilt its walls and religious sites. Today, it is widely considered the third holiest site in Islam.

JERUSALEM'S HOLY SITES

After the Six Day War in 1967, when the State of Israel took control over all of Jerusalem, the State of Israel assumed responsibility for protecting all of the city's holy sites. Those holy sites include, without limitation, the Temple Mount/Haram al-Sharif, the Western Wall, the Muslim Holy Shrines, Church of St. Anne, Via Dolorosa (Stations of the Cross), Church of the Holy Sepulchre, Church of Viri Galilaei, Church of St. Stephen, Dormition Abbey, Tomb of the Virgin Mary, Room of the Last Supper, Augusta Victoria Church of Ascension, Garden of Gethsemane, Church of Mary Magdalene, Dominus Flevit Church, Pater Noster Church, Church of St. Peter in Gallicantu, Church of the Ascension, The Russian Church, Secours Catholique 'House of Abraham,' Mount Scopus, Hurva Synagogue, Tomb of Absalom, Tomb of Zechariah, Second Temple Pilgrimage Road, Tomb of the Prophets Haggai, Zechariah and Malachi, Gihon Spring, City of David, Mount of Olives, Samburgski Jewish Cemetery, and the Pool of Siloam.

Unlike many previous powers that had ruled Jerusalem, and had destroyed the holy sites of other faiths, the State of Israel is to be commended for safeguarding the religious sites of all and maintaining a religious status quo.

Given this commendable record for more than half a century, as well as the extreme sensitivity regarding some of Jerusalem's holy sites, we believe that this practice should remain, and that all of Jerusalem's holy sites should be subject to the same governance regimes that exist today. In particular the status quo at the Temple Mount/Haram al-Sharif should continue uninterrupted.

Jerusalem's holy sites should remain open and available for peaceful worshippers and tourists of all faiths. People of every faith should be permitted to pray on the Temple Mount/Haram al-Sharif, in a manner that is fully respectful to their religion, taking into account the times of each religion's prayers and holidays, as well as other religious factors.

POLITICAL STATUS OF JERUSALEM

One of the most complicated issues in achieving peace is resolving the question of the political status of Jerusalem.

Prior to 1967, a divided Jerusalem was a source of great tension in the region, with Jordanian and Israeli forces separated by barbed wire and Israeli residents of Jerusalem endangered by sniper fire.

A division of Jerusalem would be inconsistent with the policy statements of the Jerusalem Embassy Act of 1995 of the United States. All former presidents who have been involved in the peace process have agreed that Jerusalem should not be

physically divided again.

On December 6, 2017, on behalf of the United States of America, President Trump recognized Jerusalem as Israel's capital. The President also made clear that the specific boundaries of Israeli sovereignty in Jerusalem would be subject to final status negotiations between the parties.

We believe that returning to a divided Jerusalem, and in particular having two separate security forces in one of the most sensitive areas on earth, would be a grave mistake.

While a physical division of the city must be avoided, a security barrier currently exists that does not follow the municipal boundary and that already separates Arab neighborhoods (i.e., Kafr Aqab, and the eastern part of Shuafat) in Jerusalem from the rest of the neighborhoods in the city.

This physical barrier should remain in place and should serve as a border between the capitals of the two parties.

Jerusalem will remain the sovereign capital of the State of Israel, and it should remain an undivided city. The sovereign capital of the State of Palestine should be in the section of East Jerusalem located in all areas east and north of the existing security barrier, including Kafr Aqab, the eastern part of Shuafat and Abu Dis, and could be named Al Quds or another name as determined by the State of Palestine.

This Vision would allow the Arab residents of Israel's capital, Jerusalem, beyond the 1949 armistice lines but inside the existing security barrier to choose one of three options:

1. Become citizens of the State of Israel
2. Become citizens of the State of Palestine
3. Retain their status as permanent residents in Israel.

Over the years, some Arab residents of these areas (approximately 6%) have chosen to become Israeli citizens, and that option should remain available to Arab residents of these areas in the future.

Other Arab residents of these areas may want to embrace a Palestinian political identity by choosing to become citizens of the State of Palestine, and that option should be available to them as well.

Many of the Arab residents of these areas may want to maintain a political identity that is separate from either Israel or Palestine, and which allows them to take pride in their unique identity and history. That option should remain available to them.

PRIVILEGES, BENEFITS AND OBLIGATIONS

The privileges, benefits and obligations of Arab residents of these areas who choose to keep their status as permanent residents of Israel should remain the same.

The privileges, benefits and obligations of Arab residents of these areas who choose to become citizens of Palestine will be determined by the laws of the State of Palestine and the State of Israel, as applicable.

The residents of these areas who choose to become citizens of the State of Israel will have all the privileges, benefits and obligations of being citizens of the State of Israel. Residents of these areas, who today are citizens of Israel, will maintain the same privileges, benefits and obligations that they have today.

SPECIAL TOURIST AREA

The State of Israel should allow for the development by the State of Palestine of a special tourism zone in Atarot, in a specific area to be agreed upon by the parties. We envision that this area should be a world class tourist zone that should support Muslim tourism to Jerusalem and its holy sites. We envision that this zone will become a thriving and vibrant tourism center that includes state-of-the-art public transportation that provides easy access to and from the holy sites.

To support this new development, the economic development program will identify financing for the construction of restaurants, shops, hotels, cultural centers, and other tourism facilities within this zone. Fast-track accessibility to the Muslim Holy Shrines should be developed and maintained. The specific details of this area, including, without limitation, taxation, and zoning should be negotiated between the parties.

TOURISM MATTERS RELATING TO THE OLD CITY OF JERUSALEM

Without derogating the State of Israel's sovereignty, during the negotiation of the Israeli-Palestinian Peace Agreement, and subject to the State of Israel's security requirements, the parties shall:

1. Negotiate a mechanism by which licenses shall be provided to Palestinian tour guides to operate tours in the Old City of Jerusalem as well as at sites sacred to Christianity and Islam in other areas of Jerusalem;
2. Establish a Jerusalem-Al Quds Joint Tourism Development Authority (the "JTDA"). The JTDA will work to promote Jewish, Muslim and Christian tourism in both the State of Israel and the State of Palestine. Israel will establish a mechanism whereby part of the tax revenues from the increased tourism in the Old City of Jerusalem will be allocated to the JTDA for further reinvestment for tourism in the Old City of Jerusalem. The JTDA will also work with the Hashemite Kingdom of Jordan to promote regional tourism.

RECOGNITION OF CAPITALS

Jerusalem should be internationally recognized as the capital of the State of Israel. Al Quds (or another name selected by the State of Palestine) should be internationally recognized as the capital of the State of Palestine.

Neither party shall encourage or support efforts by other countries or persons to deny the legitimacy of the other party's capital or its sovereignty. The mayors for each capital city will establish mechanisms for regular consultation and voluntary cooperation on matters of significance to the two capitals.

The embassy of the United States to the State of Israel will remain in Jerusalem. Following the signing of the Israeli-Palestinian Peace Agreement, the embassy of the United States to the State of Palestine will be in Al Quds at a location to be chosen by the United States, in agreement with the State of Palestine. The United States will recognize the State of Israel and the State of Palestine in their respective capitals and encourage other nations to relocate their embassies to Jerusalem and Al Quds, as applicable.

SECTION SIX

THE TRUMP ECONOMIC PLAN

At the invitation of the Kingdom of Bahrain, this past June in Manama, the United States presented the administration's Middle East Peace Economic Plan titled *Peace to Prosperity: A New Vision for the Palestinian People*.

The United States recognizes that the successful signing and implementation of the Israeli-Palestinian Peace Agreement will have a significant impact on the economic prospects of the region. In Bahrain, the international community stressed its commitment to the economic plan and its necessity, as well as its viability following the signing of a peace agreement.

The economic plan will empower the Palestinian people to build a prosperous and vibrant Palestinian society. It consists of three initiatives that will support distinct pillars of the Palestinian society: the economy, the people, and the government. With the potential to facilitate more than \$50 billion in new investment over ten years, *Peace to Prosperity* represents the most ambitious and comprehensive international effort for the Palestinian people to date. It has the ability to fundamentally transform the West Bank and Gaza and to open a new chapter in Palestinian history, one defined, not by adversity and loss, but by opportunity and dignity.

The first initiative will unleash the economic potential of the Palestinian people. By developing property and contract rights, the rule of law, anti-corruption measures, capital markets, a pro-growth tax structure, and a low-tariff scheme with reduced trade barriers, this initiative envisions policy reforms coupled with strategic infrastructure investments that will improve the business environment and stimulate private-sector growth. Hospitals, schools, homes, and businesses will secure reliable access to affordable electricity, clean water, and digital services. Billions of dollars of new investment will flow into various sectors of the Palestinian economy. Businesses will have increased access to capital, and the markets of the West Bank and

MAY 13, 2022

Readout of President Biden's meeting with His Majesty King Abdullah II of Jordan

President Joseph R. Biden, Jr. met today with His Majesty King Abdullah II of Jordan and reaffirmed the close and enduring nature of the friendship between the United States and Jordan. Jordan is a critical ally and force for stability in the Middle East, and the President confirmed unwavering U.S. support for Jordan and His Majesty's leadership. The leaders consulted on recent events in the region and discussed urgent mechanisms to stem violence, calm rhetoric and reduce tensions in Israel and the West Bank. The President affirmed his strong support for a two-state solution to the Israeli-Palestinian conflict and cited the need to preserve the historic status quo at the Haram al-Sharif/Temple Mount. The President also recognized the Hashemite Kingdom of Jordan's crucial role as the custodian of Muslim holy places in Jerusalem. The leaders discussed the political and economic benefits of further regional integration in infrastructure, energy, water, and climate projects, with Jordan a critical hub for such cooperation and investment. They agreed to remain in regular touch and further enhance the historic ties between our countries.

###

FEBRUARY 02, 2023

Readout of Vice President Kamala Harris's Meeting with His Majesty King Abdullah II of Jordan

Vice President Kamala Harris met today with His Majesty King Abdullah II of Jordan at the White House. The Vice President reaffirmed the strength of the bilateral partnership and our commitment to Jordan's security and economic prosperity. The Vice President and King Abdullah expressed concern about the recent violence and tensions in Jerusalem and the West Bank. The Vice President underscored the importance of upholding the status quo at the Haram al-Sharif / Temple Mount, recognizing Jordan's crucial role as the custodian of Muslim holy places in Jerusalem and as a force for stability. She underscored U.S. support for regional security, prosperity, and integration, emphasizing that steps to deescalate tensions, promote moderation, and create meaningful economic opportunities across the Middle East would be essential to advancing these goals. The Vice President and King Abdullah II discussed efforts of both countries to address the global climate crisis and related water issues, as well as the importance of sustainable growth and development, which requires continued economic reform as well as women's empowerment and participation. The Vice President and King Abdullah also discussed the importance of stability in Iraq and other regional and global issues.



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[Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the 13th EU-Jordan Association Council](#)

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🕒 17.06.2019

Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the 13th EU-Jordan Association Council

Check against delivery!

It is really a pleasure for me to welcome the Jordanian Foreign Minister and our good friend, Ayman [Safadi] - it is a pleasure to have you here with us today, extraordinarily in Luxembourg.

We just concluded our [13th EU-Jordan Association Council](#) [↗](#) that was extremely positive. Minister Safadi participated also at the working lunch with the EU Member States' Foreign Ministers where we had a very important and useful conversation about regional and international issues. In particular the focus was on the Middle East peace process, where our positions are aligned and where we see no viable alternative to the two-state solution, with the state of Israel living side by side to an independent, democratic, sovereign and viable State of Palestine in peace and security, with Jerusalem as the capital of both states.

I would like to take this opportunity to thank once again - as we always do - His Majesty [King Abdullah II] and the Hashemite Kingdom of Jordan for the special role as custodian of the Holy Sites. This is particularly important for the European Union and we stand by Jordan in this important responsibility that His Majesty has.

With Jordan we also share a commitment to continue to support UNRWA [The United Nations Relief and Works Agency for Palestine Refugees in the Near East], politically and financially. I would like to thank personally Minister [Ayman] Safadi for his dedication to this work, as we see the work of the Agency as crucial for the security and the stability and peace in the region.

We also discussed the situation in Syria, in particular the follow up to the [Brussels III conference](#) [on supporting the future of Syria and the region] we had last March. Also here we stand side by side in the imperative of having a UN-led process to implement UN Security Council Resolution 2254. And let me obviously mention the important work that Jordan is doing to host Syrian refugees. Also here the European Union stands by Jordan, in particular by their hosting local communities that have all our support.

We also discussed our bilateral partnership - our friendship I would say. We expressed satisfaction with the progress we have achieved in our common work to implement our [Partnership Priorities](#) . We focused on different areas of cooperation where we see concrete results coming from our partnership, in particular regional security, stability and counter-terrorism, where results are to be assessed. But our work is definitely making things better than if it was not there. We discussed at length our economic cooperation, in particular for job creation and opportunities for the younger population and the strengthening of the rule of law, human rights and democratic governance.

Allow me to finish on a very concrete positive note. The Foreign Minister [Ayman Safadi] and I just signed before the beginning of our plenary session a Framework Participation Agreement on the participation of Jordan in the European Union crisis management operations. This allows the secondment of Jordanian personnel to the European Union missions and operations, both civilian and military. This is the 19th agreement of this kind that the European Union has with a third country but this is the first ever in the region of Middle East and North Africa. And I think it is only natural that we signed it with a partner that is so close to us as Jordan is. So thank you also for that and looking forward to continue working so closely together.

Thank you.

HP EXHIBIT 254

Q&A

Q. Both Jordan and European Union are the most supportive for the international legitimacy when it comes to the Palestinian issue but others. The problem is that both of you are going to attend the Manama conference while the first interested, the Palestinians, are not attending this conference? Can you explain this kind of paradox to me?

The European Union has been invited to participate at the workshop that is going to be convened in Bahrain. We are considering the level of attendance that might be most likely a technical level. We are always interested in getting more insights on possible steps or plans that can be put forward.

But I can tell you this casts no shadow whatsoever on the strong and clear European Union commitment shared by all Member States on the need to have a political solution for the creation of a Palestinian state. As I said, living side by side with the Israeli state, with a clear status for Jerusalem, and with respect to the international parameters that are clearly known.

The participation at technical level at a workshop does not infringe on any of these very clear commitments. As you said, the European Union is and remains a strong supporter of the internationally agreed parameters for the solution of the Middle East peace process, no doubt on that.

Q. Has the US asked for an EU economic contribution to its peace process so far? Would the EU consider that or would that be impossible unless the US unveiled a political process ending in a two-state solution?

As you know the European Union and the Member States are collectively – if I am not wrong, but Commissioner Hahn can confirm this – the largest contributors to not only the budget of the Palestinian Authority, but also the projects that have been put in place so far for the Palestinians and the region, starting with UNRWA [the United Nations Relief and Works Agency for Palestine Refugees

Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the 13th EU-Jordan Association Summit [in the Near East] and beyond. When it comes to our commitment to the financial support of projects on the ground, there is absolutely no doubt about the fact that we are the solid and reliable foundation for any of these projects.

HP EXHIBIT 254

We have discussed with a US delegation that was led by [Senior Adviser to the President of the United States, Jared] Kushner a few weeks ago in Brussels some elements of the economic part of the plan the US are elaborating. I will be in Washington D.C. tomorrow and I will have an opportunity to discuss, among other things, also this.

In the absence of details or of a general political framework, as Minister [Ayman] Safadi mentioned, there is no intention and also no way for the European Union to commit to any such contribution. As you know very well, for the European Union, contributing to a project is always based on a very concrete, detailed assessment of what the project is, in what kind of framework it happens, who is implementing it on the ground and so on. For the moment it seems to me that we are at the stage of the presentation of ideas. We are always interested in listening, but again the support we are giving financially on the ground is massive. It is for the moment channelled through the Palestinian Authority, the UN agencies and our support to the regional partners.

But I would like to stress one point that Minister [Ayman] Safadi made perfectly well and for which he could have spoken also on behalf of the European Union. For us there is no way in which any economic plan, as important as it can be, can substitute the political solution of this too long conflict that is not impossible to solve. We all know very well what the parameters are. It requires political will and an international and regional environment conducive to the establishment of a Palestinian state living side by side with Israel in peace and security. For us, even if we are the major economic contributor so far and we will continue to be, the economic support is no substitute for the political solution.

Q. If I understand correctly, you do not even have the headlines of this American proposal. Do you accept to go to the workshop in Manama while you do not have the headlines of this proposal nor any detail about it?

As I said, a delegation from the United States recently visited Brussels on the 4 June to present to us the main features of the economic part of the plan they have been working on. We have some elements of it. I understand that some elements are there, some elements might not be completely 100% ready yet or are at least in the making.

To my understanding the workshop in Manama is meant to present and explain the economic part of the plan in details to those that have been invited to attend. So, we will go there to continue engaging in understanding of what is in it, without any commitment from our side to support it or participate in it.

We made it very clear to our American friends but also publicly – it is no mystery – that we would not engage in supporting any economic activity if the political framework in which this might happen is not clear.

First of all, I appreciate our American friends briefing us and sharing information but this does not mean that the European Union is going to support anything, if we do not share the political framework in which this happens. Most importantly, for us, again as we already have our very important and very solid – I would say massive in this respect – economic engagement, there is no way in which we are going to substitute the kind of projects we are financing, especially with the lack of a clear political horizon.

For us the political horizon – no mystery about that – is the two states, a clear role for Jerusalem as the capital of both the state of Israel and the state of Palestine in the future, the recognition of the internationally agreed parameters and the Arab Peace Initiative.

On this, I have to say we are happy to be closely aligned with our Arab friends that can count on the Europeans and the European Union to fully support their requests for, I would say, the only sustainable and viable solution that is the two state solution.

For the European Union, that is the political framework, whatever economic support will have to fall into that.

Q. On the visit to Washington about Iran, is it possible to defend a nuclear agreement and avoid a military escalation in the region tomorrow and in the next talks?

Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the 13th EU-Jordan Associ...

L'Unione europea è determinata a continuare garantire la piena applicazione dell'accordo nucleare iraniano. Voglio precisare il fatto che abbiamo sempre valutato il rispetto dell'accordo nucleare da parte dell'Iran non sulla base di dichiarazioni ma sulla base delle verifiche fatte dalla AIEA [Agenzia internazionale per l'energia atomica], che è l'agenzia che ha la capacità tecnica e l'indipendenza per fornire fatti e valutazioni oggettive sul rispetto da parte iraniana degli impegni presi sull'accordo nucleare.

Il nostro lavoro come Unione europea, come stati membri dell'Unione europea, insieme a Russia, Cina e alla gran parte del resto della comunità internazionale continuerà ad essere per il pieno rispetto dell'accordo nucleare iraniano. E' una questione di sicurezza per noi europei, per la regione del Medio Oriente. Cercheremo anche di evitare pericolose escalation nella regione del Golfo che certamente potrebbero provocare danni in una regione già troppo tesa. Grazie.

Category: Remarks

Location: Luxembourg

Editorial sections: Middle East & North Africa (MENA) [Link to video 1](#) ↗

Jordan

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[Local EU Statement on the situation of Christian properties in East Jerusalem](#)

Local EU Statement on the situation of Christian properties in East Jerusalem

🕒 30.12.2022 📍 Jerusalem 👤 [Press and information team - Office of the European Union Representative \(West Bank and Gaza Strip, UNRWA\)](#)

The European Union Representative issues the following statement in agreement with the EU Heads of Mission in Jerusalem and Ramallah.

The European Union Representative issues the following statement in agreement with the EU Heads of Mission in Jerusalem and Ramallah.

On December 27th, members of the Elad settler organisation, accompanied by Israeli police, took over a property in the area of Wadi Hilweh/Silwan which has been rented for decades by the Greek Orthodox Patriarchate to a Jerusalem tenant.

The EU missions in Jerusalem and Ramallah express their deep concern over the implications of this action on the property rights of the Christian Churches in Jerusalem, including in the Old City. Attempts to take over the property of Christian Churches must be halted, as they pose a serious threat to the peaceful coexistence of all three monotheistic religions in Jerusalem.

The EU calls to protect the Status Quo and the Holy Sites, including Christian ones. The special status and character of Jerusalem and its Old City must be preserved and respected by all.

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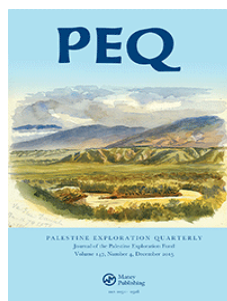
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History of the Haram Es Sherif

E. H. PALMER

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has ever felt a warmer interest in the ways and objects of the Fund. On the last occasion when he was in the office of the Fund he was full of interest in the next expedition, and no one, as the Edinburgh subscribers know well, has exerted himself with more energy and more success for the promotion of this movement.

The General Committee has been strengthened by the addition of the following noblemen and gentlemen: the Duke of Sutherland, the Marquis of Bute, the Rev. Dr. Ginsburg, Dr. Birch, and Mr. E. H. Palmer.

In accordance with the invitation contained in the circular, the Committee beg all subscribers and intending donors to forward to the central office, or their local secretaries, lists of whom can be published in every *Quarterly*, their subscriptions for this year, before the autumn. Subscribers beginning this year are entitled to the new series of the *Quarterly* from the 1st November.

HISTORY OF THE HARAM ES SHERÍF.

COMPILED FROM THE ARABIC HISTORIANS BY E. H. PALMER, M.A.

THE history of Jerusalem, as told by Mohammedan writers, is not unknown to European scholars; but the various notices and extracts which have hitherto appeared are so scattered and difficult of access as to be of little use to the general reader.

“The History of the Temple of Jerusalem,” by Jelál ed dín es Siyútí, was translated by the Rev. J. Reynolds, for the Oriental Translation Fund, and published in 1836; but this work, besides being too literal and prolix, contains such grave errors of translation, and such perversions of the original meaning, that it is absolutely worthless as an authority. The work of Kemál ed dín ibn Abi Sheríf has been edited with a Latin translation and notes by Paul Leming (Hauniæ MDCCCXVII.), but this is little better than the last, being apparently an early attempt by an indifferent Arabic scholar.

In the following article I have endeavoured to give a concise but complete abstract of the history of Jerusalem from Muslim sources, especially of that part which relates to the Haram es Sheríf, and the building and successive restorations of the two mosques Cubbet es Sakhráh and El Aksa. Having copied every inscription extant in the Haram, I am enabled to illustrate the accounts given by the Mohammedan

authors with the contemporary records left by the different builders or restorers.

I have divided the article into two parts; the first containing the history, the second the Muslim traditions, of the various sacred places in and about Jerusalem.

As the basis of my account, I have taken the well-known work of Mejír ed dín, and have collated it with those of Es Siyútí, Kemál ed dín, Ibn 'Asákir, and others, introducing the various versions wherever accounts differed. I have not thought it necessary to quote the literary or traditional authority for each story, as the Mohammedan names, being entirely unknown to the greater number of English readers, could add but little weight to the testimony. Suffice it to say that (with the exception of a few incidental comments of my own) for every sentence in the text of the following pages, there exists a corresponding sentence in Arabic from one or other of the books used, and these I have translated, to the best of my ability, honestly and correctly.

§ 1.—CONQUEST OF THE CITY BY THE CALIPH 'OMAR.

On the death of Mohammed, Abu Bekr es Sadík was appointed his caliph (Khalífah or vice-regent), and he was in turn succeeded by 'Omar el Khattáb as temporal and spiritual head of the Mussulman community.

In the 15th year of the Hijrah (A.D. 636) Abu 'Obeidah Ibn el Jerráh, general of the Mussulman army, after a series of brilliant victories in Syria and Palestine, turned his attention to Jerusalem, and his first step was to write a letter to the Christian patriarch of the Holy City, requiring him and all the inhabitants either to embrace the Mohammedan religion or to pay the usual tribute exacted from unbelievers. "If you refuse," said he, "you will have to contend with people who love the taste of death more than you love wine and swine's flesh, and rest assured that I will come up against you, and will not depart until I have slain all the able-bodied men among you, and carried off your women and children captive."

To this message a decisive refusal was returned, and 'Omar, in accordance with his threat, marched upon Jerusalem and besieged the town. The Christians, after several unsuccessful sallies, finding themselves reduced to great straits by the protracted siege, made overtures for capitulation, but refused to treat with any but the Caliph himself. Having exacted a solemn oath from them that they would hold to the proposed condition in case of the Caliph's arrival, the general sent a message to 'Omar, inviting him to leave Medína, and receive in person the capitulation of the town. The messengers from Abu 'Obeidah's camp were accompanied by some representatives of the Christian community, and the latter were much astonished at the stern simplicity and comparative retirement in which the Caliph was living, and which but ill accorded with their previously conceived ideas of the great monarch who had conquered the whole of Arabia and Syria, and had

made the Emperors of Greece and Persia to tremble on their thrones. The meeting between the Caliph and his victorious general was still further calculated to impress them. 'Omar was mounted on a camel, and attired in a simple Bedawí costume,—a sheepskin cloak, and coarse cotton shirt; Abu 'Obeidah was mounted on a small she-camel, an 'abba folded over the saddle, and a rude halter of twisted hair forming her only trappings; he wore his armour, and carried his bow slung across his shoulder. Abu 'Obeidah, dismounting from his beast, approached the Caliph in a respectful attitude; but the latter dismounting almost at the same moment, stooped to kiss his general's feet, whereupon there ensued a contest of humility which was only put an end to by the two great men mutually consenting to embrace after the fashion of Arab sheikhs who meet upon equal terms. A story of 'Omar's paying a man for some grapes which his followers had heedlessly plucked as they came in from their thirsty ride, and several other instances of his great integrity and unassuming manner, are related by the Arab historians. No doubt these incidents were to some extent the offspring of "the pride that apes humility;" yet the Muslim sovereign really seems to have possessed some good and amiable qualities.

'Omar pitched his camp upon the Mount of Olives, where he was immediately visited by a messenger from the Patriarch of Jerusalem, who sent to welcome him and renew the offers of capitulation. The armistice previously granted having been confirmed, and the personal safety of the Patriarch and his immediate followers being guaranteed, that dignity set out with a large company of attendants for the Caliph's tent, and proceeded to confer with him personally and to draw up the articles of peace. The terms, exacted from Jerusalem in common with the other conquered cities, in spite of 'Omar's boasted generosity and equity, were extremely hard and humiliating for the Christians. They ran as follows :—

The Christians shall enjoy security both of person and property, the safety of their churches shall be, moreover, guaranteed, and no interference is to be permitted on the part of the Mohammedans with any of their religious exercises, houses, or institutions; provided only that such churches or religious institutions shall be open night and day to the inspection of the Muslim authorities. All strangers and others are to be permitted to leave the town if they think fit, but any one electing to remain shall be subject to the herein-mentioned stipulations. No payment shall be exacted from any one until after the gathering in of his harvest. Mohammedans are to be treated everywhere with the greatest respect; the Christians must extend to them the rights of hospitality, rise to receive them, and accord them the first place of honour in their assemblies. The Christians are to build no new churches, convents, or other religious edifices, either within or without the city, or in any other part of the Muslim territory; they shall not teach their children the Coran, but no one shall be prevented from embracing the Moham-

medan religion. No public exhibition of any kind of the Christian religion is to be permitted. They shall not in any way imitate the Muslims either in dress or behaviour, nor make use of their language in writing or engraving, nor adopt Muslim names or appellations. They shall not carry arms, nor ride astride their animals, nor wear or publicly exhibit the sign of the cross. They shall not make use of bells; nor strike the *nákús* (wooden gong) except with a suppressed sound; nor place their lamps in public places, nor raise their voices in lamentation for the dead. They shall shave the front part of the head and gird up their dress, and, lastly, they shall never intrude into any Muslim's house on any pretext whatever. To these conditions 'Omar added the following clause to be accepted by the Christians: That no Christian should strike a Muslim, and that if any single one of the previous stipulations were not complied with they should confess that their lives were justly forfeit, and that they were deserving of the punishment inflicted upon rebellious subjects.

When these terms had been agreed upon by both sides and the treaty signed and sealed, 'Omar requested the Patriarch to lead him to the Mosque (*Masjid*, or "place of adoration") of David. The Patriarch acceding to this request, 'Omar, accompanied by 4,000 attendants, was conducted by him into the Holy City. They first proceeded to the church of the Holy Sepulchre,* which the Patriarch pointed out as the site of David's temple. "Thou liest," said 'Omar, curtly. They next visited the church called Sion, which the Patriarch again pointed out as the Mosque of David, and again 'Omar gave him the lie. After this they proceeded to the *Masjid of Jerusalem*, and halted at the gate, which is called in the present day *Báb Mohammed*. Now the dung in the mosque had settled on the steps of the door in such quantities that it came out into the street in which the door is situated, and nearly clung to the roofed archway of the street.† Hereupon the Patriarch

* In the original *El Kamámah*, "dung;" this is explained a little further on to be a designed corruption of the word *Kaiyámah*, "Anastasis." These words are at the present day applied by the Muslim and Christian population respectively to the church of the Holy Sepulchre.

† This important passage has been but imperfectly understood; Reynolds, by his translation, makes absolute nonsense of it, rendering the words:—

"So he went with him to the *Mosques* of the Holy City, until he came at last near unto a gate, called the gate of Mohammed; and he drew down all the filth that was on the declivity of the steps of the gate, until he came to a narrow passage, and he went down a number of steps until he almost hung upon the top of the interior or upper surface. . . . So Omar went upon his hands, and we went upon our hands and knees after him until we came to the central sewer. And we stood here upright."

The word here rendered "mosques" is in the singular, not in the plural, and plainly refers to a spot well known as "the Temple (*Masjid*) of Jerusalem." The word rendered "he drew down" is passive, and refers to the dirt which had collected

said, "We shall never be able to enter unless we crawl upon our hands and knees." "Well," replied the Caliph, "on our hands and knees be it." So the Patriarch led the way, followed by 'Omar and the rest of the party, and they crawled along until they came out upon the courtyard of the Temple, where they could stand upright. Then 'Omar, having surveyed the place attentively for some time, suddenly exclaimed: "By Him in whose hands my soul is, this is the mosque of David, from which the prophet told us that he ascended into heaven. He gave us a circumstantial account thereof, and especially mentioned the fact that we had found upon the Sakhrah a quantity of dung which the Christians had thrown there out of spite to the children of Israel."* With these words he stooped down and began to brush off the dung with his sleeve, and his example being followed by the other Mussulmans of the party, they soon cleared all the dung away, and brought the Sakhrah to light. Having done this he forbade them to pray there until three showers of rain had fallen upon it.

Another account relates that, on conquering the city, 'Omar sent for Ka'ab and said to him, "Oh, Abu Ishák, dost thou know the site of the Sakhrah?" "Yes," replied Ka'ab, "it is distant such and such a number of cubits † from the wall which runs parallel to the Wády Jehennum; it is at the present time used for a dunghill." Digging at the spot indicated, they found the Sakhrah as Ka'ab had described. Then 'Omar asked Ka'ab where he would advise him to place the mosque, (or, as some say, "the Kiblah")? Ka'ab answered, "I should place it behind the Sakhrah, so that the two Kiblahs, namely, that of Moses and that of Mohammed, may be made identical." "Ah," said

in such quantities upon the raised platform that it ran down the steps into the street, and there made a heap high enough to reach to the arched roof of the street. Not to mention the difficulty of 4,000 men standing upright in a sewer, I may remark that the word rendered "*central sewer*" is *sahn*, "an open court," the name applied at the present day to the platform upon which the Cubbet es Sakhrah stands. Reynolds's translation would imply that the site of the Sakhrah was in a sewer below the level of the rest of the city as it then stood!

* It needed no prophetic inspiration to acquaint Mohammed with this fact. The site of the Temple was not only well known to the Christians, but was systematically defiled by them out of abhorrence for the Jews. Euty chius expressly tells us that—"when Helena, the mother of Constantine, had built churches at Jerusalem, the site of the rock and its neighbourhood had been laid waste, and so left. But the Christians heaped dirt on the rock so that there was a large dunghill over it. And so the Romans had neglected it, nor given it that honour which the Israelites had been wont to pay it, and had not built a church above it, because it had been said by our Lord Jesus Christ in the Holy Gospel, 'Behold, your house shall be left unto you desolate.'"

† Reynolds, again misunderstanding the Arabic, renders this "one cubit."

'Omar, "thou leanest to Jewish notions, I see; the best place for the mosque is in front of it," and he built it in front accordingly.

Another version of this conversation is, that when Ka'ab proposed to set the mosque behind the Sakhras, 'Omar reproved him, as has just been stated, for his Jewish proclivities, and added, "Nay, but we will place it in the *sadr* ('breast or forepart') for the prophet ordained that the Kiblah of our mosques should be in the forepart. I am not ordered," said he, "to turn to the Sakhras, but to the Ka'abah." Afterwards, when 'Omar had completed the conquest of Jerusalem, and cleared away the dirt from the Sakhras, and the Christians had entered into their engagements to pay tribute, the Muslims changed the name of the great Christian church from *Kaiyámah* (Anastasis), to *Kamámah* (dung), to remind them of their indecent treatment of the holy place, and to further glorify the Sakhras itself.

§ 2.—BUILDING OF THE CUBBET ES SAKHRAH, &C., BY
'ABD' EL MELIK.

In the year 66 of the Hijrah (A.D. 684), 'Abd el Melik having succeeded his father 'Merwán in the Caliphate, turned his attention to building the Cubbet es Sakhras, and constructing the Masjid el Aksa. Some time before this he had, for political reasons, forbidden people to perform the pilgrimage to Mecca, fearing that they might take the side of his rival Zobeir, who was established there; but as people were beginning to grumble at this prohibition, he conceived the plan of inducing them to make pilgrimages to Jerusalem instead, hoping in this way to quiet the public mind.

Having determined upon this course he sent circular letters to every part of his dominions, couched in the following terms:—

"'Abd el Melik desiring to build a dome over the Holy Rock of Jerusalem, in order to shelter the Muslims from the inclemency of the weather, and, moreover, wishing to restore the Masjid, requests his subjects to acquaint him with their wishes on the matter, as he would be sorry to undertake so important a matter without consulting their opinion."

Letters of approval and congratulation flowed in upon the Caliph from all quarters, and he accordingly assembled a number of the most skilled artisans, and set apart for the proposed work a sum of money equivalent in amount to the whole revenue of Egypt for seven years. For the safe custody of this immense treasure he built a small dome, the same which exists at the present day to the east of the Cubbet es Sakhras and is called Cubbet es Silsilah. This little dome he himself designed, and personally gave the architect instructions as to its minutest details. When it was finished, he was so pleased with the general effect that he ordered the architect to build the Cubbet es Sakhras itself on precisely the same model.

Having completed his treasure house and filled it with wealth, he

appointed Rija ibn Haiyáh el Kendí controller thereof, with Yezíd ibn Sallám, a native of Jerusalem, as his coadjutor. These two persons were to make all disbursements necessary for the works, and were enjoined to expend the entire amount upon them, regulating the outlay as occasion might require. They commenced with the erection of the Cubbeh, beginning on the east side and finishing at the west, until the whole was completed and there was nothing further left for any one to suggest. Similarly in the buildings in the fore part of the Masjid,* that is, on the south side, they worked from east to west, commencing with the wall by which is the Mehd 'Aisa (cradle of Jesus), and carrying it on to the spot now known as the Jám'í el Magháríbeh.

On the completion of the work, Rijá and Yezíd addressed the following letter to 'Abd el Melik, who was then at Damascus :—

“ In accordance with the orders given by the Commander of the Faithful, the building of the Dome of the Rock of Jerusalem (*Cubbeti Sakhrati Bait el Muqaddas*) and the Masjid el Aksa is now so complete that nothing more can be desired. After paying all the expenses of the building there still remains in hand a hundred thousand dínárs of the sum originally deposited with us ; this amount the Commander of the Faithful will expend in such manner as may seem good to him.”

The Caliph replied that they were at liberty to appropriate the sum to themselves in consideration of their services in superintending the financial department of the works. The two commissioners, however, declined this proposition, and again offered to place it at the Caliph's disposal, with the addition of the ornaments belonging to their women and the surplus of their own private property. 'Abd el Melik, on receipt of their answer, bade them melt up the money in question, and apply it to the ornamentation of the Cubbeh. This they accordingly did, and the effect was so magnificent that it was impossible for any one to keep his eyes fixed on the dome, owing to the quantity of gold with which it was ornamented. They then prepared covering for it of felt and leather, which they put upon it in winter time to protect it from the wind and rain and snow. Rija and Yezíd also surrounded the Sakhráh itself with a latticed screen of ebony, and hung brocaded curtains behind the screen between the columns.

§ 3.—OPENING OF THE CUBBET ES SAKHRAH.

A number of attendants were employed in pounding saffron, and in making perfumed water with which to sprinkle the mosque, as well as in preparing and burning incense. Every morning also servants were sent into the Hammám Suleimán (“Solomon's bath”), to cleanse it out thoroughly. Having done this they used to go into the store-room in

* See the “Excursus on the name Masjid el Aksa” at the end of Section 5.

which the *Khalúk** was kept, and changing their clothes for fresh ones of various costly stuffs, and putting jewelled girdles round their waists, and taking the *Khalúk* in their hands, they proceeded to dab it all over the Sakhrah as far as they could reach; and when they could not reach with their hands they washed their feet and stepped upon the Sakhrah itself until they had dabbed it all over, and emptied the pots of *Khalúk*. Then they brought censers of gold and silver filled with 'ud (perfumed aloes wood) and other costly kinds of incense, with which they perfumed the entire place, first letting down the curtains round all the pillars, and walking round them until the incense filled the place between them and the dome, and then fastening them up again so that the incense escaped and filled the entire building, even penetrating into the neighbouring bazaar, so that any one who passed that way could smell it. After this, proclamation was made in the public market, "The Sakhrah is now open for public worship," and people would run in such crowds to pray in there, that two *reka'as* was as much as most people could accomplish, and it was only very few who could succeed in performing four.

So strongly was the building perfumed with the incense, that one who had been into it could at once be detected by the odour, and people used to say as they sniffed it, "Ah! So-and-so has been in the Sakhrah." So great, too, was the throng, that people could not perform their ablutions in the orthodox manner, but were obliged to content themselves with washing the soles of their feet with water, and wiping them with green sprigs of myrtle, and drying them with their pocket-handkerchiefs. The doors were all locked, and ten chamberlains posted at each door, and the mosque was only opened twice a week—namely, on Mondays and Fridays; on other days none but the attendants were allowed access to the buildings. It is said that in the days of 'Abd el Melik a precious pearl, the horn of Abraham's ram, and the crown of the Khosroes, were attached to the chain which is suspended in the centre of the dome, but when the Caliphate passed into the hands of the Beni Háshem they removed these relics to the Kaabeh.

§ 4.—DESCRIPTION OF THE MASJID EL AKSA IN THE TIME OF 'ABD EL MELIK AND THE REIGNS IMMEDIATELY SUCCEEDING.

Ibn 'Asákir tells us that there were 6,000 planks of wood in the Masjid used for roofing and flooring, exclusive of wooden pillars. It also contained fifty doors, amongst which were:—Báb el Cortobi (the gate of the Cordovan), Báb Dáud (the gate of David), Báb Suleimán (the gate of Solomon), Báb Mohammed (the gate of Mohammed),

* A species of aromatic plant, rather larger than saffron. Reynolds translates this "which was behind," and, as usual, makes nonsense of the remainder of the passage.

Báb Hettah (the gate of Remission*), Báb et Taunah (the gate of Reconciliation), where God was reconciled to David after his sin, Báb er Rahmeh (the gate of Mercy), six gates called Abwáb al Asbát (the gates of the tribes), Báb el Walíd (the gate of Walíd), Báb el Háshimí (the gate of the Háshem Family), Báb el Khidi (the gate of St. George or Elias), and Báb es Sekínah (the gate of the Shekina). There were also 600 marble pillars; seven mihrábs (or prayer niches); 385 chains for lamps, of which 230 were in the Masjid el Aksa, and the rest in the Cubbet es Sakhrah; the accumulative length of the chains was 4,000 cubits, and their weight 43,000 *ratal*s (Syrian measure). There were also 5,000 lamps, in addition to which they used to light 1,000 wax candles every Friday, and on the night of the middle of the months Rejeb, and Shaban, and Ramadhán, as well as on the nights of the two great festivals. There were fifteen domes, exclusive of the Cubbet es Sakhrah; and on the roof of the mosque were 7,700 strips of lead, and the weight of each strip was 70 Syrian *ratal*s. This was exclusive of the lead which was upon the Cubbet es Sakhrah.

All the above work was done in the days of 'Abd el Melik ibn Merwan. The same prince appointed 300 perpetual attendants to the mosque, slaves purchased with a fifth of the revenue, and whenever one of these died there was appointed in his stead either his son, grandson, or some one of the family; the office to be hereditary so long as the generation lasted. There were four-and-twenty large cisterns in the Masjid, and four minarets, three of which last were in a line on the west side of the Masjid, and one over the Babel Esbát. There were also Jewish servants employed in the Masjid, and these were exempted on account of their services from payment of the capitation tax; originally they were ten in number, but as their families sprung up increased to twenty. Their business was to sweep out the Masjid all the year round, and to clean out the lavatories round about it. Besides these, there were ten Christian servants also attached to the place in perpetuity, and transmitting the office to their children; their business was to brush the mats and to sweep out the conduits and cisterns. A number of Jewish servants were also employed in making glass lamps, candelabras, &c. (these and their families were also exempted in perpetuity from tax, and the same privilege was accorded to those who made the lamp wicks).

The doors of the Masjid were all covered with plates of gold and silver in the time of 'Abd el Melik, but these were stripped off by Abu Jaafar el Mansur, the second caliph of the Abbaside dynasty, in A.D. 753, and melted up for coin to repair the east and west sides of the Masjid, which had fallen down in the great earthquake of 747 A.D.

When the second earthquake occurred, and threw down the parts restored by Abu Jaafar, El Mehdí, his successor, seeing that the place

* Cf. Corán, cap. ii. 55, "Enter the gate with adoration, and say 'Remission.'"

was going to ruin, and] was almost] deserted by worshippers, determined to rebuild it on a smaller scale. This he did by taking a portion both off the length and breadth. El Mehdí ascended the throne 7th October, A.D. 775.

The only inscription of 'Abd el Melik's which now remains in the mosque is the great mosaic around the colonnade in the interior; of this I shall give a particular account when speaking of Abd Allah Má'mún, by whom it was altered for the purpose of fraudulently inserting his own name.*

Abd el Melik died on the 8th Sept., A.D. 705, and was succeeded by his son El Walíd.

§ 5.—MEASUREMENT OF THE MASJID.

Ibn 'Asákir says that the length of the Masjid el Aksa was 755 cubits, and the breadth 465 cubits, the standard employed being the royal cubit.

In the *Muthir el Gharám* the author tells us that he saw on the north wall, over the door which is behind the Báb el Dowaidáryeh, on the inside of the wall, a stone tablet, on which the length of the Masjid was recorded as 784 cubits, and its breadth 455; it did not, however, state whether the standard employed was the royal cubit, or not. The same author informs us that he himself measured the Masjid with a rope, and found that in length it was 683 cubits on the east side, and 650 on the west, and in breadth it was 438 cubits, exclusive of the breadth of the wall.

EXCURSUS ON THE NAME MASJID EL AKSA.

In order to understand the native accounts of the sacred area at Jerusalem, it is essentially necessary to keep in mind the proper application of the various names by which it is spoken of. When the Masjid el Aksa is mentioned, that name is usually supposed to refer to the well-known mosque on the south side of the Haram, but such is not really the case. The latter building is called El Jám'í el Aksa, or simply El Aksa, and the substructures are called El Aksa el Kadimeh (the ancient Aksa), while the title El Masjid el Aksa is applied to the whole sanctuary. The word *Jámí* is exactly equivalent in sense to the Greek *συναγωγή*, and is applied only to the church or building in which the worshippers congregate. *Masjid*, on the other hand, is a much more general term; it is derived from the verb *sejada* "to adore," and is applied to any spot, the sacred character of which would especially incite the visitor to an act of devotion. Our word *mosque* is a corruption of *masjid*, but it is usually misapplied, as the building is never so designated, although the whole area on which it stands may be so spoken of.

* I propose hereafter to publish a fac-simile of this inscription, showing the alteration in the mosaics, from a squeeze impression, which I obtained when working in the mosque.

The Cubbet es Sakhras, El Aksa, Jám'i el Magháribeh, &c., are each called a *Jámi*, but the entire Haram is a *masjid*. This will explain how it is that 'Omar, after visiting the churches of the Anastasis, Sion, &c., was taken to the "Masjid" of Jerusalem, and will account for the statement of Ibn el 'Asa'kir and others, that the Masjed el Aksa measured over 600 cubits in length—that is, the length of the whole Haram area. The name Masjed el Aksa is borrowed from the passage in the Coran (xvii. 1), when allusion is made to the pretended ascent of Mohammed into heaven from the temple of Jerusalem; "Praise be unto Him who transported His servant by night from El Masjed el Harám (*i.e.*, 'the Sacred place of Adoration' at Mecca) to El Masjed el Aksa (*i.e.*, 'the Remote place of Adoration' at Jerusalem), the precincts of which we have blessed," &c. The title *El Aksa*, "the Remote," according to the Mohammedan doctors, is applied to the temple of Jerusalem "either because of its distance from Mecca, or because it is in the centre of the earth."

The title Haram, or "sanctuary," it enjoys in common with those of Mecca, Medina, and Hebron.

(*To be continued.*)

DISCOVERY OF A TABLET FROM HEROD'S TEMPLE.*

"PERMIT me to have recourse again to the publicity of your journal in order to make known, in a few words, an important discovery which I have just made in Jerusalem. It is of one of those tablets which, in the temple reconstructed by Herod, forbade strangers, as Josephus tells us, from passing the sacred enclosure—the prohibition being written in Greek and Latin. The tablet which I have found bears the following inscription in Greek in seven lines :—

ΜΗΘΕΝΑ ΑΛΛΟΓΕΝΗ ΕΙΣΗΠΟΡΕΤΕΣΘΑΙ ΕΝΤΟΣ ΤΟΥ ΠΕΡΙ ΤΟ ΙΕΡΟΝ ΤΡΥ-
ΦΑΚΤΟΥ ΚΑΙ ΠΕΡΙΒΟΛΟΥ ΟΣΔ'ΑΝ ΛΗΦΘΗ ΕΑΥΤΩΙ ΑΙΤΙΟΣ ΕΣΤΑΙ ΔΙΑ
ΤΟ ΕΞΑΚΟΛΟΥΘΕΙΝ ΘΑΝΑΤΟΝ.

The characters are monumental in size, and present the appearance which one would expect in an inscription of the period.

The translation is :—

'No stranger is to enter within the balustrade (*τρουφακτος*) round the temple and enclosure. Whoever is caught will be responsible to himself for his death, which will ensue.'

The passage of Josephus to which I have made allusion, is as follows :—

'When you go through these first cloisters unto the second (court of the seven temples), there was a partition (*δρυφακτος*) made of stone all round, whose

* Reprinted, by kind permission of the Editor, from the *Athenæum*.

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Extreme Exposure: Archaeology in Jerusalem 1967–2007

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A long series of excavations has been carried out since 1967 by Israeli archaeologists in ‘unified’ Jerusalem. Proponents have characterised this work as revolutionary and inspired by ‘a free academic spirit’; critics have viewed it as part of the ‘Jewish-colonial-nationalist project’. The truth of these views, which are not mutually exclusive, lies very much in the eye of the beholder. Despite the unified legal framework governing the excavation of Jerusalem, there is neither a single outlook nor an overarching plan in its conduct. Different excavators — and perhaps more significantly, different development agencies — have worked to different ends in Jerusalem, using a wide variety of means.

Three stages may be discerned in the conduct of archaeological work in Jerusalem since 1967. The first two, spanning the first three decades or so of Israeli presence in East Jerusalem, may be characterised, by and large, as ‘official’ in outlook, i.e., governed by concerns of the central government and by the municipal leadership; the third, spanning the recent decade, is highly factional in outlook, i.e., governed by the pressures exerted on an increasingly decentralised authority by special interest groups, primarily those of the ideological-religious right. The conclusion of this paper puts forward some ideas for alternative action by archaeologists in Jerusalem, based on current concepts of best archaeological practice and on a proactive stance on archaeological ethics.

KEYWORDS Israel, Palestine, Jerusalem, conflict, legislation, ethics

Introduction

In August 1909, the British adventurer and self-styled archaeologist Montague Parker, acting upon information received from a Finnish scholar with mystic leanings, began to excavate a series of galleries and tunnels near the spring and pool of Silwan (Silberman 1982, 180–8). These tunnels, it was hoped, would eventually lead to the heart of the Temple Mount, or al-Haram ash-Sharif, and reveal the treasures of King Solomon’s temple. After several fruitless seasons spent in recording the intricacies of

ancient Jerusalem's water systems together with Jerusalem's leading archaeologist, Père Louis Hugues Vincent (Vincent's description of these conduits later became the cornerstone of all subsequent investigations of the problem), Parker decided, in April 1911, to cut to the heart of the issue by bribing Waqf officials in order to gain access to the cisterns and halls beneath the Haram itself. The uproar caused by the presence of foreigners in the inner recesses of the Haram led to the ignominious flight of Captain Parker's expedition from the wrath of the Ottoman officials.

In March 2007, 96 years after Parker's debacle and in what can only be termed a bizarre coincidence — if not the product of a fine sense of historical irony (a possibility highly unlikely in view of the character of the individuals involved) — Turkish authorities were once more asked to oversee excavations near the Haram. And while these Israel Antiquities Authority (IAA) excavations at the Mughrabi Gate were certainly not a clandestine treasure hunt like that perpetrated by Parker, another team of IAA archaeologists was — again by mere coincidence? — engaged in the mining of a subterranean gallery which some hoped would lead from the pool of Siloam, beneath the village of Silwan, to the base of the Temple Mount/al-Haram ash-Sharif.

The Mughrabi Gate and Silwan excavations (Figs 1& 2) are but the last in a long series of excavations carried out since 1967 by Israeli archaeologists in 'unified' Jerusalem. Proponents have characterised this work as revolutionary and inspired by 'a free academic spirit and a deep sense of the trust borne by the scholars engaged in [it]' (Geva 1994, xiv). Critics have viewed it as a project of physical transformation 'co-implicated in the Jewish-colonial-nationalist project' (Abu el-Haj 1998, 167). The truth of these views, which are not mutually exclusive, lies very much in the eye of the beholder. Despite the unified legal framework governing the excavation of Jerusalem, there is neither a single outlook nor an overarching plan in its conduct. Different excavators — and perhaps more significantly, different development agencies — have worked to different ends in Jerusalem, using a wide variety of means.

In the following pages I would like to focus on the recent trends in the archaeology of Jerusalem. In some ways, this will be a complement to Nadia Abu el-Haj's critique of about a decade ago (Abu el-Haj 1998), which focused on the dominance of wars and politics in popular presentations of Jerusalem's antiquities as well as the manner in which the past was used to legitimate the Israeli presence in the Old City; in others, it will be a commentary on that critique. In contrast to Abu el-Haj, I will suggest that the way the past is presented by the tourism industry is not a sufficient yardstick for evaluating archaeological practice. The preserved archaeological remains in Jerusalem are neither the only nor the most important product of Israel's archaeological activity since 1967. With Abu el-Haj I will attempt to show how archaeology is still being exploited to further exclusionary narratives by various interest groups.

Since all archaeological practice is socially situated, it would perhaps be appropriate to point out some primary facts about Jerusalem. The population of greater Jerusalem (that is, East and West combined, as unilaterally defined by Israel) presently stands at about 780,000 souls. These may be roughly divided into three parts: the Palestinian and largely Islamic accounting for about 34% of the population, the Jewish ultra-orthodox, perhaps 21%, and the Jewish-Zionist sector (ranging from

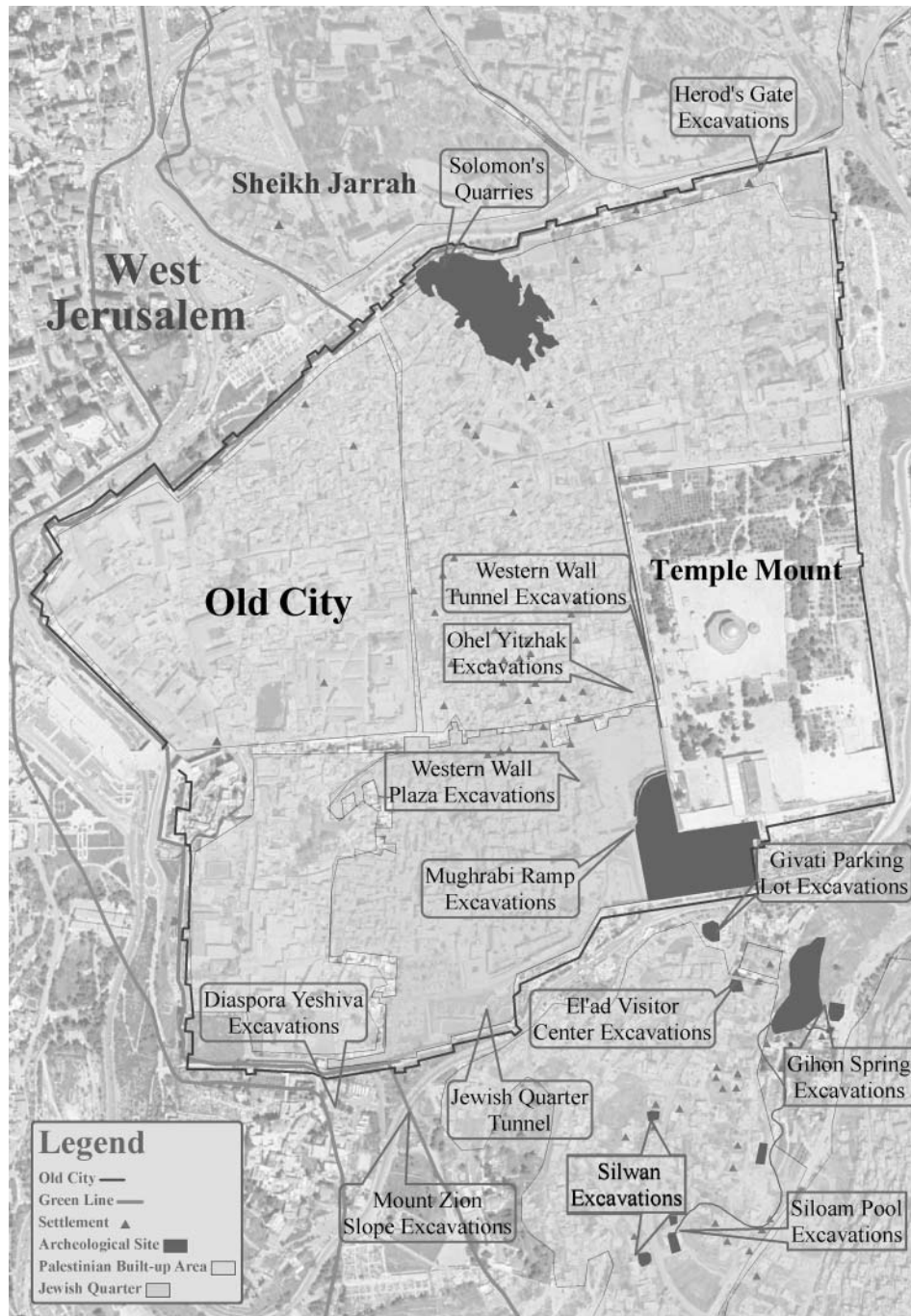


FIGURE 1 Map of recent excavations in the Old City of Jerusalem (courtesy Daniel Seideman).



FIGURE 2 Preparations for excavation on the Mughrabi ramp, 2007.

orthodox to secular), comprising about 45% (all unofficial figures, based on information culled from the Jerusalem Institute for Israel Studies website¹). The first sector is also the poorest in terms of economic, cultural and political capital (Margalit 2006), due not only to the fundamental power imbalance and disenfranchisement (with rare exception, Palestinians in East Jerusalem are not citizens, and consequently lack the right to vote in national elections), but also to a determination to avoid any cooperation with what is considered by Palestinians to be an illegal occupation. The second sector is nearly as poor as the first, but is rapidly capitalising on its demographic growth and internal discipline in order to form the dominant political element in the city. The third sector still comprises Jerusalem's economic and cultural backbone, and holds the traditional bastions of the Israeli elite, including the Hebrew University and much of the central government administration.

In terms of their affinity to archaeology, the first two groups may be said to be equally indifferent: neither the Palestinians nor the ultra-orthodox have ever turned to archaeology in order to legitimise their centuries-long presence in the city. The third group, itself subdivided into more and less conservative elements in religious terms, and into several socioeconomic classes, is the only one to which archaeology holds much relevance. It may be safely stated, in fact, that archaeology has only ever been important for a small portion of Jerusalem society. This small segment, however, represents the potential archaeological interest of a much greater portion of Israeli society outside Jerusalem, not to mention that of the international community.

In other words, Jerusalem's academic excavators carry the torch for Israel's secular community, although that latter community has generally tended to avoid physical presence in the city, even as tourists!

As representatives of a secular, academic approach to Jerusalem's history, the Israeli excavators of Jerusalem find themselves in a peculiar position: their discipline and training require of them to uphold a dispassionate approach to excavation and interpretation, while their principal clients — developers, officers of the public, financial underwriters, the tourist industry — expect to see results that will legitimise their concepts of the history of Jerusalem. Israeli historian Yaacov Shavit, who has studied the history of modern Israel's relation to archaeology, offers a concept that can help us to understand how Israeli archaeologists have handled their occupational dissonance. Shavit (1997) proposes that a division be made between a 'greater' and a 'lesser' archaeology (on analogy with Redfield's (1956) great and little traditions in anthropology). The lesser archaeology is that practised by archaeologists in their professional mode, and is the language of their internal discourse; the greater archaeology is the public and non-professional grand narrative that is used to market archaeology to the broader clientele. It is the lesser, behind-the-scenes archaeology that enjoys greater currency in professional circles, while the greater archaeology is the lubricant of popular support and funding.

Critical theory has long since exposed the impossibility of two hermetic discourses coexisting within a single framework of practice, let alone within the minds of individual practitioners. Yet the belief that archaeologists can ply their trade according to a set of rules that is completely neutral to their motivations, to the source of their funding, or to their social and political context, is a principle of faith for many of my colleagues (Mazar 1990, 32; Ben-Tor 1992, 9; Geva 1994). As part of this belief, many archaeologists who have excavated in Jerusalem have had little involvement in the post-excavation presentation of their results to the public, their contribution often limited to the provision of artefacts and descriptive texts.

Several stages may be discerned in the conduct of archaeological work in Jerusalem since 1967. The first two, spanning the first three decades or so of Israeli presence in East Jerusalem, may be characterised, by and large, as 'official' in outlook, i.e., governed by concerns of the central government and by the municipal leadership; the third, spanning the recent decade, is highly factional in outlook, i.e., governed by the pressures exerted on an increasingly decentralised authority by special interest groups, primarily those of the ideological-religious right. The first two stages are covered in Abu el-Haj's critique of the Israeli presentation of the past in Jerusalem; the last postdates it. My discussion of the first two stages will therefore be an engagement with her work, whereas my treatment of the latest stage will be more descriptive. At the conclusion of this paper I will put forward some ideas for alternative action by archaeologists in Jerusalem.

This paper does not pretend to be a disinterested evaluation. As an archaeologist who took his first steps in the field excavating at the foot of the Temple Mount with Mazar (at age 12) and in the City of David with Shiloh (as an undergraduate), as an Israeli who has experienced at first hand the thrill of recognition in deciphering ancient Hebrew ostraca, as a teacher who feels the full burden of responsibility for educating young archaeologists to be reflective and involved social actors, and as a

citizen of Jerusalem who must live with the consequences of actions taken on the ground by civil organisations and by leaders, I am deeply implicated in the issues that I discuss below.

Stage I, 1967–77: exercising the right of return

The first archaeological conference in Jerusalem following the six-day war took place in September 1967 (Aviram 1968). It is remarkable that, despite the presence of all of Israel's leading archaeologists — Yadin, Mazar, Avigad and many more — and despite the participation of Chief of Staff Y. Rabin and several cabinet ministers, no mention was made anywhere of the future of archaeological excavation in the city, or of the need for any kind of proof of Jewish presence in the Old City. Nonetheless, there can be little doubt that the 19-year separation from the Old City, and the unusual (some would have said, miraculous) circumstances of the Israeli scholars' return, whetted what was to become a voracious archaeological appetite.

It was certainly no accident that Benjamin Mazar and Nahman Avigad were chosen to head the first major expeditions. Not only were they the senior active professors in the Hebrew University Institute of Archaeology, but both had begun their careers as excavators during British Mandate times; both had studied Jerusalem before its division by the 1948 armistice lines, and both therefore viewed the return of Jewish scholarship to the Old City of Jerusalem under Israeli sovereignty as poetic justice. A sense of entitlement pervades the publications in which their major finds were first described (Avigad 1980; Ben-Dov 1982).

In the event, excavations got underway only five months after the conference, and they were conducted in the largely empty lot adjacent to the south-western corner of the Temple Mount/al-Haram ash-Sharif. The main concern of the excavators was to secure the agreement of Jewish religious authorities for excavation so near the western wall of Herod's temple. This agreement was reached thanks to a compromise engineered by mayor Teddy Kollek, according to which archaeologists were awarded everything south of the western wall praying area and religious authorities were given responsibility for everything lying to its north, along the western wall. The Ministry of Religious Affairs eventually used their privilege to excavate a tunnel along the entire length of the Haram wall. In the meantime, municipal authorities had swiftly destroyed the Mughrabi quarter, adjacent to the Haram wall, in order to create a large plaza (Fig 3). This was done with no archaeological involvement.

It was several years before the impact of the Temple Mount excavations on the cognitive map of Jerusalem began to be felt. These years were spent in the 'lesser' archaeological activities of clearance of large-scale construction from Byzantine and Umayyad times, as well as the removal of enormous quantities of 'dumps' (the accumulation of hundreds of years of refuse deposition). By the early 1970s, however, the excavations had extended to the south-east corner of the Haram, revealing extensive Roman-period remains along the way (Fig 4). The discoveries began to find expression in a series of publications on the ancient topography of the Tyropean Valley and the Temple Mount; these publications and reconstructions all had Herod's temple enclosure as their centrepiece (Ben-Dov 1982, 98–101; Ritmeyer 1989).



FIGURE 3 Removal of the last houses leaning on the Western Wall; photographed in the afternoon of 16 June 1969 (Vilnay 1970, 327; reproduced by permission of Ahiever Publishing).

Meanwhile, a second focus of excavations had developed in the Jewish quarter of the Old City. Here, high-level political decisions to completely raze and rebuild the quarter (which had been badly damaged during the 1948 war and after it, when Jordanian authorities had several synagogues demolished) were translated into extensive, year-round excavations. There was little prior indication of the extent or quality of the finds that could be expected in this area. It therefore came as a surprise to find the wealth of architectural remains spanning the Iron Age to the Crusader periods. In preliminary reports on the excavation, Avigad (1980) describes in some detail the nature of the dialogue between archaeologists and developers, and claims to have reached 'a golden mean', whereby the methodological integrity of the excavations was upheld, and the most important remains were preserved either in open areas within the Jewish quarter or in basements beneath the modern buildings.

There can be little doubt that the 'most important' finds for Israeli excavators were the extensive — and to a great extent unexpected — remains of Iron Age and Early Roman Jerusalem, although in sheer bulk these were virtually equalled by later remains (mainly Byzantine and medieval in date). The manner in which these finds were eventually woven into the new narrative of Jerusalem's — and the Jewish quarter's — past has been described at length by Abu el-Haj (1998). Her critique is most effective where it illustrates the discourse of exclusion and power used in popular presentations of Jerusalem's antiquities: the only significant processes are those



FIGURE 4 A visit by Israel's prime minister Levi Eshkol to the archaeological excavations near the south-western wall of the Temple Mount in Jerusalem, 4 July 1968 (Fritz Cohen, courtesy of the Israel Government Press Office, National Photo Collection).

related to warfare and political authority. Her discussion of the manner in which Jewish remains are highlighted in the interests of Israeli presence in the Old City should be tempered by the following observation: given that every act of preservation and presentation is inherently selective, the choices made by the present rulers of Jerusalem should be viewed in the context of similar choices made by all previous generations of rulers and conquerors. Each had its own story to tell, and none is inherently morally superior to the others.

Of greater relevance to the thesis of this paper is the observation that neither of the two excavation projects described above, grand in scale and publicly funded, was begun with any overarching programme in mind. As they developed, their role in the physical transformation of the Old City emerged as their most prominent contribution. The lesser archaeology succumbed to the greater, and it was only decades later that detailed excavation reports began to appear, prepared by the successors of the original excavators (e.g., Geva 2000; 2003; 2006; Mazar 2003).

Furthermore, archaeology was also implicated — if in a less visible way — in a far more ambitious project with significant political dimensions: the construction of new Jewish neighbourhoods east of the 1949 armistice line (the so-called Green Line). Extensive construction in the neighbourhoods of Ramat Eshkol, French Hill, Giloh,

East Talpiyot and, later, Ramot led to the discovery of extensive necropoli of Jewish Jerusalem, dating mainly to the early Roman period. Many of the tombs contained decorated and inscribed ossuaries, some of which continue to fuel controversy and fire the imagination of Christian fundamentalist treasure hunters. In addition to the tombs scores of less celebrated sites were excavated, significantly enriching archaeologists' understanding of the environs of ancient Jerusalem and providing resources for a more complete archaeological history of the city.

In all, a close correlation may be observed between the extent and type of archaeological activity and the political agenda of the Labour-led government in the first decade of occupation: a heavy emphasis on establishing an Israeli presence in the Old City and east of the Green Line, with the intent of permanently changing the political status of Jerusalem (Berkowitz 2007, 238–9). This is the era of large-scale projects, coupled with a secular — and to some extent even liberal — outlook that sees Israel as the steward of world cultural heritage in Jerusalem. The nature of the discoveries in the great projects made their contribution to the 'greater archaeology' an easy sell: extensive remains of Judahite (Iron Age) and Jewish (early Roman) Jerusalem, alongside a healthy dose of Christian and Islamic antiquities to provide Israeli sovereignty with the legitimacy of a liberal, multicultural orientation.

Stage II: the less the better

The downfall of the centrist Labor-led coalition in 1977 and the consolidation of the right-wing Likud government throughout the 1980s led to a change in the standing of Jerusalem in the Israeli agenda: despite the highly charged rhetoric and the passing of the 1980 Jerusalem Law ('Jerusalem, complete and united, is the capital of Israel'), the main ideological thrust of the new leadership was focused on the construction of settlements in the West Bank. In Jerusalem, the municipal leadership concentrated on buttressing existing neighbourhoods, especially those on the northern and southern periphery (Giloh, Ramot, Neve Yaakov and the new neighbourhood of Pisgat Zeev), and on an administrative expansion that would allow development of the city towards the west.

The archaeological reflection of this change in priorities may be characterised as a clear move towards a 'lesser' archaeology, led by a younger generation of academic and professional practitioners (an impressive summary of this work can be seen in Geva (1994)). The flagship excavation of this era was the City of David expedition headed from 1978 to 1985 by Yigal Shiloh of the Hebrew University. Though conceived as a follow-up to the Temple Mount and Jewish Quarter excavations, there are several interesting differences in both concept and execution:

- a) The area designated for excavation was, with some minor exceptions, an area that had long been set aside for the purpose; there was no appropriation of public or private land.
- b) The excavation was designed and carried out after the manner of academic tell-type excavations: a two-month field season followed by ten months of lab research.
- c) An understanding was reached with the Palestinians residing near the excavation areas. Houses and plots were rented for the duration of the season and there was a degree of friendly — if almost entirely commercial — interaction.

Despite the considerable importance of Shiloh's results, the City of David excavations did not have the same impact on the cognitive map of Jerusalem as the earlier expeditions. This was no doubt due to its location below and away from the focus of religious interest in the Old City, within the densely settled Palestinian neighbourhood of Wadi Hilweh (often termed Silwan, after the large village to which it belongs) (Fig 5).

An important dimension of archaeological work during these years was a great increase in the study of the environs of the ancient city. Here, by chance, the development of the city and a shift in archaeological priorities occasioned by the rise of environmental and geographic ('spatial') approaches coincided. An extensive survey (Kloner 2000; 2001; 2003) and several important excavations and landscape studies in West Jerusalem (e.g., Gibson & Edelstein 1985; Eisenberg 1993; Edelstein & Milevski 1994) joined scores of salvage excavations in the northern and southern peripheries of East Jerusalem to provide materials for a new perspective on the history of Jerusalem.

Herein lays an interesting paradox: the important salvage work conducted in Stage I and especially in Stage II of Israeli archaeological activity in Jerusalem was occasioned — as far as practitioners were concerned — by a higher power; that is, the initiative was not archaeological. In fact, the initiative was entirely political in nature, but it created an archaeology that was able to see itself as entirely *apolitical*.



FIGURE 5 View of Wadi Hilweh, rear centre, and Silwan, right, from south, with Temple Mount/Haram ash-Sharif in the background.

Moreover, this ‘apolitical’ archaeology was to a great extent invisible to the public. The scientific (‘lesser’) discourse was almost entirely confined to professional circles, and the sites in question were destroyed, covered over, or left as undeveloped ‘non-places’ — anonymous islands in the urban sprawl of modern Jerusalem. There can be no doubt that this archaeological activity salvaged great quantities of information from the inexorable march of development. At the same time, its very lack of presumption resulted in its contribution going nearly unnoticed; few of the debates on Jerusalem take much notice of the potential contribution of the spatial and environmental analysis of the ancient countryside to the solution of problems caused by the problematic nature of operations within the city.

As if that were not enough, the salvage work is further marred by the misunderstanding by its practitioners of the social context in which they operated: what they viewed as ‘neutral’ science was, after all, cultural production — in this case, of an archaeological record; their education and pre-understandings influenced their motivation and interest, and these in turn governed methods of data retrieval and the way they presented their finds. This is easily demonstrated in the main showcase of Stage II archaeology, *Ancient Jerusalem Revealed* (Geva 1994). Divided into three headings, First Temple Period, Second Temple Period, and Later Periods, the thirty-nine contributions are distributed as follows: tombs and burials (12), epigraphic finds (8), fortifications (8), art objects (3) and miscellaneous architecture (7). Only one contribution is devoted to a quotidian industry (Y Magen on the stone vessel industry), and none to any of the spatial or geographic issues that were quite popular by this time. The volume thus carefully reproduces the standard themes of Jerusalem’s archaeology since the 1970s.

Another blind spot of nearly all Israeli archaeologists was their indifference to the emergence of a Palestinian school of archaeology in the West Bank, in tandem with the coming of age of the Palestinian national movement during the 1980s (Glock 1994). With few opportunities for legitimate encounters with Palestinian academics, most Israeli archaeologists saw the nascent Palestinian school as unprofessional, marginal and politically motivated. Thus was the opportunity missed by both sides to become acquainted with alternative archaeological views of the same landscape and history that they were studying. These alternative viewpoints included fundamental issues such as the very definition of antiquities, the place of historical archaeology and ethnography, or the identification of indigenous people. In Israel, terminology was naturalised to such an extent that any query regarding terms such as ‘First Temple Period’, ‘Israelite settlement’, or ‘Herodian lamp’ was viewed as grounds for taking offence, if not as an attack on Israel’s very right to exist (this is not far-fetched as it may seem, in view of the zero-sum conceptions governing both Israeli and Palestinian narratives of identity). In this sense, the ‘lesser’ archaeology absorbed the values of the ‘greater’ archaeology, and contributed in turn to the reproduction of the latter.

Stage III: full of passionate conviction

The political year of 1992–93 was a remarkable turning point in the history of Israeli-Palestinian relations in Jerusalem. At one end of it lay the electoral victory of Yitzhak Rabin and the Labor Party, which paved the way to the 1993 Oslo accords;

at the other end stood the election of Ehud Olmert as mayor of Jerusalem, signalling the victory of a religious and right-wing agenda in the city and the splintering of secular and progressive forces. Galvanised by the threat to their settlement programme in the West Bank, the ideological right went into overdrive. In Jerusalem, a two-pronged campaign was pursued, the one aimed at suppressing Palestinian political activity in East Jerusalem, the other at establishing a Jewish presence in as many locations as possible in the Old City and its environs. One key figure in this activity was city council member, the late Shmuel Meir, who died in a car accident in 1997. In a 2005 interview, Meir's widow describes his mid-1990s activity:

His plans as council member included the expansion of Pisgat Zeev, building a promenade along thre Ophel, at the foot of the Mount of Olives, developing the Jehosophat [Kidron] Valley, construction at Herod's Gate, developing the Western Wall tunnels, reconstructing the Horvah Synagogue, and above all the extension of Jerusalem's sovereign borders by constructing the neighborhood of Har Homa [...] and the authorization of Jewish construction at Ras el-Amud on the Mount of Olives [...]

He gathered various bodies that advocated for Jerusalem and called them 'the Forum for Jerusalem'. The forum included, among others, Matti Dan from 'Ateret Kohanim', David'le Beeri from 'Elad', Haim Falk from the National Religious Party, Hanan Porat, Ketza'le, Uri Ariel, Soli Eliav from the Western Wall tunnels, Elisha Peleg and many others. (Shnor 2005)

This activity must be seen as the foundation of a new, hitherto unknown, intimate relationship between the ideological agenda of the Jewish settlement movement and archaeology in the historical basin of Jerusalem. Of the circle described in the above quote, three figures (Dan, Beeri and Eliav) are central to the ongoing campaign of acquisition, construction and excavation in the historical basin, while the others served or continue to serve as their political patrons. Within the discourse of their campaign, archaeology was, at first, a minor component: in fact, it was perceived more as a hindrance than as a contribution to the cause, since any construction in Jerusalem requires complete excavation beforehand, which can often take years.

Here, several words on the role of the Israel Antiquities Authority (IAA) are in order. In 1990, the IAA was created as a semi-autonomous government unit, replacing the former Department of Antiquities and Museums, which had been part of the Ministry of Education. The effect of the formation of the IAA was a rapid growth in its statutory capacities and manpower, which soon outpaced its budget. This, in turn, led the IAA to ever-increasing involvement in contract work vis-à-vis both public and private developers, under the 'polluter pays' principle. In its capacity as regulator of any construction activity in a declared archaeological zone, the IAA has the power to prevent or delay construction. However, in its increasing subjugation to rules of the market and a liberalised economy, the IAA has become increasingly dependent on projects funded by the developing agent. In this manner, the IAA has become a player in the politics of development in the historic basin, and often appears to be caught in a conflict of interests. Moreover, the very definition of the 'clients' of the IAA has undergone significant change; under the market principle, the paying agent is the client, with all that this status entails.

After several run-ins with the IAA, the promoters of an expanded Jewish presence in East Jerusalem latched on to the idea of using archaeology to gain control of large

tracts of public land: all open areas in the historical basin would be declared antiquities zones, and ideological NGO's such as El'ad would be subcontracted by the state to maintain and develop these areas. Within the walls, excavated areas — even those scheduled for new construction — could be similarly co-opted. The ultimate aim — it must be stressed — of all these groups was first to create wedges of Jewish settlement in the interstices between Palestinian neighbourhoods that would prevent any political division of the city, and eventually to dilute the entire Palestinian presence in the historic basin (Hirschberg 1996). Archaeology provides physical and symbolic capital for this project, in the form of a narrative emphasising Jewish continuity and eliding other cultures, and relics that testify to such continuity. Furthermore, the nearer these relics are to the Temple Mount, the greater value they hold for promoters of the project, stressing the underlying messianic nature of their enterprise.

The 'pilot project' of this new, emboldened approach was the construction of a northern exit for the so-called Western Wall tunnel: a series of vaults, cisterns, carved channels and modern galleries joined together in order to allow passage from the Western Wall prayer plaza to the north-west corner of the Temple Mount/al-Haram ash-Sharif. Cleared at the initiative of the Ministry of Religious affairs, the tunnel system was, as of 1996, accessible to a limited number of visitors, since its only entrance was at its southern end, from the Western wall plaza. The seemingly innocuous decision, in October 1996, to allow through pedestrian traffic in the tunnel by creating an opening at its northern end led to a wave of violence in Jerusalem and the West Bank that cost scores of lives. This decision was announced by then mayor Ehud Olmert, who forced the hand of prime minister Netanyahu into publicly supporting it. But there can be little doubt that those who profited most from the entire affair were the ideological-religious organisations located in the heart of the Old City — e.g., the semi-governmental Western Wall Heritage Foundation, the Aish HaTorah Yeshiva and the Ateret Cohanim Yeshiva — for whom the tunnels serve as a virtual lifeline, attracting thousands of tourists and providing an unrivalled opportunity for hours of intensive indoctrination (access to the tunnel is from the Western Wall plaza, and is limited to guided groups only; through passage for individual tourists or Palestinian residents of the Old City is not allowed). Politically, the tunnel incidents were also a bonanza for the fundamentalist Islamic opposite numbers of the Israeli NGOs. After 1996, as part of the understanding reached with Waqf officials in the wake of the violence, archaeological inspection of the Haram ceased (Avni & Seligman 2006). A *carte blanche* was given to Islamic authorities to carry out unsupervised restoration and clearance in the ancient chambers and halls beneath the al-Aqsa mosque. Thus was archaeology implicated, and ultimately sacrificed, in the first skirmish of the war of religions into which the Israeli-Palestinian conflict is gradually evolving.

The Western Wall tunnels had always been under religious jurisdiction and were, strictly speaking, a holy place where archaeology was tolerated. The direct exploitation of archaeology for the promotion of a religious-ideological agenda was left to what was soon to become the most effective of the Jewish settler NGOs, El'ad (Hebrew acronym of 'el ir-david' [to the City of David]; Watzman 2007). In the early 1990s, El'ad had attempted to consolidate Jewish settlement in the part of the Palestinian village or neighbourhood of Silwan built upon the south-eastern spur of

ancient Jerusalem (the City of David). This settlement was to be realised through acquisition of Palestinian properties and by direct construction on open areas, with only a passing regard for archaeology. The political changes of 1992–93 entailed a shift in strategy, and beginning in the mid-1990s El'ad became a central player in East Jerusalem affairs, obtaining a contract to manage the City of David National Park while not relinquishing its role in what it coyly terms 'residential revitalization' (Greenberg 2009, 42).

Having effectively changed its stance from petitioner to and sometime adversary of the IAA to that of developer, client and underwriter of public works, El'ad obtained unrivalled leverage in the IAA, the Nature and Natural Parks Authority (NNPA), and other government offices at the regional and national level. As of the time of writing, the IAA has completed nearly 15 years of continuous excavation in the 'City of David', virtually all of it requested and funded by El'ad, which has become the de facto planning authority for the Wadi Hilweh neighbourhood of Silwan. And, while the conduct of the excavations themselves has been left largely to the discretion of the excavators (though time constraints and research priorities have been affected by the agenda of the developers), the presentation of the finds to the public — including venues such as semi-academic conferences in which IAA excavators play a crucial role — has been left to El'ad in a manner that I have described at length elsewhere (Greenberg 2009).

Along with this overt exploitation, the elision of the Palestinians from the excavation process and from the historical narrative that accompanies it has intensified. The contrast between the enormous inputs into excavation and the crumbling municipal infrastructure is particularly vivid. Not only has there been no consultation with the people actually living among the excavation sites, but archaeological operations have become a permanent nuisance, adding another chapter to the tale of municipal dysfunction in one of the poorest areas of town (Fig 6). And not only have the non-Jewish periods of settlement been ignored in their presentation, but the entire thrust of the development of the site has been one that attempts to make the local inhabitants invisible to the casual visitor (Fig 7). Tourists are discouraged from entering Palestinian shops, they are directed away from the routes frequented by the Palestinian inhabitants, and various plans have been mooted to direct as much tourist traffic as possible into underground galleries, where only the relics of the Jewish past will have a voice.

How have Israeli archaeologists responded to these developments? A number of prominent academics have offered some resistance: a 1998 suit to Israel's High Court filed by a group of archaeologists from the Hebrew University against the El'ad monopoly on the archaeology of the Silwan basin resulted in a compromise according to which authorities were supposed to turn over the management of the park to a disinterested party. This compromise was not, in fact, effected, and El'ad simply outlasted the effort to have it replaced.

For most archaeologists, however, the residue of the 'apolitical' approach has come into play, particularly for the IAA excavators actually involved in the work itself. Drawing a line between their professional and social persona, academic and professional archaeologists involved in the excavations focus entirely on the technicalities of fieldwork and the basics of interpretation. But the attempt to pursue the 'lesser'



FIGURE 6 Wadi Hilweh: Palestinian (left and right) and settler (centre, with flag) houses flanking archaeological area, with garbage.

archaeology under these conditions rings hollow. Many rules of archaeological engagement are being bent and broken in the effort to accommodate the ‘clients’ — the funders and the settlers. This has become so blatant as to attract criticism even from the members of the usually quiescent Archaeological Council (Rapoport 2007).



FIGURE 7 Excavations at the Giv'ati parking lot in Wadi Hilweh, Silwan.

Published excerpts from the council's meeting in March 2007 testify to a critical response to activities such as the excavation of horizontal, subterranean galleries along the Roman period road near the Siloam pool, or the continued self-licensing of excavations in the historic basin by the IAA, without consultation with the council. At the time of writing of this paper, the pretence of a disinterested, 'apolitical' archaeology can, it seems, no longer be maintained. Using a local catchphrase, the IAA excavators are increasingly exposed as 'the Messiah's donkey' for the ideological national-religious right.

Conclusion: can archaeology further the peace of Jerusalem?

Proponents of the present archaeological activity in the historic basin often bring up the following arguments:

1. All the development activity currently under way in Jerusalem is strictly legal: excavations are statutory, and should be carried out by a publicly accountable body such as the IAA.
2. Since Palestinians in Jerusalem do not recognize Israeli sovereignty and do not cooperate with municipal bodies, there is no way to integrate them in the planning and conduct of archaeological activities.
3. Palestinian unlicensed construction threatens antiquities; all work in the historic basin is, by definition, salvage work.

These claims are technically accurate (at least through the eyes of Israeli law), but they are all based on a narrow and myopic legalistic perspective, as if each plot acquired or excavated is an independent entity, and as if there are no ways of side-stepping issues of political recognition in the interest of accommodation on the ground. Seen as a whole, construction and development in the historic basin have been motivated, over the last decade, primarily by sectarian interests on all sides. Left to their own devices, these interests lead Jerusalem down the path of religious conflict and away from any hope of political solution. Thus, the archaeological ‘salvage work’ in the service of ideological organisations is, in fact, working towards its own destruction: what will remain of Jerusalem’s archaeology once everything goes up in flames?

For the sake of its own preservation, the archaeology of Jerusalem has a vested interest in stability and political accommodation. If such an accommodation requires a freeze on new construction within the historic basin and with it a halt to new excavations — this might be a price worth paying. International best practice, as defined by widely endorsed charters and conventions, in fact recommends restraint in the excavation of historic cities and, moreover, a careful consideration of all periods in the city’s history when presenting the past (Turner 2005; UNESCO 1956). The decision regarding excavations should not be made on a case-by-case basis. Rather, the issues should be reviewed globally, public debate should be encouraged, and Palestinian inputs into such a debate should be solicited.

Individually, archaeologists should be encouraged to confront the ethics of their activities, identifying the broadest range of stakeholders, taking responsibility for the impact they make on the place in which they have chosen to excavate, involving local people in the decisions that affect their environment, mitigating the negative effects and enhancing the positive effects of their work. No one is absolved of individual ethical responsibility: being part of a larger organisation does not release us from our responsibilities to the general public any more than it releases us from our responsibilities towards our colleagues (best field practice, publication, etc.). If we insist on being signatory to our publications, we must also be prepared to own up to the impact of our personal professional conduct on the human environment in which we ply our trade. Furthermore, individual responsibility entails group responsibility, requiring that archaeologists organise, speak out, create coalitions with like-minded actors in the field, and protect each other from the potential fallout of their activities.

Best archaeological practice, as defined in most professional ethical codes, is most likely to succeed in a stable, tolerant environment. Archaeology conducted behind tall fences, or under cover of armed guards, is likely to fall prey to the latent violence in which it is engendered (Fig 8). There are many ways in which archaeology can be used to foster understanding between different groups, social strata, and religions. In Jerusalem, likely the most sensitive archaeological site in the world, international scientific cooperation should be aggressively pursued, introducing not only best archaeological field practice but a protocol of professional monitoring of the quality of the work done and the decisions taken with regard to conservation and presentation. In the recently concluded recommendations drafted by the Israeli-Palestinian



FIGURE 8 Wadi Hilweh, Silwan: settlers' house with guard-post at left; excavation area, with flag, at right.

Archaeology Working Group, it is suggested that the entire historic basin of Jerusalem be redefined as a World Heritage Zone, where all cardinal decisions are taken only after broad consultation.² It is the celebration of the city as a palimpsest of world cultures, rather than the exclusive property of this or that group — that will best afford archaeologists a constructive professional role.

Jerusalem has been kind to archaeologists. It has made many a career and supplied many a livelihood. It is high time that we offer something in return.

Acknowledgements

The impetus for writing this paper has been my recent involvement in the debate over archaeological policy in Jerusalem. While my first acquaintance with the people of Silwan came during my years as field assistant in the City of David excavations, this paper is based on conversations with present Palestinian and Jewish activists, some of whom share my views and some of whom do not. The same may be said of numerous friends and colleagues in the IAA and the Hebrew University who have given me insight on present policy and on the ongoing work of the IAA in East Jerusalem. 'Ir 'Amim provided important background information on the activity of NGOs in Silwan and the Old City'. To all I express my thanks, with apologies for any misrepresentations, for which I alone am responsible.

Notes

¹ <http://www.jiis.org.il>

² <http://www.usc.edu/dept/LAS/religion/arc/sh>

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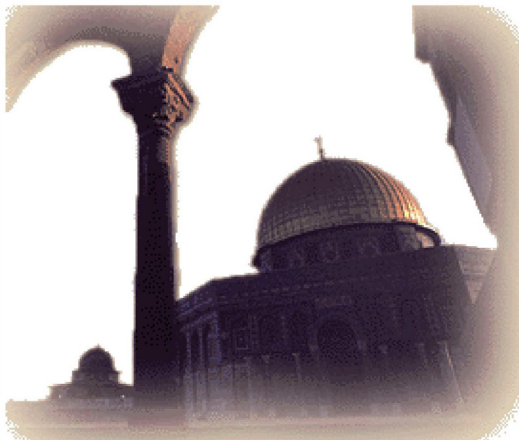
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Hashemite Restorations of the Islamic Holy Places in Jerusalem

The Hashemite clan ruled over parts of the Hijaz region of Arabia from 967 CE to 1925 CE in unbroken succession. Moreover, the late King Hussein's branch of the Hashemite family ruled the holy city of Mecca from 1201 CE until 1925 CE. The history of Hashemite leadership in the Arab and Islamic world finds Jordan's current monarch, King Abdullah bin Al-Hussein, at the head of a family which represents over a thousand years of rule in the region, and with a long history as guardian of the Islamic faith and the holy city of al-Quds al-Sharif (or Jerusalem).



In the center of the Old City of Arab East Jerusalem sits a sprawling compound known as al-Haram al-Sharif (The Noble Sanctuary). The compound, which contains two mosques, many shrines and public fountains, as well as the tombs of Muslim saints, is so holy and dear to Muslims that in the advent of Islam the faithful turned towards Jerusalem, and not, as they later did and continue to do so today, towards Mecca. Al-Haram al-Sharif is described as the first *qibla* (direction to which Muslims turn in prayer), and the third holiest shrine after Mecca and Medina.

At the visual center of the area lies the golden Dome of the Rock which was completed in 691 CE by Caliph 'Abd al-Malik ibn Marwan. The Dome of the Rock was built to commemorate the Prophet Muhammad's famous night journey (*al-Isra' waal mi'raj*). In the year 620 CE he was transported from Mecca to Jerusalem in a mystical flight, and from the rock around which the shrine was later built, he ascended to heaven. Today Muslims celebrate this annually during *al-Isra' waal mi'raj*, which this year will be on November 16th.

The second mosque in al-Haram al-Sharif, at the end of a walkway connecting it to the Dome of the Rock, is al-Aqsa Mosque, or "The Farthest Mosque." It is so named in reference to the Qur'anic verse citing Jerusalem as "The far distant place of worship." Al-Aqsa Mosque was completed in the year 715 CE, and is distinguished by its silver dome, slightly lower in height than the Dome of the Rock.



► The First Hashemite Restoration, 1922-1924

Zionist claims to al-Quds (Jerusalem) at the beginning of the 20th century proved a threat to the city, which is sacred to all members of the three great monotheistic religions. Al-Haram al-Sharif, the primary symbol of the Arab presence in and right to Jerusalem, became a symbolic rallying point of Arab unity. In 1922, a non-governmental Islamic organization, the Islamic Higher Council (IHC) was established to preserve Islamic ideals and sanctuaries alike. The IHC was the institution which took responsibility for raising capital to restore the Dome of the Rock. In harmony with his religious responsibility, Sharif Hussein contributed generously to the restoration and took personal interest in its administration. This first Hashemite restoration was completed in 1924. Sharif Hussein's tomb is located in the southern corridors of the mosque.



► The Contributions of King Abdullah

Sharif Hussein's son Abdullah, the first ruler and king of Transjordan, took up the responsibilities of his father. During the 1948 war, al-Haram al-Sharif suffered considerable damage. It was King Abdullah who sounded the call for the restoration of Zakaria's *mihrab*, as well as the reconstruction of the surrounding buildings which had suffered structural damage. In 1949, King Abdullah personally helped to extinguish a fire which almost destroyed the Church of the Holy Sepulchre, located next to al-Haram al-Sharif. He held the role of guardian throughout his reign, maintaining and repairing the holy sites of Jerusalem from the 1920s until the time of his martyrdom in al-Aqsa Mosque during Friday prayers on June 20, 1951.

▶ **The Second Hashemite Restoration, 1952-1964**

On May 8, 1952, six days after the coronation of the young King Hussein, the Jordanian government again took action towards restoring the Dome of the Rock. The 1920s restoration, a replacement of the outer wooden dome with an aluminum, gold-coated dome, was unsuccessful in stopping water leakage into the interior. The dome was also losing its exterior golden luster. The new king made the maintenance of this symbol of Islamic pride among his primary responsibilities.

In 1959, the second restoration commenced, funded by Jordan (JD 60,000) with some support from other Islamic countries (JD 86,000). The second restoration was completed on August 6, 1964.

▶ **The Emergency Restoration, 1969**

Salah Eddin's *minbar*, in al-Aqsa Mosque suffered great damage when it was set on fire on August 21, 1969, by an Australian Jew, Dennis Rohan. The restoration of this *minbar* (a stepped platform for preaching brought from Aleppo to Jerusalem by the legendary Muslim leader Salah Eddin, who liberated the city from the Crusaders in 1187 CE) cost the Jordanian treasury JD 6 million (US\$ 9 million). Fortunately, the restoration team was able to salvage the original *minbar* and eradicate 95% of the damage.

Abdullah bin al-Hussein

(translated from Arabic)
Amman on: 11 Thul Hijja 1364
Corresponding to: 16 November 1945

Presidency of the Arab League - Cairo

The best way to save Palestine and maintain it as an Arab country or to save the remaining part of Palestine is through concentration of efforts on the following:

First: *Strengthening of the Palestine Nation's Fund and making it capable of maintaining the lands of the Arabs in the hands of Arabs through buying the land put for sale for urgent conditions and through restoration of lands in need for so.*

Second: *Taking the necessary arrangements for the entry of Arab immigrants into Palestine on a monthly basis and in numbers equal to the Jewish immigrants, and not to rely on the possibility of persuading the Western democracies; particularly after the recent resolutions.*

This is an urgent action. The Arab nation is wailing the urgent magnanimity of the Arab States and there is no time to waste, otherwise the Jews will be able to buy new lands and push new immigrants to Palestine.

This, in my point of view, is the effective step, and after that there is no harm in having the publicity offices and political expectations.

CC: Transjordan's representative in Cairo.

► **The Third Hashemite Restoration, 1992-1994**

By the late 1980s, the dome was again beginning to dull in brightness, and damage resulting from regional violence could be seen in both the interior and exterior. King Hussein again initiated actions towards preserving the holy sites. Under his instruction, Jordan's Ministry of Awqaf commissioned the Irish construction firm Mivan for the unprecedented job of gilding the dome with 5000 glittering new gold plates, as well as rebuilding the roof supports, repairing the basic structure of the building and fireproofing the compound. Special attention was also paid to the restoration of the Salah Eddin's *minbar* and to the selection of the materials, which most closely resembled those initially used. The late King Hussein spent more than US\$ 8 million of his personal wealth to finance the project, which was widely acclaimed as one of the most ambitious religious restoration jobs in history.

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The Hashemites
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Soldier Gets Life Term In Dome of Rock Death

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Alan Harry Goodman, the Israeli Army recruit who shot his way into a mosque on the Temple Mount in Jerusalem last April 11 and started an Arab riot, was sentenced to life imprisonment plus 40 years today for the murder of a Moslem guard and the attempted murder of four others.

A panel of three judges rejected the defense plea that Mr. Goodman, 38 years old, was not responsible for his action because he suffered from paranoid schizophrenia.

Two Arabs were killed and 11 were injured before Mr. Goodman was subdued at the shrine, the Dome of the Rock. The spot is sacred to Jews as well as to Moslems.

Mr. Goodman, born in Baltimore, became an Israeli citizen in 1981. The ruling said he began to desire vengeance against Arabs in 1979 after terrorists hijacked a bus with family picnickers and murdered the occupants.

A version of this article appears in print on , Section A, Page 12 of the National edition with the headline: Soldier Gets Life Term In Dome of Rock Death

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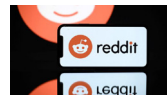
UPS recently announced it would equip delivery trucks with air conditioning. Dr. Douglas Casa, CEO of Korey Stringer Institute at the University of Connecticut, spoke with Cheddar News on the dangers of heat stroke and how workers can keep themselves safe from extreme weather.



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In Entertainment: Trevor Noah's New

JERUSALEM — JERUSALEM -- After serving 15 1/2 years of a life sentence for a terrorist attack on a Muslim holy shrine, Baltimore-born Alan H. Goodman was released from an Israeli prison last night under an agreement that enabled the convicted killer to return to Maryland, prison officials said.

Goodman, 53, was scheduled to leave Israel on a flight bound for the United States and a reunion with his mother, Fannie, in Baltimore.

Goodman was convicted on murder and assault with intent to murder charges in an April 11, 1982, shooting in the courtyard of the Al Aqsa mosque on the sacred Temple Mount in Jerusalem, the third-holiest shrine in Islam.

The area is considered the holiest place in Judaism as the site of the Western Wall and the ancient temples of Solomon and Herod.

Wearing an Israeli army uniform and firing an M-16 automatic rifle issued during basic training begun weeks earlier, he killed a Muslim and wounded four others.

Indictment papers said he intended to capture and "liberate" the walled enclave from Muslim control.

Since the 1967 Middle East war, in which Israel captured Arab East Jerusalem and its holy sites from Jordan, Muslims have prayed on the Temple Mount while Jews have worshiped below at the Western Wall.

Jews can enter the walled compound but are barred from praying there.

The shooting provoked rioting by Muslims, who attacked Israeli police on the Temple Mount. When the trouble subsided, two Muslims were dead -- one killed by Goodman, the other by a police bullet -- and 11 injured.

'An eye for an eye'

At the time of sentencing, Goodman referred to his crime as "an eye for an eye" and shouted, "Long live the Jews."

In an interview last week with the Israeli daily Yediot Ahronot, Goodman expressed no regret about his crime. Wearing the yarmulke of a religious Jew, his beard graying, the stocky Goodman told the newspaper that the attack on the Temple Mount was "politically correct."

"It's just a pity that life is too short to implement everything you want to do," he said.

The Israeli parole board decided Oct. 14 to release him early on condition that he spend the next eight years outside Israel, prison officials said.

Life terms in Israel generally are shortened to 24 years; Goodman has served about two-thirds of that.

A job and quiet life

Upon his return to Baltimore, Goodman said, he wants to live a quiet life and find a job.

"I'm happy I'm going away from here. I'm only sorry it's happening now," Goodman told the newspaper.

Goodman moved to Israel after 1978 but retained U.S. citizenship. Afterward, he returned to Baltimore briefly, staying at a rooming house on Franklin Street.

The attack on the Temple Mount occurred after Goodman had spent time in several kibbutzim, a Jerusalem school and a yeshiva, or religious school.

He received notice to report for duty in the Israeli Defense Force in the weeks before the shooting.

After his arrest, police found literature from the militant Jewish Defense League and the outlawed Jewish extremist group Kach in Goodman's room.

During his trial in April 1983, Goodman's mental health was at issue. His lawyers said Goodman was a paranoid schizophrenic, according to news reports at the time. A three-judge panel declared that he was legally sane, but that he showed signs of "borderline personality disorder," then announced the verdict.

After sentencing, Goodman called his conviction "a stamp of approval for all the murders of Jews by Arabs."

Profile

May 22, 1944: Alan Goodman born in Baltimore.

1962: Earned his high school degree from City College.

1976: Started making regular trips to Israel. He applied for residency in 1977.

April 11, 1982: Fatally shot a Muslim and wounded four others in the courtyard of a Jerusalem mosque.

April 7, 1983: Sentenced to serve a life term by an Israeli court.

Oct. 26, 1997: Released from an Israeli prison.

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"BLOW UP THE DOME OF THE ROCK!" -

ISRAEL'S CHIEF RABBI'S PLEA IN 1967

MER - Washington - 1 January 1998:

For those terribly concerned about what likely lies ahead -- and we all should be -- it's also very important to remember just how we got to today's predicaments. This shocking historical revelation a few days ago from Israel's leading newspaper, Haaretz, and the AP: JERUSALEM (AP) by Hilary Appelman (31 December 1997) - Hours after Israeli soldiers captured Jerusalem's Old City in 1967, the army's chief rabbi urged that the gold-topped Dome of the Rock mosque be blown up, according to a newspaper report Wednesday.

The landmark mosque is atop the Temple Mount - last remnant of the ancient Jewish temples and a flash point for conflicts between Jews and Muslims. Arabs have long been suspicious that Jews want to destroy the mosque, a move that would inflame the Muslim world.

Rabbi Shlomo Goren's remarks were quoted in an interview that retired Maj. Gen. Uzi Narkiss gave to the Haaretz newspaper in May. Narkiss stipulated that nothing be published until everyone involved in the discussion had died, Haaretz said.

Narkiss, who led Israel's capture of Jerusalem's Old City, died Dec. 17. Goren died in 1994.

According to Haaretz, Goren made his remarks a few hours after the Temple Mount - known to Muslims as Haram al-Sharif, or "Noble Sanctuary," fell into Israel's hands on June 7, 1967.

"The paratroopers wandered around the plaza as if in a dream," Narkiss was quoted as saying. "Rabbi Shlomo Goren was among them. I was alone for a moment, lost in thought, when Rabbi Goren approached me. 'Uzi,' Rabbi Goren said to me. 'Now is the time to put 100 kilograms of explosives into the Mosque of Omar so that we may rid ourselves of it once and for all.'

"I said to him, 'Rabbi, enough.'

"He said, 'Uzi, you will go down in history if you do this.'

"I answered, 'My name will already be written in the history books of Jerusalem.'

"But Goren persisted. 'You don't grasp what tremendous significance this would have. This is an opportunity that can be taken advantage of now, at this moment. Tomorrow it will be too late.'

"I said 'Rabbi, if you don't stop, I'll take you to jail.'

"Thus the discussion, which only lasted a few minutes, came to an end. Rabbi Goren turned and walked away in silence."

Goren's former aide, Rabbi Menahem Hacohen, told Israel's Army radio on Wednesday that he was present for the discussion but it did not take place as recounted.

"The rabbi told Uzi that if, during the course of the war a bomb had fallen on the mosque and it would have - you know - disappeared - that would have been a good thing. Uzi said, 'I am glad that did not happen,'" Hacohen said.

Hacohen said Goren "did not suggest using explosives, and Uzi never told him not to do it. That was the whole conversation."

The radio also played a tape of a speech Goren made in 1967 to a military convention, in which Goren called it a "tragedy" that Israel had left the Temple Mount in control of the Muslims.

On the tape, Goren says:

"I told this to the defense minister (Moshe Dayan) and he said, 'I understand what you are saying, but do you really think we should have blown up the mosque?' and I said, 'Certainly we should have blown it up.'

"It is a tragedy for generations that we did not do so. ... I myself would have gone up there and wiped it off the ground completely so that there was no trace that there was ever a Mosque of Omar there."

The Temple Mount compound, site of the Dome of the Rock and Al Aqsa mosque, is Islam's third-holiest site. Two Israelis were detained last week for allegedly plotting to throw a pig's head into the compound.

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LETTER FROM JERUSALEM JULY 20, 1998 ISSUE

FORCING THE END

Why do a Pentecostal cattle breeder from Mississippi and an Orthodox rabbi from Jerusalem believe that a red heifer can change the world?

By Lawrence Wright

July 12, 1998

 Save this story





Only the ashes of a red heifer—which has not been seen in Israel for almost two thousand years—can purify Jews so that they can rebuild the Temple. Illustration by Josh Gosfield

In the spring of 1989, a Pentecostal preacher named Clyde Lott was thumbing through the Bible, looking up all the references to cows. This wasn't so odd, given that Lott is one of the leading cattle breeders in the Southeast. At the time, he specialized in raising show cattle for youngsters involved in 4-H clubs and the Future Farmers of America. His office, in Canton, Mississippi, contains many ribbons, plaques, and trophies, including awards for two national championships in judging and showmanship. As it happens, the Old Testament is full of references to cows and cattle; it is, after all, a history of an agricultural people. When Lott turned to Numbers 19, he read one of the many conversations that God had with Moses and his brother Aaron as they led the Jews through the desert toward the Promised Land. "Speak unto the children of Israel," the Lord commanded, "that they bring thee a red heifer without spot, wherein is no blemish, and upon which never came a yoke." The cow will be given to a priest to slay, the Lord continued, and burned on a pyre of cedar, hyssop, and a strand of scarlet thread. Then the ashes of the heifer will be mixed with water and used to purify those who have been exposed to death. Anyone who fails to be purified "shall be cut off from among the congregation, because he hath defiled the sanctuary of the Lord."

This is one of the most mysterious injunctions in the Bible. Even King Solomon, who was said to understand the meaning of all things, could not explain the reason for the red heifer. Clyde Lott didn't understand it, either. He also wondered where the children of Israel could have obtained a red cow. From his own reading, he had concluded that the Old Testament herd was descended from the cattle that Jacob, the son of Isaac, had received in wages from his uncle Laban. Those animals—as described in the King James Bible—were speckled, spotted, and brown. “Your speckled and spotted cattle basically are recognized as a purebred cow, like a holstein,” Lott says. So where did the spotless red heifer come from? Genetically, it didn't add up. And yet the Lord had specified that this was the only way for the Israelites to cleanse themselves and participate in the worship of God. “I didn't realize then that God always sent to Israel, at the time she needed it, the man with the red heifer.”

Lott, who is forty-two, is a soft-spoken Southern gentleman, squarely built, with a full, fleshy face and curly brown hair that is beginning to gray. Although he is ordained in the ministry of the National Pentecostal Assemblies of Jesus Christ, he does not pastor his own church. “I would fit more in the category of evangelist—going on the road and preaching or teaching,” he says. Like all fundamentalist Christians, Lott believes that the Messiah will come again. His view of the End Time is that Jesus' return will usher in a thousand years of peace and harmony. Before that, however, there will be seven years of tribulation: the Antichrist will appear, and the forces of good and evil will wage a cataclysmic struggle, culminating in Jesus' defeat of the false Messiah. Many Evangelicals believe that Jews and other non-Christians will suffer for accepting the Antichrist as their messiah—that most of them will perish in the coming struggle, but those who survive will finally acknowledge Christ as their savior. True Christians will be spared these catastrophes, because they will have been raptured—snatched directly into Heaven—before the troubles begin. They will return to act as priests during Christ's millennial reign. At the end of that time, Satan will rally the forces of evil for a final confrontation with Jesus and the saints of the Church at the battle of Armageddon. The satanic warriors, led by a prince named Gog, will come from the north, from a land

called Magog (which Lott believes could be a satellite republic of the former Soviet Union); God will destroy them, however. The dead will rise for their day of judgment, and a New Jerusalem will descend from the sky. Once again, God will dwell among his people.

A longing for the rapture and the return of Jesus on Earth is at the core of Evangelicalism. The fact that we are coincidentally approaching a millennial milestone in the human calendar certainly adds to this yearning and to the sense of anticipation felt by believers of all faiths. Most fundamentalists assume that we are living on the edge of human history in any case, and that modern events in the Middle East are fulfillments of prophecies made some two thousand years ago by Jeremiah, Ezekiel, Isaiah, and John, among others. These prophecies require three great events before the Messiah can return: the nation of Israel must be restored; Jerusalem must be a Jewish city; and the Temple, the center of worship and sacrifice in the ancient Jewish world, which was last destroyed by the Romans in 70 A.D., must be rebuilt. Two of these conditions have been met in the last fifty years.

As Lott read the Bible that day, he realized that the Second Coming and the fate of humankind now depended on the red heifer. In order for the Jews to rebuild the Temple and prepare the way for the return of the Messiah they must be purified with the ashes of a red heifer.

A qualified red heifer has not been found in Israel in almost two thousand years. And yet red cattle are not really so unusual in the United States. A breed known as the Red Angus is as red as an Irish setter. It occurred to Lott that God, who he believed had directed the evangelist's own success in the showring, was now guiding his hand in a much larger matter. Where was the red heifer to come from? "That was the question we couldn't answer," says Lott, who sometimes uses the first-person plural when referring to himself. "It plagued us day in and day out for months." Finally, in the latter part of the summer of 1990, as he was baling hay, a piece of equipment broke, and he started to drive into town to get a spare part. But then he found himself driving to Jackson, the state capital, and walking into the office of Roy D. Manning,

the director of international trade for the Mississippi Department of Agriculture and Commerce. “I will never forget as long as I live walking into Mr. Manning’s office that day and just the cold shock on his face of seeing someone coming out of the hayfield—bluejeans, tennis shoes, baseball cap, dirty and smelly—and walking into his office unannounced and saying, ‘I have read the Bible and the Bible says Israel has to have a red heifer,’ ” Lott said later in one of many testimonials to Evangelical congregations in the South. “For some reason, he didn’t kick me out of his office.” Instead, Manning wrote a letter to an attaché at the American Embassy in Athens who was in charge of agricultural exports to the Middle East. “We have been approached by a producer and seller of cattle from the state of Mississippi and I am quoting him in the following,” Manning wrote, and the letter went on:

Red Angus cattle suitable for Old Testament Biblical sacrifices, will have no blemish or off color hair, genetically red will reproduce red, eye, nose pigmentation will be dark, heifers at a year old will weigh approximately 600 to 700 pounds. These cattle will adapt quickly to Middle Eastern climate, also excellent beef quality.

Manning’s letter was bounced to a State Department official, who rerouted it to the American Embassy in Tel Aviv, where it was forwarded to the Israeli Ministry of Religious Affairs. Someone there eventually thought to send it to the Temple Institute, a private organization of religious Jews in Jerusalem who suspect—like Lott—that the End Time may be near and are dedicated to rebuilding the Temple. The letter arrived on the desk of Rabbi Chaim Richman, ninety days after Manning posted it.

The Temple Institute operates a small museum in the Jewish Quarter of the Old City. A visitor steps down into a basement room that houses the collection and a bookstore; one of the books on display is “The Mystery of the Red Heifer: Divine Promise of Purity,” by Rabbi Richman. Also on display is a scale model of the sacrificial altar and replicas of the decanters and lavers used in the Temple service. The flaxen robes of the priests have been carefully reproduced, along with the trumpets, harps, and lyres that the Levites are said to have played in the courtyard of the Temple. “You woke up in the morning to the

sound of music from the Temple. You went to bed to the sound of music from the Temple,” a guide tells visitors. “Any beautiful building you ever saw cannot compare with the beauty of the Temple.”

The goal of the institute is not only to restore the Temple itself but to reinstate the priestly castes, clerical rule, and animal sacrifice that characterized the nation of Israel at the dawn of the Iron Age. To secular Israelis, this sounds like a Jewish version of the Taliban. And yet the construction of a third Temple is essential to the view that many Orthodox Jews have of salvation and the coming of the Messiah. Without the Temple, there is no way to fulfill many of the religious obligations, such as ritual sacrifices, that the Torah requires. In Orthodox theology, that means that all Jews are stuck in a state of impurity, and are therefore unable to be in the presence of God. When a glass is broken at a Jewish wedding, it is done in memory of the destruction of the Temple. “The Holy Temple in Judaism is so important and primary that it can really be said that Judaism as it is practiced today is not the vehicle that God intended it to be,” Richman says. “The Prophets of Israel emphasize the fact that the Temple is really much more than just a synagogue. . . . The Temple is actually the device through which God manifests His presence to mankind.”

Naturally, the name Lott caught the attention of the rabbis at the institute—and not just because another Lott from Mississippi happens to be the United States Senate Majority Leader. Genesis recounts the story of Abraham’s nephew Lot, whose wife became a pillar of salt when she disobeyed the Lord and turned to look back on Sodom as it was being destroyed. “Rabbi Richman told me that Lot was a Gentile and he was a very, very good cattle breeder,” Clyde Lott has said. The rabbis thought that the coincidence was a good sign. After an excited exchange of letters and telephone calls between Jerusalem and Canton, Lott went to Jerusalem to meet with the rabbis. “I really didn’t know what to expect,” he told me. “I came out of a religious background that taught that Jewish people were ignorant and lost, and this kind of thing.” He was dazzled by the Temple artifacts that the members of the institute had reconstructed. “You can just imagine, having read all your adult life about the

Temple and the Tabernacle and the vessels, and seeing them firsthand—that was amazing to me. It was a life-changing experience.”

Lott tried to explain his own beliefs to his hosts. “We talked about Jesus and the Holy Spirit, and speaking in tongues. They knew where we were coming from.” The rabbis were impressed by Lott’s sincerity. “This is a person without guile,” Richman, who was born in America and immigrated to Israel in 1982, concluded. Richman took Lott on a tour of the Western Wall and the Temple Mount. Over the next several days, he gave the Pentecostal evangelist an education in the Jewish oral tradition and the voluminous commentaries on the enigmatic commandment of the red heifer. Jewish law, which is called Halakah, maintains that all Jews today are impure because of their direct or indirect contact with the dead. For that reason, observant Jews may not go to parts of the Temple Mount, lest they step on the Holy of Holies, the spot where the Ark of the Covenant holding the fragments of the stone tablets containing the Ten Commandments resided until it was supposedly lost during the Babylonians’ destruction of the First Temple, in 586 B.C. According to the rabbis, the only way that Jews could become pure again was by being sprinkled with the ashes of a red heifer that has been mixed with water traditionally drawn from the pool of Siloam. According to the Mishnah, the written version of the oral tradition, the ceremony of the red heifer sacrifice has only been performed nine times in the history of the Jewish people. When the tenth heifer appears, the Messiah will finally come.

The rabbis, for their part, learned something about cattle. Lott interpreted the reference, in Numbers 19, to a cow without spot or blemish to mean a good-milking, sweetly disposed, handsomely constructed animal—“basically, a twenty-first-century, high-tech cow.” Lott could see for himself that the entire Israeli ranching industry was depressed and behind the times. It occurred to him that with modern breeding techniques and champion Red Angus stock he could produce not just one red heifer but an entire herd.

As Lott likes to tell Evangelical audiences, one of the rabbis wanted to know how many red cows it would take to produce, in Israel, the kind of heifer

described by Numbers 19.

“Approximately two hundred cows,” Lott said.

“How much per cow?”

“Of this extremely high quality, about two thousand dollars a head.”

When Richman translated the figure into Hebrew, it caused a heated response among the other rabbis. Lott asked what was wrong.

“Twenty thousand a head is a lot of money,” Richman said.

“We didn’t say twenty thousand, we said two thousand,” Lott replied. “We’re not trying to take advantage of you as you seek to turn back to God.”

This response brought expressions of amazement to the faces of the rabbis. Richman explained to Lott that in the time of the Second Temple a jewel from the breastplate of the high priest had fallen off. A delegation of priests journeyed to the town of Ashkelon, to the house of a well-known jeweller named Dama ben Netina. He agreed to replace the jewel for a hundred shekels, but he said he could not do it immediately, because the replacement was in a box that was under the bed where his father was sleeping. The priests thought this was merely a bargaining ploy and doubled the price. The jeweller again refused. The priests continued to offer more money, and reached the sum of a thousand shekels. But when the jeweller remained adamant the delegation angrily started off on the road back to the Temple. At last, the jeweller’s father awakened. Dama ben Netina got the jewel and raced after the delegation, catching up with it in a grove. When a priest handed him a thousand shekels, the jeweller would accept only the hundred that he had agreed to. “I am not trying to take advantage of you as you are seeking to turn to God,” he said.

When Lott heard this story, he was deeply moved. “It was word for word the same thing we said twenty-five hundred years later,” he later recalled. “Right there in that grove, they prayed a blessing over Dama ben Netina, a Gentile,

and the blessing was that out of your Gentile lineage, one day when Israel needs it, will come the producer of the red heifer.”

In the fall of 1994, Richman went to Mississippi to examine four freshly washed and groomed heifers that Lott had produced for his inspection. The Talmud states that even two hairs that are not red would be enough to disqualify a candidate. One of the cows immediately caught Richman’s eye. “He didn’t even look at the three others,” Lott recalls. “He walked into that pen with that heifer tied to the back of that stall, and he just stopped for a few minutes to appraise her from one end to the other. Then he walked right up to that heifer within a matter of inches, and he looked down at her, then he went back four or five feet and just stared at her.” Finally, Richman placed his hand on the animal, which Lott’s daughter, who was then six, had named Dixie. “This is the heifer that will change the world,” Richman said.

On June 7, 1967, Israeli paratroopers dashed down the Via Dolorosa in the Old City of Jerusalem. It was the third day of the Six-Day War. Jerusalem had been until then a divided city, with Jordan in control of the eastern half, including the Old City, and Israel in control of the western half. This had been the status quo for nearly twenty years. The 55th Parachute Brigade was about to change that.

And yet there was a strange ambivalence on the part of many Israelis regarding the taking of the Old City. Moshe Dayan, the Defense Minister, had ordered General Uzi Narkiss to surround the Old City but not to enter it. Dayan was worried not only about heavy casualties but also about the political consequences of seizing the Temple Mount. The rest of the Israeli Cabinet overruled him, however, and ordered the retaking of the Old City.

The day before the final battle, Israeli troops captured Mt. Scopus, the highest point in the city. Dayan rode to the summit and lunched there with General Narkiss. Dayan, who wore a black eye patch that covered a wound he’d received fighting against the Vichy French in Syria, personified Israeli military bravado. Before him were the honey-colored limestone walls of the Old City. “What a

divine view!” Dayan, an avowedly secular man, declared. All around him, he could see the hills of Golgotha, the Mount of Olives, Mt. Zion—names that ring with meaning to believers of all three of the great monotheistic religions. And in the middle of a bowl formed by limestone ridges was the smaller elevation of Mt. Moriah, which Jews and Christians call the Temple Mount, and which Muslims call Haram al-Sharif (the Noble Sanctuary). It was here that King Solomon built the First Temple, nearly a thousand years before the birth of Jesus. After it was destroyed by Nebuchadnezzar, the Second Temple was built, and was later expanded by King Herod into one of the greatest monuments of the ancient world. The Romans destroyed it during their sacking of Jerusalem. As Dayan looked down on the Temple Mount he realized that the following morning it would be back in Jewish hands for the first time in nearly two thousand years.

But what Dayan also saw below him was a colossal political problem. The sacred precinct was now occupied by two mosques: the venerable Al-Aqsa, which was built in the eighth century, and the thirteen-hundred-year-old Dome of the Rock. Its golden dome—the most recognizable symbol of the city—enshrines the craggy peak of Mt. Moriah, which Jews call the Foundation Stone and Muslims call es-Sakhra (the Rock). It figures prominently in the legend of all three religions. It is said to be the first place God created—the perch He stood on when He formed the rest of the world. It is also said to be the spot where Adam was made, and where Cain killed Abel. Jews believe that it is where Abraham brought his son Isaac to be sacrificed. For Muslims, it was Ishmael—Abraham’s other son, and their ancestor—who was intended to be sacrificed. For Jews, the Mount is the holiest place in the world, the focus of their prayers, the place where they believe God lived. Muslims believe that this was the place from which the prophet Muhammad ascended into Heaven on the back of a winged horse. Jerusalem was the original direction of Muslim prayers, before Mecca, and is still a destination for pilgrims. They count it as the third holiest place in Islam, after Mecca and Medina.

Many conquering armies have entered the Temple grounds. In Jerusalem's bloody history, the city has been contested by Assyrians, Babylonians, Egyptians, Greeks, Romans, Persians, Mongols, Mamluks, Ottomans, Jordanians, and the British—to name only some of the major invaders and occupiers. Dayan and his generals were mindful of the shadows they were casting on history as they broke through the gates of the Haram al-Sharif to inspect the grounds. They found a typical Arab garden, liberally planted with trees and flowers and surrounded by religious offices and schools—a vivid contrast to the stony city outside the walls. At the southern end of the sanctuary, which covers thirty-five acres, lies the vast and airy Al-Aqsa mosque, where pigeons fly freely in a forest of marble columns. Near the center of the Haram, rising above the trees like a blue-and-gold crown, is the Dome of the Rock, the oldest building in Islam and perhaps the most beautiful. Here the Arab love of mystical geometry and intricate ornament has been given its greatest expression. The structure, which is eight-sided, may be imagined as three rectangles encompassing a circle. Hushed, sombre, but almost overwhelmingly sensual, the chamber imbues one with a sense of religious awe that few holy places in the world can match. A dozen pillars of marble and porphyry support the great inner dome. Below it, a wooden balustrade surrounds the Rock. There is an oblong imprint in the Rock which is said to be the footprint made by Muhammad when he leaped onto his winged steed, al-Buraq, and went up into Heaven with the angel Gabriel.

After inspecting the Haram, Dayan descended to the Western Wall, where he stood with his soldiers, many of whom were openly sobbing. As long as the Old City had been in Jordanian hands, Jews were not allowed to pray at the Wall; and now Dayan himself wrote a prayer and stuck it into crevices between the great stones, as Jews had done for centuries after the destruction of the Temple. It read, “May peace descend on the whole house of Israel.” As the first step in achieving that peace, Dayan ordered the Israeli flag to be taken down from the Dome.

The capture of the Old City came at a great price—hundreds of casualties among the Israeli troops, and many more among the Arabs—but it proved to be a decisive turning point in relations between Israel and its neighbors. The political consequences are still being debated, and will be addressed in the Final Status talks that are yet to begin with the Palestinians, who want to share Jerusalem as the capital of two countries. Dayan believed that the capture of the West Bank and the Sinai were useful only insofar as they could be traded for peace. Jerusalem, however, was a more complicated issue. Within days of the conquest, an Arab neighborhood was levelled to make a plaza in front of the Western Wall. Despite this action, Dayan sought to preserve some of the Arab character of the Old City. Ten days after the capture of the Temple Mount, Dayan returned to Al-Aqsa and sat on the carpet in his stocking feet with the Waqf, the charitable trust in charge of managing the Mount. There, on his own authority, Dayan made a momentous gesture. He told the Waqf directors that, while all of Jerusalem now belonged to Israel, day-to-day control over the Haram al-Sharif would remain in their hands. Jews would be allowed to visit the Mount but forbidden to pray. Since then, the Temple Mount has been an Islamic island in an increasingly Jewish, and increasingly Orthodox, city—and, as such, it has become a flashpoint for religious extremists of both faiths.

The taking of Jerusalem had an electrifying effect in another realm, one that few of Israel's secular leaders had anticipated. From the moment that footage of weeping Israeli paratroopers standing at the Western Wall was televised around the world, millions of Jews and fundamentalist Christians saw the victory as the divine fulfillment of prophecy, one that had been expected since the establishment of the State of Israel, in 1948. For them, the Jewish possession of the Temple Mount meant that the clock of the apocalypse had begun to tick.

Gershon Salomon, who as a young officer was partially crippled in 1958 when an Israeli tank rolled over him during a battle on the Golan Heights, has become one of the most well-known advocates of removing the mosques in order to rebuild the Temple right away. He recalls being on the Mount on liberation day in 1967 and thinking, God brought us back onto the Temple Mount to say to all the world, "Not only do I continue my relationship with

Israel, and Jews continue to be my Chosen People, but I now open up to the fulfillment of my End Time plans.” That is why Dayan’s order to strike the Israeli flag from the Dome of the Rock came as a stunning betrayal. “I cried tears of pain and sorrow and sadness,” recalls Salomon, who thereupon founded the Temple Mount and Land of Israel Faithful Movement, which is based in Jerusalem and boasts a worldwide membership of more than fifteen thousand. “I decided I had to start a godly campaign for the reliberation of the Temple Mount. I would give the rest of my life to correct that sinful, terrible mistake and act which was done by Moshe Dayan.”

Forces had been let loose in the religious world that would prove difficult to contain. Galvanized by the Israeli victory, Jewish immigrants flooded into Israel. This influx seemed to be another sign that the Messiah was soon to come, since the “ingathering” of Jews in the Land of Israel was a precondition of redemption, according to the Scripture. New voices of prophecy drew thousands of Jews, even those who had been quite secular, into messianic cults of the ultra-Orthodox.

The Six-Day War spurred a rise of fundamentalism in the Arab world as well. Radical Islam had a ready explanation for its sudden, crushing defeat: the moral decay of modern, secular Arab society. The confusion and despair caused by the loss of Jerusalem fuelled a new religious extremism, and Haram al-Sharif became a symbol of Islamic religious and political aspirations. Yasir Arafat began to employ images of the Dome almost as if it were the capitol building of the future Palestinian state.

In 1967, the Knesset passed a law guaranteeing each religion access to its holy sites, but the law said nothing about the conflict posed by sites that are sacred to more than one religion. The following year the Israeli Supreme Court, in a ruling that has been upheld several times, decreed that Jews do have the right to pray on the Mount, leaving the government in the uncomfortable position of enforcing a ban based only on its need to maintain public order. To this day, Jews and Christians can go on the Mount as tourists, but if they appear to be praying they are subject to removal or arrest.

After the war, the Israeli Minister for Religious Affairs, Zerah Wahrhaftig, said that the Temple Mount had been the property of Israel ever since King David purchased the site from Araunah the Jebusite in 1000 B.C., but that Jews should not take any steps to reclaim it, because only the Messiah could build the Third Temple. This position was endorsed by many Jews, particularly the ultra-Orthodox, many of whom even opposed the establishment of the State of Israel. In their theology, the rebuilding of the nation, the ingathering of Jews from exile, and the reestablishment of the Temple were all matters for the Messiah to handle. For humankind to undertake such things amounted to “forcing the End.” That was the work of Satan.

There were many prominent Jews, however, who believed that they were already living in the End Time—the recapture of Jerusalem was evidence enough—and that Jews must now do their part to prepare the way for the appearance of the Messiah. Soon after the Six-Day War was over, Shlomo Goren, who later became the Chief Rabbi of Israel, led a group of fifty followers onto the Mount, where they fought off Muslim guards and Israeli police and conducted a prayer service. A week later, the Chief Rabbinate ordered that signs be placed in front of the gates saying that no Jews should set foot on the Temple Mount. The reasoning was that, because Jews are ritually impure, they might accidentally step on the place where the Holy of Holies once stood. Such a desecration is punishable by death at the hand of God. This was supposed to put the Temple Mount theologically off limits—at least, until the advent of the red heifer.

Despite this proscription, there have been several serious attempts to blow up the Muslim holy places. Both Israeli and Islamic authorities are so concerned about the intentions of Gershon Salomon and other Temple fanatics that every confrontation has the potential to rage out of control. In 1990, Salomon led a group of his followers to the Mount in order to lay a “cornerstone” for the Third Temple. As many as five thousand Muslims, many of them schoolchildren, gathered to defend the site. The Israeli authorities, which had failed to reinforce a police garrison on the Mount, dispatched paramilitary

border guards to control the situation. An armed assault by the guards left at least seventeen Muslims dead and hundreds wounded. In September, 1996, the government of the Prime Minister, Benjamin Netanyahu, authorized the opening of a tunnel that runs beside the Mount, so that tourists could view the monumental Herodian walls at the base. Ensuing riots by Muslims and a forceful response by Israeli troops left eighty people dead. The toll from these incidents and others is just one measure of the cost of fundamentalism in a region that increasingly finds itself drawn and quartered by religious extremists. The mystical concept of sacred space that shrouds the Temple Mount—and, beyond that, Jerusalem and Israel itself—has for centuries served as an impenetrable barrier to peace.

Nadav Shragai, a reporter for the Israeli newspaper *Ha'aretz* and the author of a 1995 book, "The Temple Mount Conflict," estimates that there are about a thousand active supporters of the most radical Temple Mount movements. No doubt they are heavily infiltrated by Israeli intelligence, which has long worried that a successful strike at the mosques would spark a holy war. These activists are a feature of a larger upheaval in Israeli society, caused by a stunning rise of religious conservatism and a muscular political involvement of religious Jews in Israeli politics. "Jewish fundamentalism of the nationalist branch is mostly the product of the Six-Day War," Emmanuel Sivan, a professor of Islamic Studies at Hebrew University, says. "The fact is that until '67 the national religious camp was a very moderate Zionist movement. It has turned extremist because of this apocalyptic vision."

Among Christians, there was a similar burst of fundamentalist fervor following the Six-Day War, and unexpected alliances were made between Evangelical Christians and Jews. Many Americans (forty-six per cent, according to one poll) believe that the establishment of the nation of Israel is the fulfillment of prophecy, and this accounts in part for the unshakable support that Israel has received from the Christian right. "I know people who fell on their knees and cried out to God when they heard that Jerusalem was back in Jewish hands," says David Parsons, who is an attorney with the International Christian Embassy, in Jerusalem. "It forced Christians to rethink

their views toward Israel, toward Jerusalem, toward prophecy.” The “embassy” is actually an organization that promotes Jewish causes and raises money for such things as helping Jews immigrate to Israel. Christians have also helped to fund some of the radical Temple activists, including Gershon Salomon.

In Christian theology, the holiness of the Temple was supposed to have been replaced by the divinity of Christ. Jesus directly challenged Temple life by overthrowing the money changers’ tables and driving out the venders of sacrificial animals. In doing so, he committed an offense against the status quo that may have led to his crucifixion. Many Christians believe that the Jews killed Christ, and that God then allowed the Temple to be destroyed as a judgment against them.

The motives behind the modern embrace of Israel by the Christian right are not always clear. In Genesis 15:18, God gives the land of Israel to the Jews, and for most fundamentalist Christians that settles the matter. But Jews also play a tragic role in Evangelical eschatology. When Jews speak of their Messiah, Evangelicals interpret that to mean the false Messiah, or the Antichrist. It is the Antichrist, Evangelicals believe, who will occupy the Third Temple. The Prophet Jeremiah foretold the tribulation, or “time of Jacob’s trouble,” by which he meant the devastation of Israel. The nation will be finished off in the apocalyptic meeting between Christ and the Antichrist at Armageddon, which is also known as Megiddo, an archeological ruin in northern Israel. Those Jews who survive this catastrophe—only a hundred and forty-four thousand, according to some interpretations of the Scripture—will finally turn to Jesus as the true Messiah. Such refrains are frequently heard in Evangelical churches and on religious television channels, where Temple fever burns.

Most Evangelicals believe that the establishment of the State of Israel and the capture of Jerusalem have cleared the way for these final events. “I am one of those who believe that the next event on God’s calendar is the rapture of the Church—the coming of Christ to take the Church to itself,” the Reverend Jerry Falwell, another notable defender of the nation of Israel, says. “I believe

there will be a seven-year tribulation period. It is during that time that the new Temple will be built. And I believe that, at the end of the seven years of tribulation, the battle of Armageddon will transpire and the establishment of the one-thousand-year reign of Christ on Earth will begin.” However, Christians, like Jews, disagree among themselves about what role they should play in this scenario. Falwell does not endorse attempts to force the End. “I am not one who believes, as some Christian Zionists do, that we are here to help usher in the Kingdom, build the Temple, bring in the red heifer, et cetera, et cetera,” he says. Although Falwell maintains that “God is under no obligation to rapture the Church today,” he believes that “all the prophecies are fulfilled”—including the ability, through Cable News Network, to communicate instantly throughout the world. “That is all necessary during the tribulation,” he says. “For example, two witnesses will be slain on the streets of Jerusalem—some believe Moses and Elijah, but no one knows—and the Scripture says that every eye shall behold. And three days later they shall rise from the dead, rise up from the streets of Jerusalem. While all the enemies of these witnesses are rejoicing, in a huge global party, the whole world will watch as they stand up alive, resurrected from the dead. That couldn’t have happened when I was a child.” Because of these portents, Falwell believes that the Antichrist may be alive now. “He will portray himself as Christ and that will necessitate his being a Jew.”

According to Clyde Lott, the intent of many Evangelical Christians who are helping Israel today is to speed along the time when they will be raptured into Heaven, leaving behind a world in chaos and flames. “It’s very sad, but I would say the interest in the Christian world is to see the Temple rebuilt from the Antichrist perspective, for the rapture of the Church, and that’s a very selfish point of view,” Lott says. “The very people that are advocating this are the ones that are very anti-Semitic in their feelings.” Although Evangelical theology forecasts the destruction of the Jews in the Last Days, Lott believes that Jews are God’s Chosen People and that the Bible clearly states that God favors those who help Israel.

The Christian right in the United States has proved to be both a powerful political lobby for Israel and a substantial source of financial support. Earlier this year, when Prime Minister Netanyahu came to this country, Jerry Falwell received him, while the White House did not. Most Israelis understand the subtext of this alliance, but they are loath to disclaim it. “Basically, we’re a doormat for them to get to their own eschatological culmination,” Rabbi Richman says. “It’s a pretty scary thing, because the whole rapture thing that is popular in some Evangelical circles, which calls for a fulfillment of the hard times for Jacob, is essentially an invitation to genocide.”

Richman and Lott disavow any association with Salomon or with other extremists who would destroy the mosques. They say they don’t know how the Temple will be built, or when. Lott sees his own mission as part of a divine promise God made to Israel (in Isaiah 30:23) that one day its land would be restored and cattle would graze “in large pastures” there. “In God’s timing, we know that all Bible prophecy will be fulfilled, and, if God chooses to use the Numbers 19 red heifer from that standpoint, that’s up to God,” Lott says. “Our calling is simply to begin the actual bringing in of the red cow, and at the same time begin to work, as much as Christian people possibly can, with the Jewish people for this restoration.”

Richman spent his childhood in Massachusetts, and he knew very little about the Deep South or Pentecostalism. On Richman’s first trip to Mississippi, in 1994, Lott booked the community center in Canton for a town meeting about the red heifer. Richman was nervous. More than three hundred people showed up, filling all the available chairs and standing against the back wall and the sides of the room. Many of them had never seen an Orthodox Jew. “I look the part,” Richman admits. He wears a curly beard and rose-tinted oval glasses. Dangling below the hem of his suit jacket are blue zizith—the ritual fringes that are meant to remind Orthodox Jews of the Lord’s commandments. One man in the audience pointed to the knitted *kipa* on Richman’s head and asked, in apparent seriousness, if he wore it to hide his horns.

Richman found the audience surprisingly warm and well versed in the Bible, however, even in obscure passages that had to do with the building of the Temple. Soon after that, he and Lott began the first of a series of barnstorming tours through Evangelical churches, mainly in the Deep South. Lott would introduce Richman, who would speak about the Temple, and then an offering would be taken up to support their work. “The services are—shall I say—interactive,” Richman says. “It’s not like someone gives an address and everyone sits there like statues. People call out and say ‘Amen.’ Sometimes the preacher would try to quiet them down, and I’d say, ‘No, let everyone be themselves.’ The people are a lot warmer and less jaded than people in the North. I found a lot of openness and interest in what I had to say. I found that we share many of the same values—the family, and what they call ‘holiness,’ and a mode of worship that emphasizes joy.”

For Christians, building the Temple is important only in that it raises the curtain on the apocalypse. Richman explains that the Temple is critical to Jews: “We have this concept that we have six hundred and thirteen commandments to fulfill, and one-third of those commandments are dependent in some way on the Temple for their fulfillment.” Many of these Temple laws involve the sacrifice of animals. For Jews in the ancient world, animal sacrifice was a means of achieving the purity that was essential in relating to God. A person can be defiled by even indirect contact with death—for instance, through the ground itself, which harbors the dead. Therefore, no one who walks on the ground is sufficiently holy to enter the Temple precincts. So the absence of a red heifer made the rebuilding of the Temple a moot point for Orthodox Jews—and therefore for Christians as well.

For as long as there have been archeologists, there has been a hunger to excavate the Mount in order to establish the exact location of the First Temple, and also to find some of the treasures it is supposed to harbor. The subsurface of the Mount is interlaced with tunnels and cisterns and legendary secret chambers, which may hide the Ark of the Covenant with the tablets of the Ten Commandments, which have been lost since the destruction of the

First Temple. (Lott says that Richman told him that these objects were never actually lost—that they have been stored under the Mount, awaiting the reconstruction of the Temple.) On several occasions, archeologists and Jewish religious leaders have conducted unauthorized digs under the Mount, which have been met with outraged responses on the part of Islamic authorities.

Because no one can say definitively where on the Mount the Temple stood, most observant Jews have obeyed the rabbinical proscription against going onto the Mount; however, it is well known that Herod built up the periphery of the Mount when he enlarged the Temple, and for that reason it is thought by many Jews to be safe to walk on.

Every Tuesday, just as the Al-Aqsa mosque is emptying of worshippers for the noon prayers, Rabbi Yosef Elboim arrives at the Maghariba Gate. A small, wiry man with a white beard and scraggly earlocks, he wears a black frock coat, and a homburg rides insecurely on the back of his head. As Elboim changes from his street shoes into a pair of slippers, guards begin to talk nervously on their walkie-talkies. “Make it quick,” one tells him.

“When I was thirteen, the Six-Day War took place,” Elboim said, as he began his weekly stroll around the perimeter of the Haram al-Sharif. “I heard on the radio that the Temple Mount had been captured, and I was very excited. I was sure that all the government bodies were gathered together with the rabbis, planning how and when to build the Temple. A year later, I woke up to the reality of betrayal. I set about trying to find other people who were interested and who cared.” The Rabbi walked inside a small cordon of security police. Some Arab children in school uniform coming out of an Islamic school looked at him in amazement. There are several groups of Jews who make a point of defying the rabbinical ban against Jews walking on the Temple Mount, but, unlike Elboim, they are not ultra-Orthodox, so his presence here is all the more jarring.

For a while, Elboim continued, he joined forces with Gershon Salomon, but then he formed his own organization, Tnua Lechinun Hamikdash (Movement

for Establishment of the Temple). “We started by making holy vessels and ritual garments worn by the priests, so that we could have all this ready for when the time comes,” Elboim said. Now his organization has announced a controversial new project: a home for boys who will become *cohanim*—members of the priestly caste who ran the Temple. “During the time of the Temple, the ashes of the red heifer were kept in containers, so when the priests saw they were running out of ashes they would use up the old ones and make some more. But today we don’t have any ‘leftovers.’ So it’s important to take children, even before they are born, and bring them up in a place where there is no chance for them to come into contact with the dead.” During the era of the Second Temple, boy priests were raised in compounds built on solid bedrock, out of the range of any possible gravesites.

Elboim claims that he has already received offers from four families to donate their future children to his effort, but he expects to need at least nineteen, in part so that the boys will have companionship, but also because there are more than seventy blemishes that can disqualify a boy from becoming a priest. He says that a Jewish settlement near Jerusalem is willing to build a special enclosure for the priestly boys so that they will never have to set foot on the ground. There will be an elevated courtyard where they can play. According to *Ha’aretz*, some of the other people involved with Elboim’s plan are former members of Kach, an outlawed far-right religious party. The boys will not be permitted to leave the compound until their bar mitzvah, at the age of thirteen, at which time, according to tradition, they will become adults and are old enough to slaughter and prepare the ashes of a red heifer. In response to the suggestions that have appeared in the press that such treatment constitutes child abuse, Elboim points out that the boys will not be unattended—they will be able to receive family and visitors, who have undergone purification in a *mikvah*, or ritual bath, and put on special clothing, and they will be educated and allowed to play with computers. Their lives would be no worse than that of Christian or Buddhist monks, or certain child athletes, Elboim contends. There would be no point in having a red heifer, Elboim believes, without a priestly caste to prepare the sacrifice.

In August, 1996, a surprising development occurred: another red calf was born, this time in Israel, on a farm outside Haifa run by a religious high school. “I had some doubts about it from the very beginning,” says Rabbi Shmaria Shore, whose son came running to him with the news of the birth. “But I saw that she was very red, and I couldn’t see hairs of any other color, so I ended up contacting some rabbinical authorities, and some people from Jerusalem eventually came.” The rabbis examined the calf, which Shore had named Tslil, a name that means a musical note, but which he translated as Melody.

To Shore’s amazement, the rabbis pronounced Melody a qualified red heifer, despite the fact that he had begun to notice a few stray white hairs around her tail and udder, and her eyebrows, which had started out red, had turned black. Also, the calf would not qualify as a heifer for two years, and by then many other imperfections might come to light. “I decided to play along, in order to downplay it,” he says now. The rabbis carried the news of the miraculous birth back to Jerusalem, and soon a pilgrimage of Orthodox Jews and international press seeking “the Holy Heifer from Haifa” began turning up in the small religious community of Kfar Hasidim, where Melody now resided under armed guard. No red heifer, it was said, had been born in Israel since the destruction of the Temple. “It is written that it is the tenth red heifer that the Messiah will discover, and here we have the tenth heifer,” one of the rabbis said on Israel Radio.

Muslims and a majority of Jews reacted in alarm. A columnist for *Ha’aretz* called for the cow to be shot immediately and “every molecule” destroyed. “The potential harm from this heifer is far greater than the destructive properties of a regular terrorist bomb,” David Landau wrote. Even Rabbi Shore cautioned that the time had not come to rebuild the Temple. But Melody was creating her own reality. Jewish longing for the Temple, Christian hopes for the rapture, and Muslim paranoia about the destruction of the mosques were being stirred to an apocalyptic boil.

“In any case, she solved the problem herself by growing a white tail,” Rabbi Shore says now. No longer kosher, Melody has rejoined the herd, but she is pregnant, Shore says, by a “reddish” bull.

The Reverend Lott had been suspicious of Melody’s qualifications, but the episode alerted him and Rabbi Richman to the sensational political consequences of their project. Nevertheless, on the eve of the ninth day of the Hebrew month of Av, in 1997—coincidentally, the day on which the destruction of both the First and Second Temples is commemorated—Lott, Richman, and a group of West Bank settlers reached an agreement to provide land to raise red cattle. Lott and Richman are partners, but, in the event that Lott is raptured with the Church, Richman and the settlers will assume entire control of the operation. This December, they are planning to ship five hundred pregnant cows to the Jordan Valley. The cattle are being bred in Nebraska, on a three-thousand-acre spread devoted to Red Angus. There seems little doubt that a red heifer that meets all the Halakic criteria will soon be born in Israel, possibly early next year. The land that Lott has found is in the occupied West Bank—“some of the most hotly contested land in the world,” he admitted recently to a revival audience in Gulf Shores, Alabama. “It’s going to require feedlots, slaughterhouses—a whole economy.” He will also ship frozen embryos from Dixie and other donor cows, along with select sperm, to be held in safekeeping until after the tribulation. According to Lott, his efforts will ensure that “in the first one or two or three decades of the millennial reign Israel will be able to go into the tanks, pull out those frozen embryos, and place them in cows. And in one generation, whatever they lost in the tribulation, they will have the very best cows on the face of the earth. . . . She will be able to get the rest of the world back on its feet again, agriculturally, from a livestock point of view.”

Jerusalem makes a cult of holiness, one that fuels the passion and yearning of millions for a personal encounter with God. “In the Old Testament, time and time again it says this is God’s house, this is where God dwells,” says Father Jerome Murphy-O’Connor, a professor of New Testament at the École

Biblique et École Archéologique Française, in Jerusalem. “The assumption was that God’s power and protection were most efficacious in this place. Hence the importance of pilgrimage to Jerusalem, pilgrimage to the Temple.” For centuries, believers have streamed into the city in order to bathe in this sense of divinity and to marvel at the site that all three religions believe will be the place of the Last Judgment. On that day, both Evangelical Christians and Orthodox Jews expect their Messiah to stride down from the Mount of Olives and burst through the Golden Gate. Many Muslims believe that the Ka’aba—the holiest place in Mecca—will be transported to Jerusalem, and that all the dead will meet again in the streets of the city. As long as such mythologies are taken literally, the struggle for Jerusalem and the Temple Mount will never end. The religious carnage that has marked every era of this maddened city will continue, because whoever controls Jerusalem controls access to the sacred places. It is a way of owning God. ♦

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Lawrence Wright has been a staff writer at The New Yorker since 1992. His most recent book is “The Plague Year.”

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The controversial Mughrabi gate, adjacent to the Temple Mount compound. (Lior Mizrahi/BauBau)

Last update - 06:02 16/11/2008

Jerusalem approves controversial Mughrabi bridge project

By [Lior Mizrahi](#), Haaretz Correspondent

Tags: Mughrabi Bridge, Israel

Jerusalem's district planning and construction committee has approved a controversial plan to restore the Mughrabi bridge leading to one of the entrances to the Temple Mount, construction that caused an outcry among Muslims and generated protest from the Jordanian and Turkish governments in June.

The plan, approved two weeks ago, also includes expansion of the women's section of the Western Wall plaza.

A ministerial committee established after the summer's protests and headed by Prime Minister Ehud Olmert decided two months ago to approve the construction, pending approval by the district planning and construction committee. The cabinet approved the ministerial committee decision after Science and Culture Minister Raleb Majadele withdrew his objection in response to Olmert's request.

Representatives from the Advertisement Jerusalem municipality, Israel Antiquities Authority, Waqf (Muslim religious trust) and the United Nations Educational, Scientific and Cultural Organization met Sunday to discuss the Mughrabi

HP EXHIBIT 263

bridge.

The Jordanian information minister announced progress in talks on restoring the bridge, but a Jordanian official told Haaretz Tuesday that Jordanian authorities are not aware of any change to the status quo, including expansion of the Western Wall plaza.

Ir Amim, a non-profit group advocating what it calls an equitable and stable Jerusalem, recently asked the attorney general to delay approval of the plan. Ir Amim legal consultant Danny Zeidman said the plan includes dangerous and unnecessary elements, including expansion of the Western Wall plaza at the expense of the remnants of the historic Mughrabi Quarter. He also rejected a plan to use the space under the bridge for prayer and said the entire plan reflects the politicization of archaeology.

Shmuel Rabinowitz, rabbi of the Western Wall, dismissed the criticism, saying the construction does nothing to harm Muslim interests. He called the plan a miracle that gives Israel a chance to fix the mistake of designating too small an area for the women's section.

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Britain Bans Likud's Moshe Feiglin From Entering Country

Feiglin: 'I almost feel honored to be marked as the bad guy by a government that supports terror.'



Nadav Shragai and Haaretz Correspondent

Mar 11, 2008



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03:16



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Moshe Feiglin, leader of the Likud's Jewish Leadership faction, was recently notified in a letter from British Home Secretary Jacqui Smith that he has been banned from entering the U.K.

The letter, written by an unnamed Border and Immigration Agency official on Smith's behalf, said the agency "considered that you are seeking to provoke others to serious criminal acts and fostering hatred which might lead to inter-community violence in the U.K. ... This has brought you within the scope of the list of unacceptable behaviors," it was reported in the London Jewish Chronicle last week.

"In light of these factors, the Home Secretary is satisfied you should be excluded from the U.K. on the grounds that your exclusion is conducive to the public good. There is no right of appeal," the letter continued.

Smith based her decision on emergency laws introduced after a 2005 terrorist attack in London.



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The Chronicle article quoted Feiglin as responding: "This is a British government problem, not mine. However, if somebody in Britain feels comfortable enough to do something like that, it should turn on some serious red lights in any British citizen who cares about democracy. Britain and America are letting in the real terrorists ... remember [Iranian] President [Mahmoud] Ahmadinejad was allowed to speak at an American university."

The U.K. letter did not allege Feiglin had ever engaged in armed activities, but listed several quotes from articles he wrote, including one in which he calls for a holy war, now against Arabs, and another referring to the Prophet Muhammad as strong, cruel and deceitful.

In another quote cited in the letter, Feiglin wrote, Arabs are not sons of the desert but its father. They created the desert - everywhere they come vegetation stops and the wind blows everything away.

Feiglin acknowledged he wrote the statements, but said the reference to Arabs being the desert's father came from a 1938 book by Sir Claude Jarvis, then the British High Commissioner of Sinai.



guy by a government that supports terror. I see it almost as a compliment. **HP EXHIBIT 264**
He was referring to Britain's decision to allow entry to Ibrahim Mousawi, the editor of a Hezbollah journal, who visited the country on a speaking tour.

Feiglin told the paper that the letter "came out of the blue," and at first, he thought it might be a hoax.

"This is all very strange because I have no plans to visit Britain either in the short or long term. I have never been banned from anywhere else. In fact I am giving a lecture in Canada at the end of this month," Feiglin told the Jewish Chronicle.

The Home Office did not comment on its reasons for banning Feiglin from Britain, but issued a statement saying that the home secretary can exclude people whether or not they have applied to enter the country, while considering relevant information from other government departments and agencies.

Trending Now



Holocaust, Pogroms and Settler Violence: Israel Can't Ignore Jewish History



News

Palestinians injured in Aqsa clash

Muslim worshippers arrested and detained on first day of Jewish Yom Kippur.



Israeli troops have closed down much of East Jerusalem due to the Yom Kippur holiday [AFP]

27 Sep 2009



Micky Rosenfeld, an Israeli police spokesman, said two Israeli policemen were also injured in the confrontation.

Also called Day of Atonement, Jews mark Yom Kippur by fasting and holding prayers.

Military closure

The police entered after Israeli settlers and Zionist groups attempted to force entry to a part of the complex they call Temple Mount.

Other Israeli settler-activist groups also gathered at the Hetta and Majlis gates, Al Jazeera's correspondent said.

Last year, a similar incident on the Yom Kippur holiday resulted in damage to dozens of cars and shops.

Meanwhile, Israeli forces have imposed military closure on Palestinian territories starting from Saturday midnight until Monday midnight in view of the religious holiday.

Israel captured the Old City of Jerusalem during the 1967 Six-Day War and later annexed it along with the rest of mostly Arab East Jerusalem in a move not recognised by the international community.

SOURCE: AL JAZEERA, NEWS AGENCIES



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MIDEAST: Muslims See Victory at Al-Aqsa

by Mel Frykberg (East Jerusalem)

Sunday, October 11, 2009

Inter Press Service

Clashes between Israeli security forces and protesting Palestinians have subsided as several hundred Muslims agreed to evacuate Jerusalem's Al-Aqsa Mosque following a deal brokered by the Jordanian Embassy in Tel Aviv Saturday.

But the Islamic Movement, whose members sought to take over the mosque, is at the centre of intense controversy. In Israel demands have risen for the arrest of Islamic Movement leader Sheikh Raed Salah.

Israeli police accuse Salah of waging a 'religious war' and say he is guilty of 'incitement and sedition'.

Through weeks of unrest Salah encouraged Muslims to assemble in and around Al-Aqsa to 'protect it from Jewish Zealots.' Busloads of his supporters from around the country arrived in the disputed city, and together with locals faced off with soldiers and police.

During the subsequent clashes Israeli soldiers and police arrested hundreds of Palestinians. Dozens of security forces and protestors were injured. The violence spread to several refugee camps and towns in the West Bank as thousands of Arabs joined solidarity demonstrations in Gaza, Syria, Egypt and Jordan.

Muslim anger mounted as hundreds of Israeli extremists tried to enter the Haram compound, in which Al-Aqsa Mosque is situated, to celebrate the Yom Kippur and Sukkot Jewish holidays. Some of the extremists want to destroy the mosque and build a third Jewish Temple on its remains.

This anger was exacerbated by West Bankers and Gazans being denied entry to Jerusalem to worship at the mosque. East Jerusalem males under 50 were also denied entrance to the mosque, while women of all ages were permitted to enter.

The stand-off eased following intervention by the Jordanian Ambassador in Tel Aviv. The Israeli authorities agreed to allow several hundred Muslims holed up in the mosque to leave, and dropped arrest warrants against them. The authorities also promised that Muslims would be allowed free access to Al-Aqsa.

Ehab Jallad, coordinator of the Jerusalem Popular Committee for the Celebration of Jerusalem as the Capital of Arab Culture for 2009, which works in conjunction with the Islamic Waqf which administers Al-Aqsa mosque, sees this as a victory.

'This is the first time since Israel's 1967 occupation of East Jerusalem that Muslims have stayed in the mosque for an entire week and prevented the Jewish extremists from entering. We are planning to organise groups round the clock in the future to prevent any further attempts at a takeover,' Jallad told IPS.

Muslim fears around Al-Aqsa mosque are based on Israeli efforts to Judaize East Jerusalem in order to keep the city under eternal Israeli sovereignty, thereby preventing the eastern sector becoming the capital of a future Palestinian state. Al-Aqsa Mosque is a part of East Jerusalem.

In an interview with IPS shortly before he was arrested and banned from Jerusalem for 30 days, Sheikh Raed Salah said that Israeli authorities had earlier informed some of his colleagues that the mosque would be divided.

The Israelis reportedly said that only the mosque itself was considered a Muslim site but that the other buildings in the compound and the other areas were public property and would fall under Israeli control.

'This is a red line. We will not allow the Israelis to take over the Haram compound. If we have to choose between martyrdom and losing the Haram, we choose the former,' Salah told IPS.

Israeli archaeologists have been carrying out extensive digging around the mosque, with some admitting that the excavations were threatening the homes of Muslims living nearby.

Secret digging was carried out underneath the mosque in 1996. Clashes then led to the death of 75 Palestinians and 15 Israeli soldiers.

Raphael Greenberg, professor of archaeology at Tel Aviv university, says the current Israeli excavations are politically motivated.

'As usual during the Jewish holidays, the Israeli public has been inundated with reports of 'amazing discoveries' in excavations in Jerusalem,' he says. 'Most of the archaeological research in Jerusalem is being driven by pressure from politically interested groups and individuals with the aim of 'proving' our historical rights in the city or clearing an area for construction.'

'Several East Jerusalem neighbourhoods are being targeted for Israeli settlements to prevent Palestinian neighbourhoods from expanding,' Jallad told IPS.

In August the UN Office for the Coordination of Humanitarian Affairs (Ocha), reported that 475 Palestinians in the Sheikh Jarrah neighbourhood were at risk of forced eviction, while 540 new illegal housing units were being planned. This figure excludes other areas of East Jerusalem under threat.

The Jerusalem Municipality has limited building permits for Palestinians, despite East Jerusalem being densely overcrowded, and changed municipal boundaries to incorporate illegal Jewish settlements and the nearly 200,000 settlers residing in East Jerusalem.

Salah says he will not back down. 'I'm not afraid of being arrested again. They can charge me with whatever they like. Al-Aqsa is a spark that could ignite the entire Muslim world and bring war if our rights are not respected.'

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[Original source: Inter Press Service](#)

Where next?

“When I give food to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist.” — *Dom Hélder Câmara*

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Israel

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Palestinians clash with Israeli troops at al-Aqsa mosque in Jerusalem

Demonstrations at holy shrine erupt into violence as youths fight battles with riot police

Rory McCarthy in Jerusalem

Sun 25 Oct 2009 17.03 GMT

Israeli riot police firing stun grenades and crowds of young Palestinians throwing stones clashed in the compound around the al-Aqsa mosque in the heart of Jerusalem's Old City today.

It was the latest flare-up in several weeks of protests around the site, known as the Temple Mount or the Haram al-Sharif. Around two dozen people were injured, mostly Palestinians, but none were seriously hurt.

Israeli forces stormed up into the compound behind riot shields and crowds of Palestinians fled, some taking sanctuary in the al-Aqsa mosque.

The second intifada of 2000 began with protests in the same area, but these latest clashes have been less violent and so far seem unlikely to trigger a more widespread

uprising against the Israeli occupation.

Several Palestinians were arrested by Israeli police, among them Hatam Abd al-Qadir, a senior Palestinian adviser on Jerusalem, and Ali Abu Sheikha, a senior leader from the Islamic Movement, an organisation within Israel.

David Cohen, the head of Israel's national police, accused Muslim extremists of inciting violence. "The police will act with a strong hand against anyone who disrupts order on the Temple Mount and against those who incite to riot," Cohen said.

Palestinians, however, have been increasingly concerned about right-wing Jewish settlers entering the compound and about rumours - denied by Israel - of excavations near the site. The Old City, in east Jerusalem, was captured by Israel in the 1967 war and later annexed, a move never recognised by the international community.

Palestinian officials accused the Israeli police of provoking the violence. Nabil Abu Rdainah, a spokesman for Abbas, condemned "the storming of Haram al-Sharif by Israeli forces". He added: "Jerusalem is a red line that Israel should not cross." There have been protests over the incident from the Islamic Conference and the Arab League.



Engineer says Temple Mount bridge to close

Published: Dec. 8, 2011 at 7:01 AM

JERUSALEM, Dec. 8 (UPI) -- Jerusalem's city engineer Thursday ordered the immediate closure of the Mughrabi Bridge leading to Temple Mount, saying it's unsafe and dangerous.

In a letter to the Western Wall Heritage Foundation, Shlomo Eshkol ordered the wooden bridge linking the Western Wall plaza to the Temple Mount closed immediately, Israel Radio said Thursday.

The bridge is the only access to the Temple Mount for non-Muslims seeking to visit the site and is also used by security forces in the event of violent incidents, the report said.

Eshkol said until a new bridge is built, only a small number of security personnel will be permitted to use the bridge -- and only after consulting with him, the report said.

The decision comes just weeks after Prime Minister Binyamin Netanyahu decided to postpone constructing a new bridge, fearing the move would lead to new tensions with Jordan, Egypt and other countries in the Middle East, Israel Radio said.

Jordan, which is responsible for Muslim holy sites in Jerusalem, has objected to the planned construction, warning such steps will ignite protests throughout the Middle East.

The current bridge was built as a temporary solution after a previous structure collapsed in 2004.

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Preoccupied With Judicial Coup, Netanyahu's Coalition Is

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Haaretz

Another Israeli Church Defaced With 'Price Tag' Graffiti

Graffiti reading 'Jesus, son of a bitch, price tag,' was found on a door near the Franciscan monastery on Mount Zion, just outside the walls of Jerusalem's Old City.



Oz Rosenberg and Nir Hasson

Oct 3, 2012



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03:54



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Less than a month after a monastery at Latrun was vandalized with "price tag" graffiti, similar graffiti was found Tuesday morning on a door near the Church of the Dormition on Mount Zion, just outside the walls of Jerusalem's Old City.

Church: Israelis Don't Respect Christians

'Jewish Terror' Police Unit Coming to W. Bank

J'lem Church Sustains 'Price Tag' Attack

The graffiti, which read "Jesus, son of a bitch, price tag," had already been removed by midmorning Tuesday, Israel Police spokesman Mickey Rosenfeld said.

Jerusalem Police Chief Maj. Gen. Yossi Pariente yesterday ordered the formation of a special investigative team to locate the perpetrators. No one has yet been arrested for last month's vandalism.

Jewish extremists are thought to be

ried out similar vandalism on



pro-Palestinian government policies. The Latrun vandalism occurred shortly after settlers were evicted from the illegal outpost of Migron.

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The Dormition Church, built over a century ago near the site of the Last Supper, is one of the Franciscan order's most important holdings in the Holy Land. Though Israel has only about 155,000 Christian citizens, less than 2 percent of its 7.9 million people, the repeated defacing of their sacred sites has shocked the country and drawn official condemnation.

"Price tag actions contradict the morals and values of Judaism and do great harm to the State of Israel," said President Shimon Peres, speaking at a meeting with one of Israel's chief rabbis at a Sukkot reception yesterday. "It is forbidden to harm the holy sites of [other] religions and faiths."

Church officials have said mere condemnation is not enough. In an interview with Haaretz a few weeks ago, one of the Vatican's top officials in the Holy Land, the Rev. Pierbattista Pizzaballa, sharply condemned what he termed Israelis' derogatory attitude toward Christians.



2175

"When you say 'Christianity' to Israelis they immediately think of the Holocaust and the [Spanish] Inquisition," he said. "People don't know that we are here and have roots here."

He said this attitude seems to be prevalent in Israeli society, noting that priests are often spat on by yeshiva students, and that National Union MK Michael Ben-Ari had torn up a New Testament in the Knesset.

"If you as a Jew want people to respect you, you need to respect others," Pizzaballa said.

Various rabbis condemned the vandalism.

"We only just finished with Yom Kippur ... and now we have another sin for which we must atone - contempt for another religion," said Rabbi Mauricio Balter, president of the Masorti (Conservative) Movement's Rabbinical Assembly.

Rabbi Gilad Kariv of the Reform Movement warned that "This price tag epidemic threatens to become a routine part of Israeli public life, causing moral, social and international damage. Law enforcement, which has failed to deal with the phenomenon, must make this a much higher priority than it has until now."

The Reform Movement, in a statement, also urged the thousands of people who will be visiting Jerusalem's Old City during the intermediate days of this week's Sukkot holiday to "visit the desecrated site and express their disgust with this act."

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The Custodia Terrae Sanctae, the Franciscans' representative in the Holy



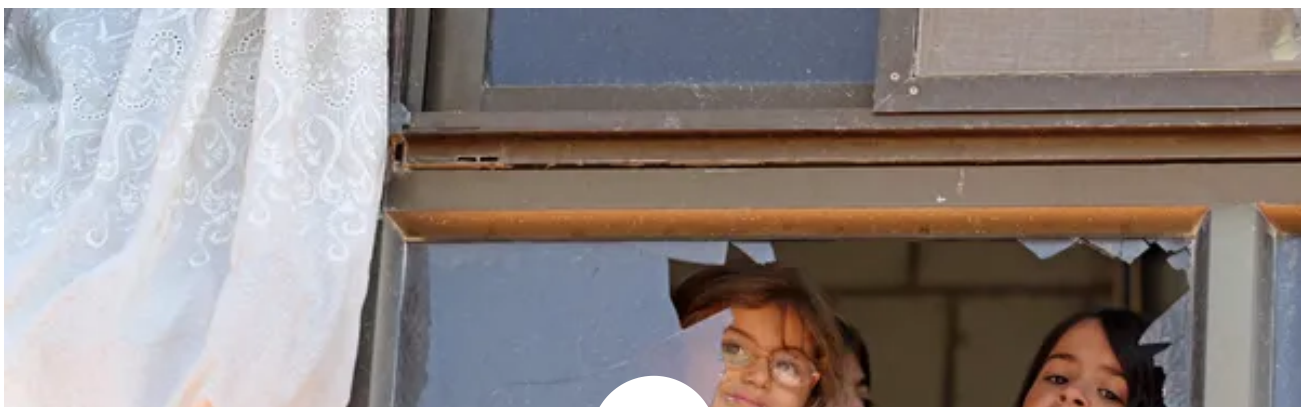
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"The attempts to damage monasteries and the spray-painting of inflammatory graffiti against Christianity, which have occurred repeatedly recently, are an insult to the hundreds of millions of Christian faithful throughout the world, and the State of Israel cannot allow such grave acts to occur," the statement said.



A hand-out picture released Tuesday by the Franciscan monastery showing anti-Christian graffiti denigrating Jesus. Credit: AP/HO

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Church of the Holy Sepulchre in row over water bill

🕒 2 November 2012



The church is a major pilgrimage site for millions of visitors to the Holy Land

The Church of the Holy Sepulchre in Jerusalem has warned that it may shut its doors to pilgrims in protest at a dispute with an Israeli water company.

The church, where many Christians believe Jesus was crucified, has had its bank account frozen at the request of Hagihon over an unpaid \$2.3m bill.

The dispute has left hundreds of priests, monks and teachers unpaid.

The church has traditionally not been charged for water, but Hagihon says it is owed money for the past 15 years.

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'Unjustified step'

According to the Israeli newspaper Maariv, there was a tacit agreement between the Greek Orthodox Patriarchate of Jerusalem - which, along with the Armenian Orthodox Patriarchate and the Roman Catholic Franciscan Custos, is jointly responsible for the Church of the Holy Sepulchre's administration - and a former mayor of the city that the church would be exempt from water bills.

But in 2004, Hagihon sent a demand to the church for 3.7m shekels (\$950,000; £590,000). It was backdated to when the company took over the water supply in the late 1990s.

The Patriarchate reportedly believed it was a mistake because Hagihon did not press it to pay. The company is now demanding that the bill, which has risen to 9m shekels (\$2.3m; £1.4m) including interest, be settled.

A Hagihon spokesman said Israeli law did not permit any exemptions.

The company had not taken other enforcement steps, such as shutting off the water supply, in order not to disrupt activities at the site, he added.

Father Isidoros Fakitsas, Superior of the Greek Orthodox Patriarchate at the Church of the Holy Sepulchre, told the Associated Press that an agreement had been reached with Hagihon a few weeks ago.

Under the deal, various denominations of the church would pay their monthly bill and the 9m-shekel debt was to be forgotten, he said.

But to his surprise the Patriarchate's bank account was blocked, making it impossible to pay stipends to some 500 priests and monks, 2,000 teachers and the running costs of more than 30 schools.

According to Maariv, other services have also been affected, including telephones, internet and electricity, as well as companies supplying food.

Father Fakitsas said the Patriarchate would be able to function despite the frozen bank account and that it would try to find an alternative if matters became too difficult, such as opening another bank account.

Patriarch Theophilos III wrote a letter to Israel's prime minister and president warning that the "enforcement of this unjustified step undermines the sanctity and offends the sensitivity of the site".

He told Maariv: "If nothing changes we intend to announce... for the first time in centuries, that the Church of the Holy Sepulchre is closed."

The other Christian denominations which jointly manage the church are said to support the Greek Orthodox Patriarchate in its battle.

The Israeli tourism ministry said the issue was between the Patriarchate and the Jerusalem municipality, but that it was trying to mediate between them and hoped that the dispute would be resolved quickly.

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Likud lawmaker banned from ascending Temple Mount

Allowing Moshe Feiglin to visit site could 'risk Israel's security,' A-G says; Netanyahu cites 'delicate and volatile situation'

By **RON FRIEDMAN**

29 April 2013, 7:33 pm



Moshe Feiglin in court after an October 2012 arrest for praying on the Temple Mount. (photo credit: Yonatan Sindel/Flash90)

Attorney General Yehuda Weinstein on Monday approved a decision to prevent Likud MK Moshe Feiglin from visiting the Temple Mount, for fear that visits to the volatile holy site could spark violence and endanger Israel's security, the Justice Ministry announced Monday.

"The Attorney General approved the decision based on the recommendations of law enforcement agencies," the Justice Ministry said in a statement. "The decision was based on past experience, including Feiglin's previous actions while visiting the site and his announcement that he would not coordinate future visits with the police. Police and defense authorities estimate that MK Feiglin's ascent to the Temple Mount may potentially risk Israel's security."

Prime Minister Benjamin Netanyahu was behind the decision, which he based on intelligence assessments that the MK's visit could escalate tension at the site, Army Radio reported. Netanyahu addressed the issue in the Likud faction meeting Monday, saying, "We are in a delicate and volatile situation. There are defense establishment instructions and we must avoid escalation."



A visit to the Temple Mount by then-prime ministerial candidate Ariel Sharon in 2000 is widely considered one of the sparks that led to the Second Intifada.

Feiglin, a first-time MK from the Likud party's hawkish flank, has been prohibited from visiting the Temple Mount in the past, most recently a month ago. Feiglin attempted to enter the Dome of the Rock, but was turned back by security personnel at the site, who said it was closed to non-Muslims. A large crowd gathered during the incident, and Feiglin had to be extricated by police.

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"The prime minister has no legal authority to give such an order," Feiglin argued. "It is an order that undermines the Knesset's sovereignty. It directly contravenes at least three basic laws. The security argument doesn't work either because, between now and my visit, the security forces have all the time in the world to prepare and to prevent violent gatherings."

Few places on earth are as potentially explosive as the site, where two Jewish temples once stood. Muslims believe the Mount is where the Prophet Muhammad ascended to heaven and call it the Noble Sanctuary. The day-to-day functioning of the site is in the hands of the Islamic Waqf, and Israeli governments have been stringent about maintaining the status quo. Because of its importance to Muslims and the inherent tension of such a place being under the control of Israel, any violence there resonates across the Islamic world and has the potential for deadly results.

At the moment, Israeli police and Waqf guards keep close tabs on visitors identifiable as religious Jews. If someone is seen moving lips in prayer, or prostrates themselves on the smooth stones of the shrine, they are expelled and detained.

Matti Friedman contributed to this report

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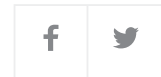


EDITOR'S PICKS

MAY 8, 2013 / 11:08 AM / UPDATED 10 YEARS AGO

Israel police hold Jerusalem Muslim cleric for six hours

By Jeffrey Heller



JERUSALEM (Reuters) - Israeli police arrested the top Palestinian Muslim religious leader in Jerusalem on Wednesday and questioned him for six hours about a fracas between Palestinians and Israelis at al-Aqsa mosque before releasing him without charge.

Israeli police officers detain a Palestinian who protested in front of the Damascus Gate outside Jerusalem's Old City during a parade marking Jerusalem Day May 8, 2013. REUTERS/Ammar Awad

Palestinian leaders and neighboring Jordan condemned the arrest of Sheikh Mohammad Hussein, the Grand Mufti of Jerusalem after Palestinian worshippers scuffled with Israelis

near Jerusalem's al-Aqsa mosque on Tuesday.

HP EXHIBIT 272

Israeli President Shimon Peres sought to reassure Jordan, one of the few Arab powers to have recognized the Jewish state, that religious freedom in Jerusalem would be upheld.

Hussein's arrest came the same day Israel celebrated the anniversary of its capture of East Jerusalem, where al-Aqsa is located, from Jordanian control in the 1967 Middle East war.

Police spokesman Micky Rosenfeld said Hussein was arrested to answer questions about what he called the "public disturbance" near al-Aqsa, which overlooks Judaism's Western Wall. Rosenfeld said no charges were filed after Hussein was questioned for six hours.

"They took me from my house at eight in the morning, accusing me of incitement," Hussein told Reuters. "I do not incite. I protect al-Aqsa mosque, and that is the nature of my work."

The Palestinian Authority appoints the Grand Mufti in consultation with local religious leaders, but Jordan's monarchy, which has long been a custodian of the holy sites in Jerusalem, pays religious personnel's salaries and contributes toward the upkeep of the shrines.

Palestinian President Mahmoud Abbas condemned the arrest, calling it "a flagrant challenge to the freedom of worship".

Palestinian Prime Minister Salam Fayyad said it was a "grave escalation in Israel's relentless violations of international law".

Jordanian Prime Minister Abdullah Ensour told parliament that Amman would convey through its ambassador in Tel Aviv "the kingdom's rejection of the Israeli army and settlers' recurring and increasing attacks on the holy al-Aqsa", and accused Israel of "premeditated acts that spelt evil intent".

Israel considers all of Jerusalem its capital, though its occupation of the east of the city has never been recognized internationally. The Palestinians say East Jerusalem must be the capital of their future state.

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Kerry sees 'short time' to revive Middle East peace bid

Influential Muslim cleric visits Hamas-ruled Gaza

PERES HOPES FOR PEACE

Officiating at a “Jerusalem Day” ceremony, Peres described Israel’s 1994 peace deal with Jordan as possible precedent for an accord with the Palestinians and inter-faith understanding.

“Jerusalem is dear to us. Peace with Jordan is dear to us. I want to say loudly and clearly that we respect all the holy sites of all religions and will do everything necessary to protect them as agreed between us,” Peres said.

Hussein, who has held his post since 2006, said it was the first time Israeli authorities had arrested and questioned him. Since 1967, at least one previous mufti had been detained by Israeli police, he said.

Rosenfeld said Tuesday’s confrontation began when Israeli police detained a Palestinian who wanted to enter the plaza but refused to present his identification card.

It developed into a scuffle in which Muslim worshippers threw chairs at Jewish visitors at the site, he added.

There were fresh confrontations on Wednesday between Muslims and Jews outside Jerusalem’s walled Old City, where al-Aqsa is located. Police arrested 18 Palestinians, Rosenfeld said. There were no casualties.

Al-Aqsa mosque is one of the most sensitive sites in the city. Muslims see it as one of their holiest places along with Mecca and Medina, believing the Prophet Mohammad ascended into

heaven from the spot during a night journey to Jerusalem.

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It is also the most sacred site in Judaism, with Jews revering it as the place where biblical King Solomon built the first temple 3,000 years ago. A second temple there was razed by the Romans in 70 AD.

The future status of Jerusalem is seen as one of the most difficult topics to be resolved in any negotiations between the Israelis and Palestinians.

Direct talks between the two sides broke down in 2010. U.S. Secretary of State John Kerry is seeking to revive the discussions and was due to meet Israel's chief negotiator Tzipi Livni in Rome later on Wednesday.

Reporting by Ali Sawafta, Noah Browning, Ari Rabinovitch and Nidal al-Mughrabi; Editing by Jon Hemming and Mike Collett-White

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Attack on Jerusalem graves unnerves Christians

Over past three years, at least 17 Christian sites have reportedly been vandalized; activists say police not doing enough

By **DANIEL ESTRIN**

10 October 2013, 1:51 am



A damaged grave in the Protestant Cemetery of Mt. Zion, Jerusalem, on Monday (photo credit: AP/Bernat Armangué)

AP — Christian leaders in Israel are up in arms over what they say is a string of relentless attacks on church properties and religious sites — most recently the desecration of a historic Protestant cemetery where vandals toppled stone crosses from graves and bludgeoned them to pieces.

The attack in the Protestant Cemetery of Mount Zion, one of Jerusalem's most important historic graveyards, has struck a particularly sensitive nerve because some of the damaged graves belong to famous figures from the 19th and 20th centuries, a key period in Jerusalem's history. Among them are a German diplomat, the founder of an orphanage who was a significant contributor to modernizing the city, and a relative of the owners of a prominent hotel.

Though members of the clergy say interfaith relations between top religious leaders have never been stronger, and police have been more responsive to such attacks in recent years, they say attacks continue unabated. Some activists say not enough is being done to stop them.

THE TIMES OF ISRAEL

“We are striving so hard to promote dignity and respect among the living. And here we have our dead people ... vandalized,” said the Very Rev. Hosam Naoum, caretaker of the Protestant cemetery. “No human would agree with this.”

Police arrested four young Israeli settlers from the West Bank last week, two of them minors, in connection with the cemetery attack, said police spokesman Micky Rosenfeld. But Rosenfeld said the four were subsequently released without charge until further questioning.

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Two of the suspects had been banned from entering the West Bank because of their connections to the “hilltop youth,” a movement of young Jewish extremists blamed for a spate of attacks in recent years on mosques, Christian sites and Israeli army property to protest government policy.

The four suspects claimed they had entered the cemetery to immerse themselves in a ritual bath there, according to media reports. Rosenfeld could not immediately confirm the reports, and the record of the court session was sealed because minors were involved.

Naoum said the reported alibi was suspect. An ancient Jewish ritual bath was excavated on the premises but it contains no water, and an old well nearby has a narrow opening and would be dangerous to enter, he said.

Naoum said his staff saw religious Jewish youths breaking into the cemetery again on Tuesday and Wednesday, though no damage was reported. Israeli media have said two of the original suspects were students at a nearby Jewish seminary known for its ultranationalist views.

Naoum said he is reporting the events to the German and British embassies, which have representatives on the cemetery administration board, as well as to the Archbishop of Canterbury.

The attack joins a list of high-profile Christian sites that have been vandalized within the past year. They include a Trappist monastery in Latrun, outside Jerusalem, where vandals burned a door and spray-painted “Jesus is a monkey” on the century-old building, a Baptist church in Jerusalem, and other monasteries. Clergymen often speak of being spat at by ultra-Orthodox religious students while walking around Jerusalem’s Old City wearing frocks and crosses.

Christian citizens of Israel, including Roman Catholic and Orthodox streams of Christianity, make up less than 2 percent of its nearly 8 million people. About three-quarters of them are Arabs, and the others arrived during a wave of

immigration from former Soviet Union countries that began 20 years ago. Tens of thousands of Christian foreign workers and African migrants also live in Israel.

The population figures include Christians in Israel and east Jerusalem, the section of the city captured by Israel in 1967 and claimed by the Palestinians.

Over the past three years, 17 Christian sites in the Holy Land have been reported vandalized, according to Search for Common Ground, a nongovernmental group that monitors press reports of attacks on religious sites.

Researcher Kevin Merkelz said a police detective in charge of Christian affairs told the organization the numbers are actually higher, but Christian leaders chose not to report many attacks to the press.

“The Christians who are still here want to keep a low profile when attacked,” said Merkelz. He said the group does not include sites in the politically sensitive Old City of Jerusalem in its survey, because many sites are in dispute and the group does not want to be seen as taking sides.

Christian leaders are often afraid to complain to police because many clergymen reside in Israel on special visas and wish to keep good relations with authorities, said Hana Bendcowsky of the Jerusalem Center for Jewish-Christian Relations. “There is a very strong feeling that the police are not doing enough ... and not doing work to prevent the phenomenon,” she said.

Rosenfeld, the police spokesman, said Israeli police recently set up a task force to combat “nationalistic” motivated crimes, and last week arrested 14 youths in connection with attacks on Arabs.

He said police are carrying out more patrols around holy sites and are considering installing security cameras to protect them. He also claimed the numbers of attacks against Christian sites remains relatively low.

“There is more awareness that holy areas have to be watched closer and protected better,” Rosenfeld said.

The Rev. Pierbattista Pizzaballa, one of the Roman Catholic church’s top officials in the Holy Land, said such attacks “have become routine and target not only Christians. They’re conducted by extremists and go against the spirit of tolerance. But it’s also true that they’re strongly condemned by the Jewish community, by people opposed to them.”

Naoum, the cemetery caretaker, said a group of 150 Jewish religious figures will be paying a solidarity visit to the cemetery this week.

In the oldest section of the Protestant Cemetery of Mount Zion, just outside the walls of Jerusalem’s ancient Old City, the tops of large stone monuments, many written in German, were bare, and the stone crosses that used to top them lay broken into a few pieces.

Graves damaged belong to a British Mandate policeman and important figureheads in the city.

The most notable of them is Johann Ludwig Schneller, founder of an orphanage and the most advanced printing press in 19th century Jerusalem. Also damaged was the grave of Edmund Schmidt, the German consul general at the beginning of the 20th century. The grave of Ferdinand Vester, who built the house where a branch of the U.S. Consulate General to Jerusalem is located today and who was related to the founders of the storied American Colony Hotel, was also damaged.

The cemetery is “a microcosm of Jerusalem history from the 1830s till the present,” said Amnon Ramon, an expert on Christianity at the Jerusalem Institute for Israel Studies.


Curiously, it is not the first time the Protestant cemetery has been attacked. About 100 years ago, the American consul to Jerusalem dug up graves in the cemetery belonging to members of the American Colony, a group of devout Christians from the U.S. whom the consul believed were involved in cult-like activities, said Israeli researcher Nirit Shalev-Khalifa. The group’s home later became the American Colony Hotel.

There has always been a religious fight surrounding cemeteries in Jerusalem, Shalev-Khalifa said.

“This is a battle over the celestial Jerusalem,” she said. “You can deal with the living, but sometimes it’s easier to deal with the dead.”


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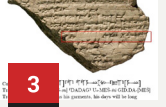
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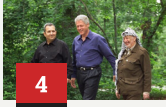
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DR **Dave Roland** ...
 10 October, 2013

What a shame that a small minority of extremists would destroy graves in a cemetery. What a brave and fearless act. They should be ashamed of themselves. Let's hope that their parents aren't encouraging this behaviour.

Dave
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19-Feb-2014

Right-wing Israeli MK enters Aqsa compound

Ammonnews

Ma'an - An Israeli member of the Knesset entered the Al-Aqsa compound early Wednesday escorted by Israeli police, a Palestinian official said.

Azzam al-Khatib, the director of the Al-Aqsa Mosque, told Ma'an that right-wing MK Moshe Feiglin arrived at the Al-Aqsa compound at 8:15 a.m. and entered through the Moroccan gate.

Feiglin toured the eastern quarter of the compound and stood at the courtyard of the Dome of the Rock, al-Khatib said.

A cameraman followed him throughout the tour, which lasted a half hour, al-Khatib said. He said Feiglin was heard saying that the Al-Aqsa Mosque belongs to the Jews. Feiglin, head of the "Jewish Leadership" faction of Israel's Likud party, had initiated a Knesset debate scheduled for Tuesday, calling for full Israeli sovereignty over the Al-Aqsa compound, without Jordanian oversight.

However, Israeli media reported that the debate would be postponed. Due to the sensitive nature of the Al-Aqsa mosque, Israel maintains a compromise with the Islamic trust that controls the compound -- overseen by Jordan -- to restrict the area for Muslim prayers. Israeli forces, however, regularly escort Jewish visitors to the site, often leading to tension with Palestinians.

The compound, which sits just above the Western Wall plaza, houses both the Dome of the Rock and the Al-Aqsa mosque and is the third holiest site in Islam. It is also venerated as Judaism's most holy place as it sits where Jews believe the First and Second Temples once stood. The Second Temple was destroyed by the Romans in 70 AD.

According to mainstream Jewish religious leaders, Jews are forbidden from entering for fear they would profane the "Holy of Holies," or the inner sanctum of the Second Temple. Al-Aqsa is located in East Jerusalem, a part of the internationally recognized Palestinian territories that have been occupied by the Israeli military since 1967.



Al-Aqsa clashes as MKs tour compound

ARTICLE | MARCH 20, 2014 - 8:17PM | BY MAAN NEWS AGENCY

Clashes broke out March 20 between Palestinian worshipers and Israeli forces in the al-Aqsa compound following a visit by a right-wing Israeli MK, locals said. Witnesses told Ma'an news Agency that Likud MK [Moshe Feiglin](#) and a number of other right-wing politicians entered the mosque compound via the Moroccan Gate and toured the courtyards. Worshipers shouted "Allah Akbar" at the group before Israeli forces raided the compound and began assaulting them with clubs. In response, young Palestinians began throwing stones at the Knesset members, forcing them to leave the compound. Several worshipers and Shariah law students sustained bruises and one of them was treated at a clinic in the Aqsa compound. An Israeli police spokesperson said two Palestinians were detained for throwing stones at Feiglin.

The controversial Likud MK has stated in the past that Palestinians in Israel should be relocated and there is no such thing as a Palestinian people.

Due to the sensitive nature of the Al-Aqsa Mosque, Israel maintains a compromise with the Islamic trust that controls the compound—overseen by Jordan—to restrict the area for Muslim prayers. Israeli forces, however, regularly escort Jewish visitors to the site, often leading to tension with Palestinians.

The compound, which sits just above the Western Wall plaza, houses both the Dome of the Rock and the Al-Aqsa mosque and is the third holiest site in Islam. It is also venerated as Judaism's most holy place as it sits where Jews believe the First and Second Temples once stood. The Second Temple was destroyed by the Romans in 70 AD.

From [Ma'an News Agency](#), March 20

About the Author »

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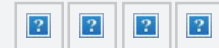


Jerusalem Post Israel News

Jerusalem's Temple Mount closes to all visitors after shooting of Yehuda Glick

Prominent right-wing activist evacuated to capital's Shaare Zedek Medical Center for surgery; police searching for suspect.

By DANIEL K. EISENBUD, JPOST.COM STAFF Published: OCTOBER 30, 2014 06:20



Rioting on Temple Mount, October 8, 2014. (photo credit: POLICE SPOKESPERSON'S UNIT)



Rioting on Temple Mount, October 8, 2014.
(photo credit: POLICE SPOKESPERSON'S UNIT)

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Following the assassination attempt in Jerusalem of right-wing activist Yehuda Glick, Public Security Minister Yitzhak Aharonovich and Jerusalem Police Chief Moshe Edri ordered the closing of the Temple Mount to Jews and Arabs until further notice. The decision was taken due to intelligence assessments and security concerns at the site.

An increased number of police and border police will patrol Jerusalem on Thursday.

Aharonovitch called for calm and urged everyone, including politicians and public figures, not to incite the situation. Thursday, "will not be a simple day," he said.

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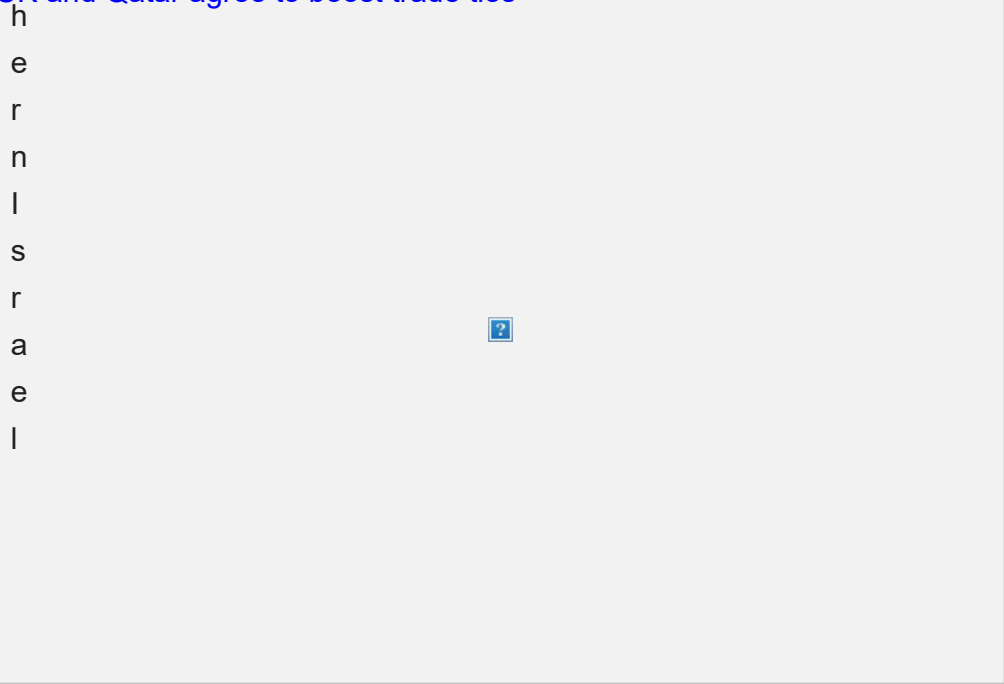
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Early Thursday morning Prime Minister Benjamin Netanyahu spoke with Edri and Aharonovich and with the head of the Shin Bet (Israel Security Agency) Yoram Cohen. Netanyahu ordered that the highest priority should be given to capture those responsible for shooting Glick, and that security personnel should be significantly increased in the capital.

r
Rabbi Yehuda Glick, spokesman for the Joint Committee of Temple Organizations – was in serious condition after being shot in front of the capital's Menachem Begin Heritage Center Wednesday night.

o
According to police, the shooting took place at approximately 10:30 p.m. outside the memorial center, located near the Old City, by a suspect riding a motor bike who fled the scene.

t
Glick, who has a long history of advocating for Jewish prayer rights at the Temple Mount, spoke Wednesday evening at the Begin Center alongside MKs Eliyahu Ben-Dahan, Moshe Feiglin and Miri Regev at an event titled "Israel Returns to the Temple Mount."

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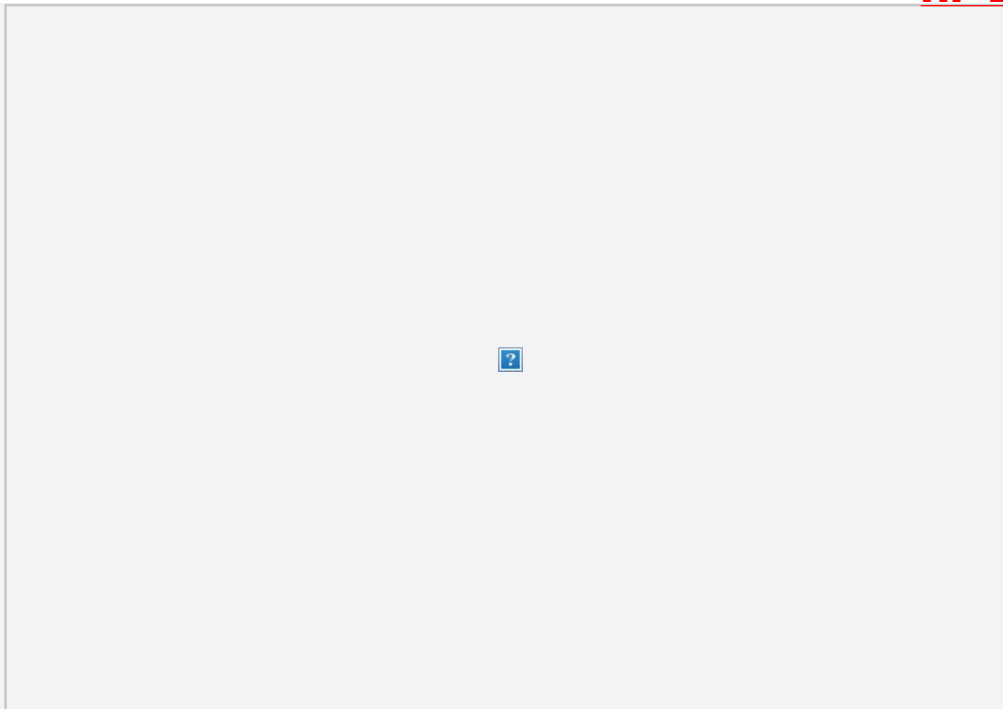
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MK Moshe Feiglin (Likud) who was with Glick, said that a motorcyclist drove up to Glick as he put posters from the event in his car and asked if he was Yehuda Glick. When Glick affirmed his identity, the motorcyclist shot him and fled.



Yehuda Glick at an event on the Temple Mount prior to the shooting, October 29, 2014.

"Shots were fired and the victim was rushed to an area hospital in serious condition," said Police spokesman Micky Rosenfeld. "Special patrol units are searching the area for the suspect and we are investigating the background of the incident."

"It was an assassination attempt," a Jerusalem city official said. "This is very serious."

The victim was taken to Shaare Zedek Medical Center in Jerusalem.

Professor Jonathan Halevy, director-general of Shaare Zedek said that Glick underwent surgery for wounds in the chest and the stomach.

"His situation at this moment is stable but his life is still at risk," Halevy said. He added that Glick has lost a lot of blood and had been given many transfusions.

Outbrain |

Glick's father Shimon who is in the hospital awaiting results of the surgery told the media, "Everyone who reads Facebook and newspapers knows his life had been threatened. "Because he is a red head and tall, he stands out," Shimon said.

"I am hoping that he will recover and continue his work," he said.

Following the shooting attack, Police Chief Yohanan Danino ordered the police readiness level raised to the second highest level in every district nationwide.

Mayor of Jerusalem Nir Barkat urged people not to take the law into their hands and to allow the police to do its work and find those responsible in the shooting.

Economy Minister and head of Bayit Yehudi Naftali Bennet said the assassination attempt on a public activist in the heart of Jerusalem crossed a bloody red line. "Security is not brought about by talking but rather by

actions, and I call on the prime minister to return Israel's sovereignty over Jerusalem immediately," Bennett said.

Housing and Construction Minister Uri Ariel (Bayit Yehudi) said following the shooting, "I am praying for the full recovery of Yehuda Glick. The bullets fired at him tonight were directed at all the Jews that want to exercise their Jewish and moral right to visit the most holy place to the Jewish people and to pray at the Temple Mount."

"I call on the prime minister to immediately allow every Jew to freely go to the Temple Mount, and to act with an iron fist against the criminals responsible for this deed," he charged.

Deputy Minister for Religious Services and Bayit Yehudi MK Eli Ben-Dahan, who spoke at the conference that Yehuda Glick attended before he was shot, expressed his shock following the incident.

"I am shocked that just a few minutes after giving my speech this evening at the conference organized by Yehudah Glick that such a terrible thing has happened," Ben-Dahan said.

"I spoke of the loss of control of the Israel police and the loss of personal security in Jerusalem and just a few minutes afterwards an assassination was attempted in the heart of Jerusalem," he added.

Ben-Dahan called on Prime Minister Benjamin Netanyahu and Public Security Minister Yitzhak Aharonovich to impose order immediately and to restore security and sovereignty to the capital.

Likud MK Miri Regev said that it was unacceptable that a Jew becomes an assassination target just for fighting for something that he believes in.

"A failure to struggle for the right of Jews to live in peace in Jerusalem will result in murderous Palestinian terror across Israel," Regev said.

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Jerusalem holy site closure 'declaration of war' - Abbas

🕒 30 October 2014



AFP

AFP

| A security clampdown was initiated in the aftermath of the shooting

A spokesman for Palestinian leader Mahmoud Abbas has described the closure of a disputed Jerusalem holy site as a "declaration of war".

The move came amid tension and violence after the shooting of a Jewish activist. Israel's PM urged calm, saying Mr Abbas was stoking unrest.

The holy site will reopen on Friday, Israel's economy minister says.

Yehuda Glick, a campaigner for greater Jewish prayer rights at the Temple Mount/al-Haram al-Sharif, was wounded.

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Israeli police later killed a Palestinian suspected of shooting him. Moataz Hejazi, 32, was shot after reportedly opening fire when police surrounded his home.

Rabbi Glick is a well-known US-born campaigner for the right of Jews to pray at the site, which is currently prohibited.

The compound - known to Jews as the Temple Mount and to Muslims as Haram al-Sharif - is the holiest site in Judaism, and contains the al-Aqsa Mosque - the third holiest site in Islam.

In other developments

- Sweden became the first major Western European country to officially recognise Palestine as a state - Israel has recalled its ambassador to Sweden in response, according to an official quoted by AFP
- The UN Human Rights Committee urged Israel to halt settlement-building in the West Bank and investigate alleged violations committed by its military in Gaza since 2008
- US Secretary of State John Kerry described alleged insults which a senior US official aimed at Mr Netanyahu as "disgraceful, unacceptable and

damaging"



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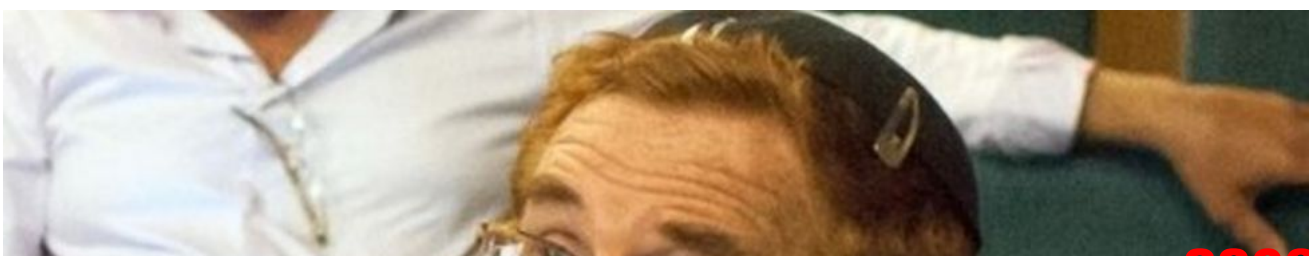
Palstinians clashed with police as they tried to arrest the shooting suspect



AFP

AFP

Several Jewish protesters were arrested outside the compound



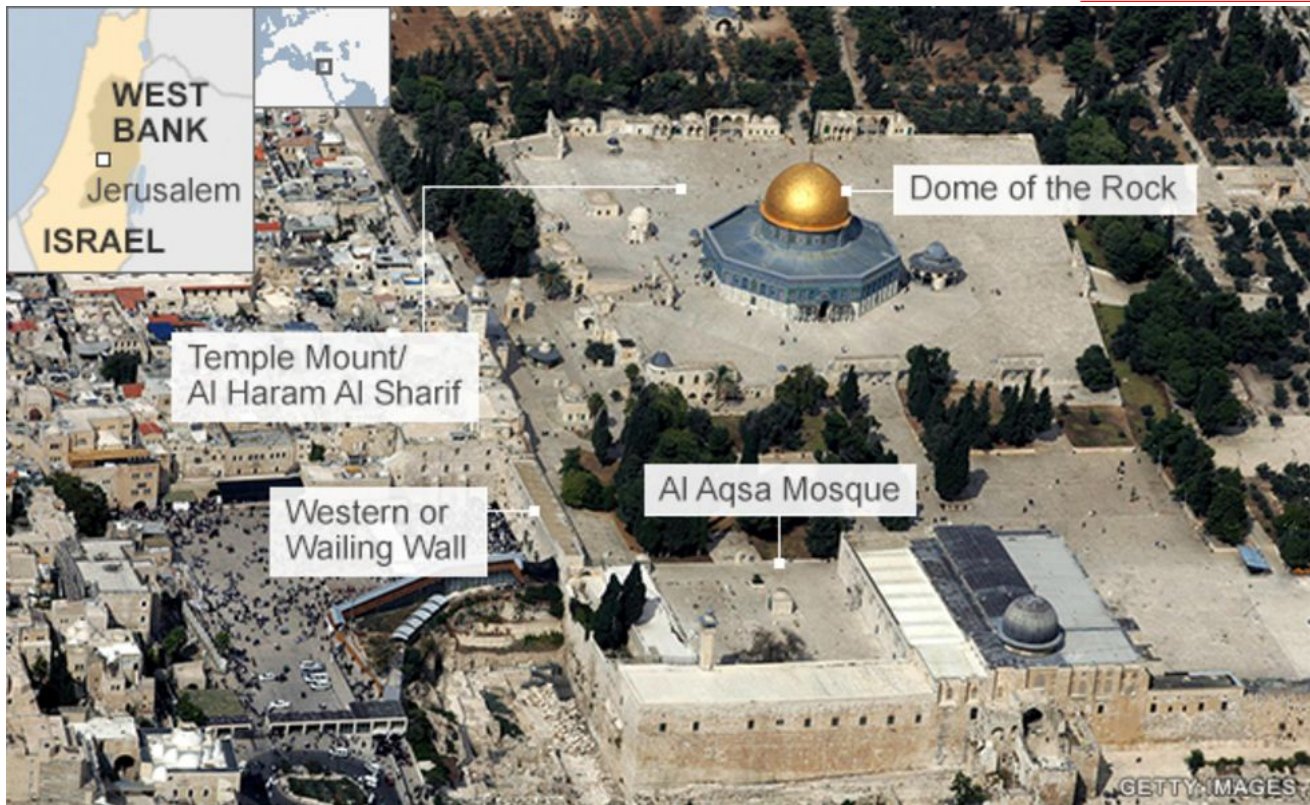


widespread loss of life - a proper resolution of it all still feels hopelessly distant.

There was also a small demonstration by far-right Israelis outside the holy site, with several arrested for attempting to enter it.

Palestinians hold the Israeli government responsible for a "dangerous act", Mr Abbas was quoted as saying by spokesman Nabil Abu Rudeina, AFP reports.

Israeli Economy Minister Naftali Bennett told the BBC on Thursday that the holy site would reopen in time for Friday prayers "unless there are unusual events that take place over the next few hours".



Jerusalem's holiest site

- Known as the Temple Mount to Jews and al-Haram al-Sharif to Muslims, it comprises the al-Aqsa Mosque and the Dome of the Rock, and is next to the Western Wall
- The Western Wall, from the time of the Jewish Biblical temples, is the holiest site where Jews can pray; the Dome of the Rock, where according to Jewish tradition the Ark of the Covenant rested in the first temple, is the holiest site in Judaism
- The al-Aqsa Mosque is the third holiest site in Islam; the Dome of the Rock is revered by Muslims because of its connections to the Prophet Muhammad
- Christians also venerate the site because of its Biblical links to Jesus
- A Muslim committee has managed the compound since the time of the Crusades, while Israel, which has occupied East Jerusalem since 1967, controls access
- Israel maintains a ban on prayer by non-Muslims at the compound as a security measure
- Rabbi Yehuda Glick campaigns for allowing Jews to pray at the site

Israeli Prime Minister Benjamin Netanyahu has called for calm, suggesting Mr Abbas is responsible for the increasing tension.

"We're facing a wave of incitement by radical Islamic elements as well as by the Palestinian Authority chairman... who said that Jews must absolutely be prevented from going on to the Temple Mount," he said, quoted by Haaretz newspaper.

Some districts of East Jerusalem have seen nightly clashes between Palestinians and Israeli security forces since the Gaza conflict last summer.

A Jewish baby and Ecuadorian woman were killed when a Palestinian attacker drove his car into a group of pedestrians in Jerusalem last week.

Micky Rosenfeld, Israeli police spokesman: "There was an attempted assassination on a known right-wing activist"

Police say Hejazi belonged to the Islamic Jihad militant group and served time in jail in Israel before being released in 2012.

Police say they were fired at after surrounding a house where he was staying and they shot back, hitting the suspect.

Rabbi Glick has undergone surgery for gunshot wounds to his chest and abdomen.

Israel argues that it protects freedom of worship at the site but Palestinians claim it is unilaterally taking steps to allow larger numbers of Jewish visitors.



0:00 / 2:10

◀ Israeli police said the mosque would reopen after midnight, for dawn prayers. Guardian

Israel

● This article is more than **8 years old**

Israel closes Al-Aqsa mosque compound to all visitors

Closure of Temple Mount site denounced by Mahmoud Abbas as 'tantamount to a declaration of war'

Peter Beaumont in Jerusalem

🐦 @petersbeaumont1

Thu 30 Oct 2014 18:15 GMT

Israel on Thursday ordered the first full closure of the Al-Aqsa mosque compound in Jerusalem's Old City in 14 years, in a move denounced by Palestinian president [Mahmoud Abbas](#) as "tantamount to a declaration of war".

The closure of the religious site, venerated by both Muslims and Jews, came after [anti-terrorist police shot dead a 32-year-old Palestinian man](#) on Thursday morning [who was suspected of having tried to kill a far-right Jewish activist the night before](#).

In the aftermath of the shootings Israeli security forces swamped the Old City and Palestinian neighbourhoods of East Jerusalem with extra reinforcements - some called in from the West Bank - as helicopters flew overhead and observation balloons were deployed in several locations.

The Al-Aqsa compound, or Temple Mount, which has become a central point in the escalating violence in the city in recent months, was closed to all visitors as a security precaution. Israeli police said the mosque would reopen after midnight, for dawn prayers. "It was decided to restore (the compound) to normal," police spokeswoman Luba Samri told AFP, adding that because of a fear of unrest at Friday midday prayers, entry for Muslim men would be restricted to those over 50.

The compound houses Islam's third holiest site, but is also the most sacred spot for Jews who refer to it as the Temple Mount because it once housed two Jewish temples.

In a further escalation of the rhetoric around the site, Abbas's Fatah movement called for a "day of rage" for Friday.

<https://www.theguardian.com/world/2014/oct/30/israel-closure-al-aqsa-mosque-temple-mount-mahmoud-abbas-war>

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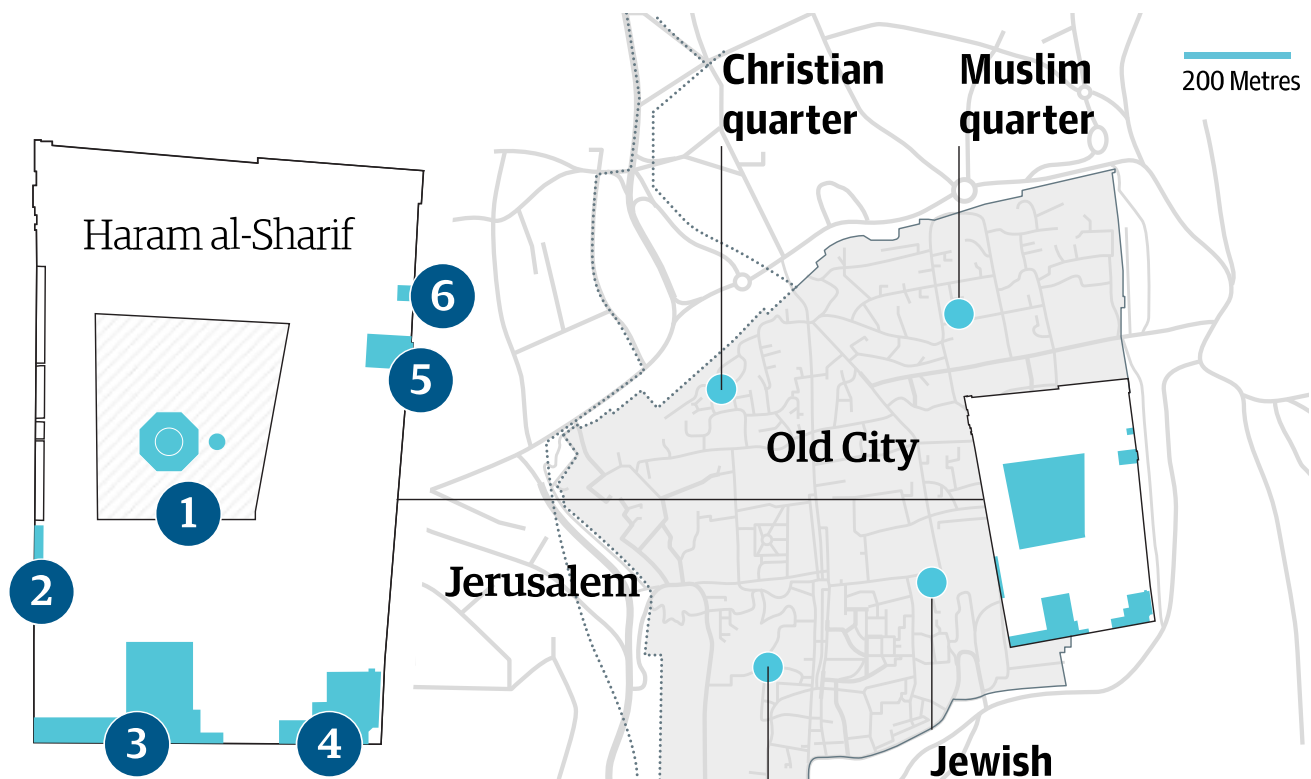
Muataz Hijazi - a former Palestinian prisoner and member of Islamic Jihad - was shot dead on the roof of his family's home in the Jerusalem neighbourhood of Abu Tor by anti-terrorist police just before 6am on Thursday, as he hid behind solar panels.

Israeli police sources said he had opened fire on them before being killed - a claim his family denied. Hijazi was suspected of shooting and wounding Rabbi Yehuda Glick, an activist who has led a campaign for Jews to be allowed to pray at the Al-Aqsa compound.

The attempted assassination of Glick was the second attack on Jews in the city in just over a week following a deadly incident last week in which a Palestinian man drove his car into pedestrians at a tram stop killing two people, one of them a three-month-old baby.

After Glick's shooting, far-right Jewish groups urged supporters to march on Al-Aqsa on Thursday morning - prompting its closure.

The Temple Mount



Addressing a security meeting Israeli prime minister Binyamin Netanyahu appeared to call for calm. "First of all, the flames must be lowered," Netanyahu said. "No one on either side should take the law into his own hands. We need to act now with cool heads, responsibility and determination, and that is what we shall do."

Hijazi's killing follows Wednesday night's shooting of Glick as he left a conference in Jerusalem on the question of the Temple Mount, attended by right-wing MPs among others.

According to the police and Israeli media accounts, Hijazi - who reportedly worked in the canteen of the Begin Centre where Glick was shot - approached the rabbi, confirmed his identity and shot him four times at close range.

Shai Malka, Feiglin's spokesman, described the moment of Glick's shooting: "I stood next to him. The conference was over and he went outside to load his car. Next to it stood a Palestinian motorcyclist wearing black. I saw his gun and I yelled to the woman with me 'run, escape.' We started running. The Palestinian said to him: 'Sorry, I have to do this,' and shot him."

Hijazi had been jailed in 2002 for security offences committed during the Al-Aqsa intifada in 2002 and had been released in 2012.

Neighbours of Hijazi described hearing a burst of gunfire at about 5.30am as armed police swamped the area. Hijazi was shot after fleeing to the roof of his house, where bloodstains were still visible.

Speaking to the Guardian after the removal of Hijazi's body, his aunt Taghreed said: "I saw everything. I was at my kitchen window when the police came in." Contradicting the police account she said he had been beaten before being shot - a claim the Guardian could not confirm.

Neighbours of the Hijazi family added that they were woken by the sound of shooting and that police shot plastic rounds at those who had tried to leave their houses to see what was happening.

“It was between 5.30am and 5.40am,” Ra’ad Aliyan, a pharmacist who lives next door, told the Guardian as police kept reporters from Hijazi’s house. Another resident of the same building, Mandi Burkan, showed a back injury where he said he had been hit by a plastic round trying to go and see what was happening.

As police removed Hijazi’s body residents threw objects from their balconies on one group while police fired teargas and stun-grenades.

US-born Glick is closely associated with the Temple Mount Faithful - a religious right wing group that seeks to rebuild a Jewish temple on the site that contains the al-Aqsa mosque and where the ancient second Jewish temple reputedly once stood. Glick often led groups of religious Jews to visit the site and had been a key speaker at the conference billed as “Israel Returns to the Temple Mount” with MPs Moshe Feiglin and Miri Regev.

Feiglin, a highly controversial figure in his own right who critics have accused of stoking tensions at the religious site, told the Israeli website Ynet: “What happened is horrible but very expected. Glick was constantly threatened. The fact that he was not assigned protection at all times is a failure. I say this as someone who is the target of constant incitement.”

The shooting of Hijazi was followed by clashes with police. But more dangerous in the short-term may be the decision by Israel to close the Al-Aqsa compound to all visitors.

Israel maintains that it allows free prayer to all, but Palestinians claim it is unilaterally widening access to accommodate larger numbers of Jewish worshippers.





The Palestinians see this as Jewish encroachment on the site, the holiest in **Judaism** and the third holiest in Islam, while Jewish activists like Glick say they are being discriminated against by limiting their chances to pray atop the mount.

Israel accuses Palestinian president Mahmoud Abbas of inciting the recent violence.

Abbas has recently called for Jews to be banned from the site and urged Palestinians to guard the compound from visiting Jews, whom he called a “herd of cattle.”

Prime minister **Benjamin Netanyahu** said that he has yet to hear a word of condemnation from the world against Abbas’ incitement to violence.

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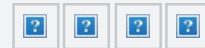
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Jerusalem Post NORTHERN SHIELD

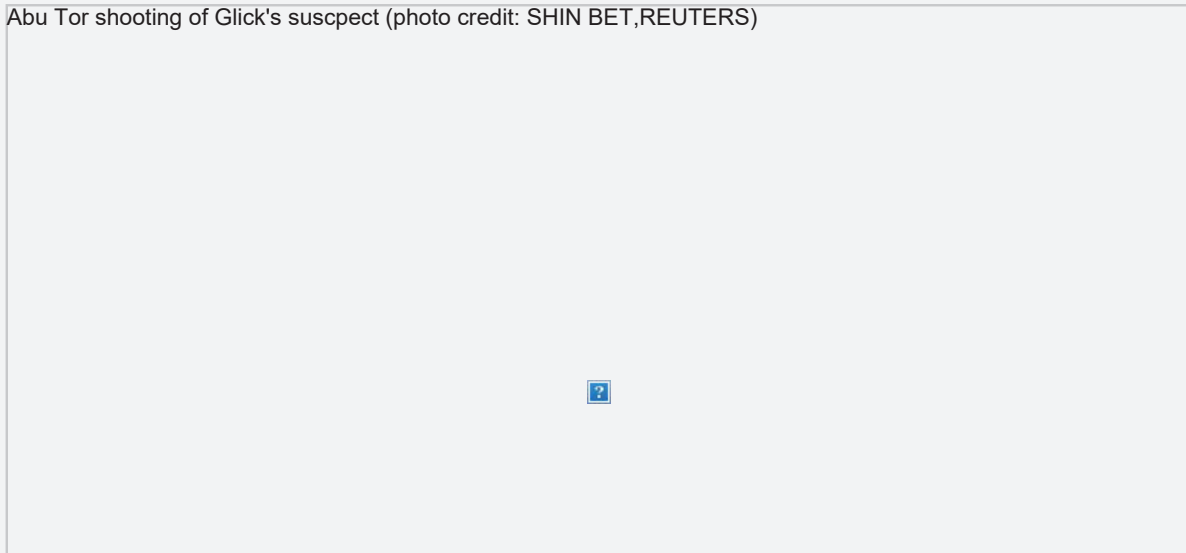
Police and Shin Bet kill suspect in shooting of right-wing activist Yehuda Glick

Suspect killed in shootout in Abu Tor after prominent right-wing activist evacuated to capital's Shaare Zedek Medical Center for surgery.

By DANIEL K. EISENBUD, JPOST.COM STAFF Published: OCTOBER 30, 2014 07:50



Abu Tor shooting of Glick's suspect (photo credit: SHIN BET,REUTERS)



Abu Tor shooting of Glick's suspect
(photo credit: SHIN BET,REUTERS)

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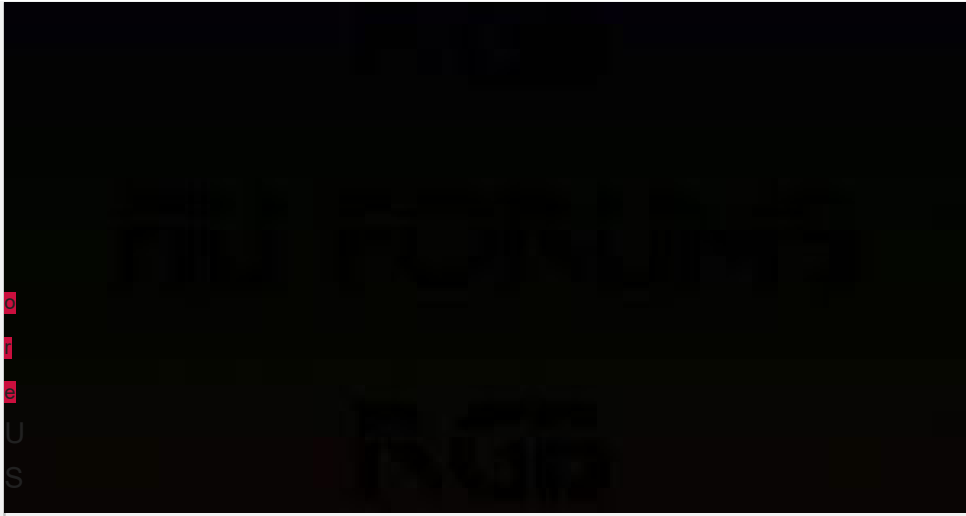
The suspect police believed attempted to assassinate Rabbi Yehuda Glick outside the Menachem Begin Heritage Center Wednesday night was killed after exchanging gunfire with police at his east Jerusalem home Thursday morning.

According to police, the suspect, 32-year-old Islamic Jihad member Moataz Hejazi, was released from an Israeli prison two years ago, was found at his home in Abu Tor after an intensive police manhunt.

“Counter-terrorism operations surrounded the house of the suspect, and as soon as officers took their positions they were fired upon by the him,” said police spokesman Micky Rosenfeld. “Shots were immediately returned by police killing the suspect.”

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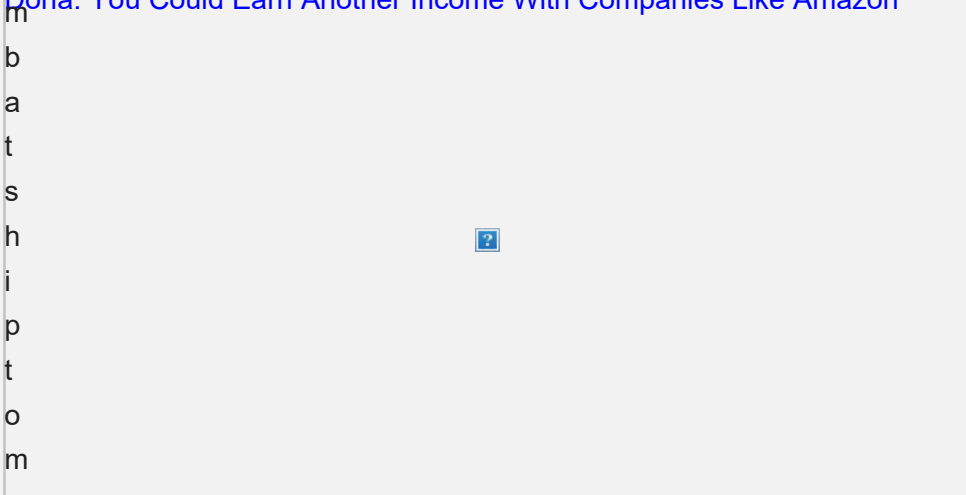




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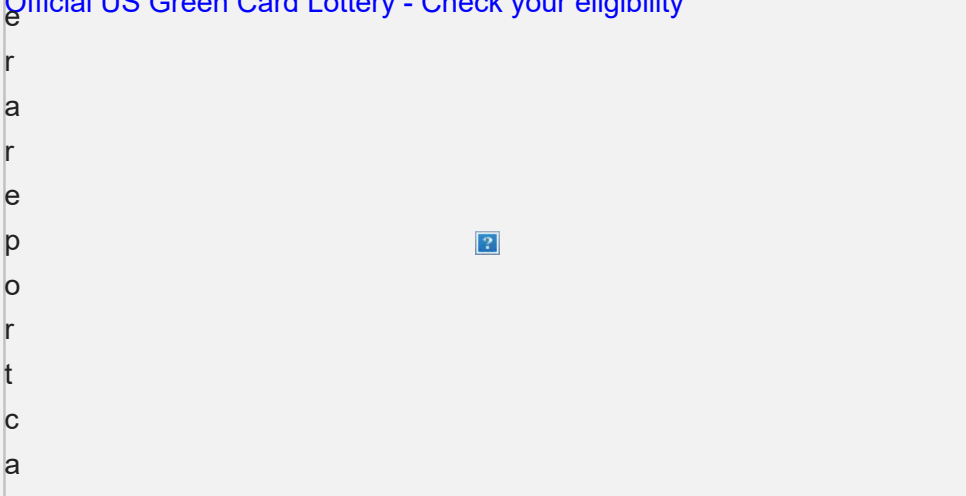
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i
Rosenfeld said a subsequent raid of the suspect's home revealed
evidence that he was indeed responsible for Glick's shooting.

i
Heightened security measures are expected in east Jerusalem following the
shooting to contain possible rioting, Rosenfeld said.

n
Rabbi Yehuda Glick, who holds dual US and Israeli citizenship and is the
spokesman for the Joint Committee of Temple Organizations – was in
serious condition after being shot in front of the capital's Menachem Begin
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According to police, the shooting took place at approximately 10:30 p.m.
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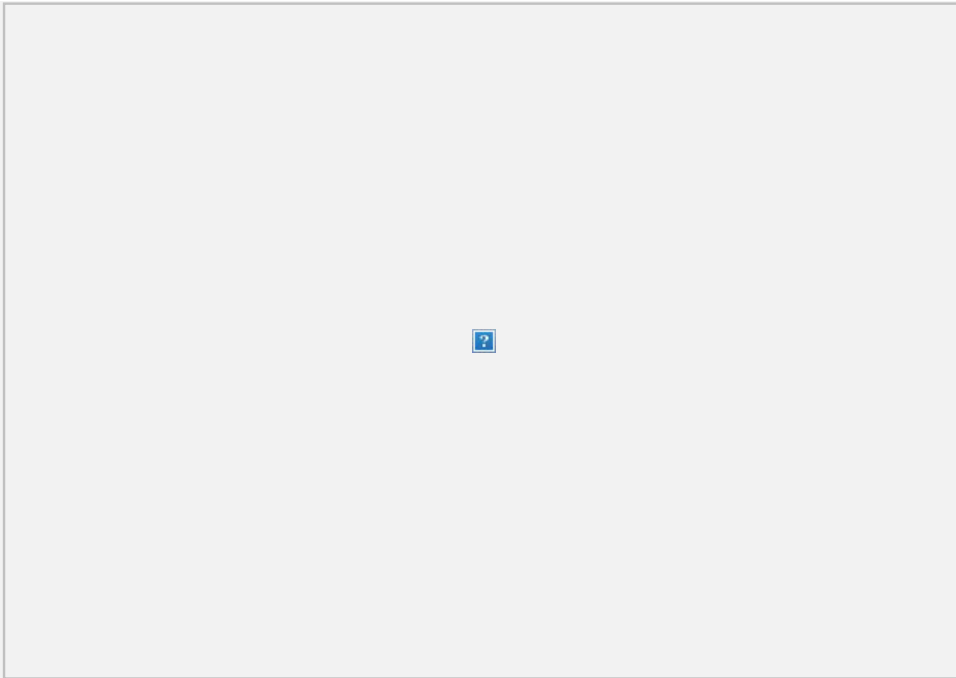
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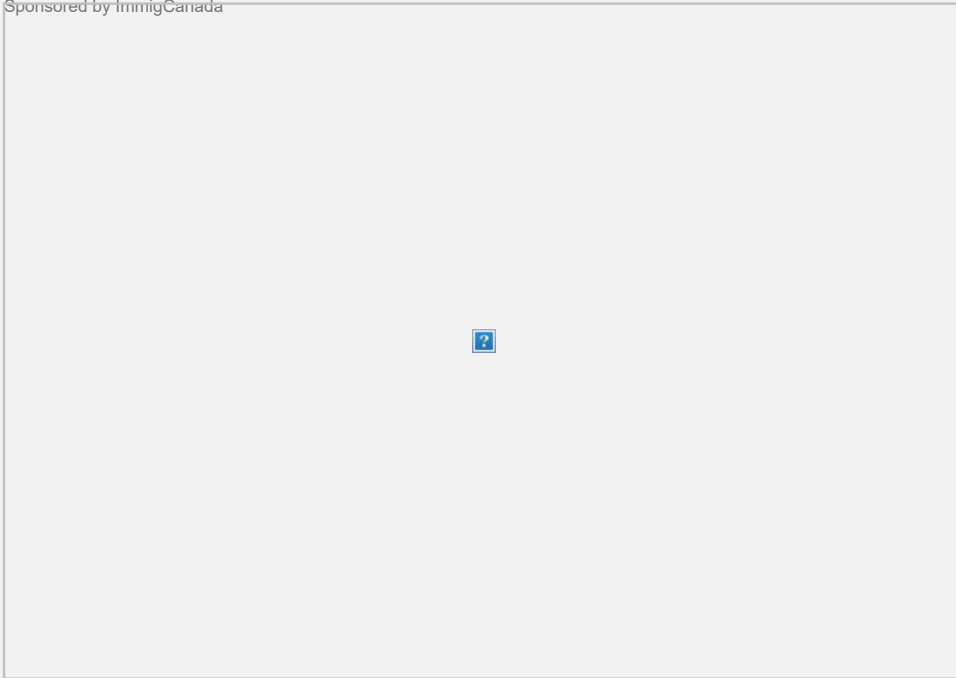
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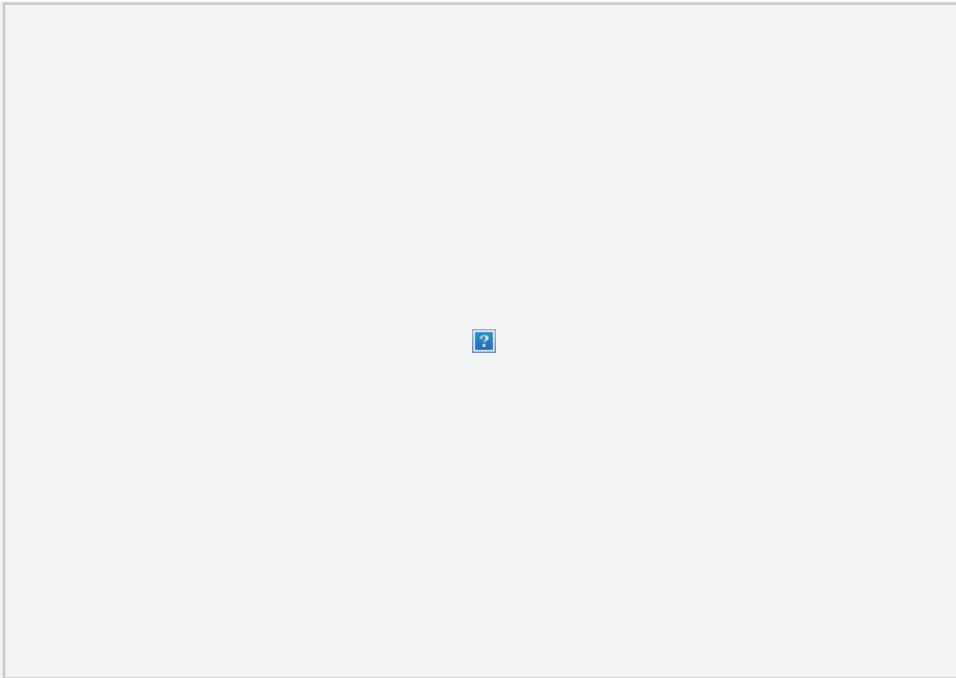
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Yehuda Glick at an event at The Begin Center prior to the shooting, October 29, 2014.

“Shots were fired and the victim was rushed to an area hospital in serious condition,” police spokesman Rosenfeld said. “Special patrol units are searching the area for the suspect and we are investigating the background of the incident.”

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"I am hoping that he will recover and continue his work," he said.

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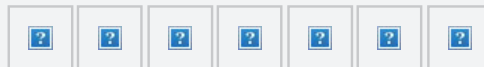
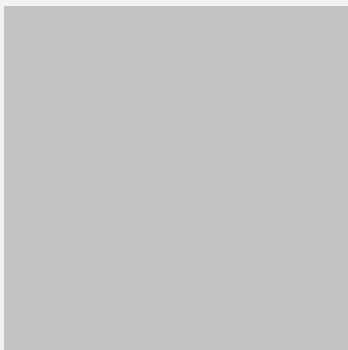
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The occupation puts up a sign near Al-Aqsa bearing the name "Temple Mount"

Wed 11 Feb 2015, 12:42 PM



Crews belonging to the occupation municipality in Jerusalem erected an identification sign in the Old City of Jerusalem, near the "Majlis" gate, which is one of the main gates of Al-Aqsa Mosque.

The sign bore the names of places named "Temple Mount" with reference to the Al-Aqsa Mosque, in Arabic, Hebrew and English.

For its part, the Islamic Waqf Department in Jerusalem explained that "changing the name of one of the gates of the blessed Al-Aqsa Mosque" comes as a continuation of the Judaization series carried out by the occupation authorities in Jerusalem, targeting in particular the blessed Al-Aqsa.

Source: Occupied Jerusalem – Qudsnet News Agency -

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ISRAELI ATTACKS JERUSALEM NEWS REPORT

60 Settlers Raid Al Aqsa Mosque

FEB 20, 2015



Extremist settlers again stormed Al Aqsa Mosque, on Thursday morning, under guarded of special Israeli police forces. Director of the mosque, Sheikh Omar Kiswani, stated to Al Ray Palestinian Media Agency that 60 extremist settlers, divided in small groups, stormed Al Aqsa's courtyards from the Mughrabi Gate.

He explained that the settlers carried out a provocative tour in front of Palestinian worshippers, who raised their voice with chanting 'Allahu Akhbar (God is Greatest)'.

Extremist Israeli settlers and politicians have been violating the sanctity of Al Aqsa Mosque on an almost daily basis, and always under the protection of armed occupation forces who often attack Palestinian worshippers who try to protect their holy site.

See: imemc.org/article/70547 for further information.



[« Qassam Fighter Killed During Training In Rafah](#)

[Israeli Extremists Attack A Palestinian Shepherd Near Hebron](#)



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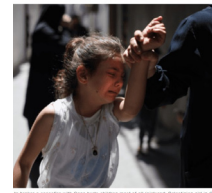
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Dozens of Israeli Settlers Storm Al-Aqsa Compound

📁 Middle East - Palestine - Security (category.php?id=80)

📅 23-03-2015 09:47 AM



A total of 132 Jewish settlers under the protection of Zionist police forced their way into Al-Aqsa complex through Al-Magharbeh and Hotta gates.

A total of 132 Jewish settlers under the protection of Zionist police forced their way into Al-Aqsa complex through Al-Magharbeh and Hotta gates, General Director of Muslim Endowments and Al-Aqsa Affairs Sheikh Azzam al-Khatib said.

"A group of 10 settlers mounted on the roof of the Dome of the Rock Mosque and tried to perform Talmudic rituals but Palestinian guards managed to prevent them," he added.

Others toured the holy compound passing by Al-Qibali and Al-Marwani mosques before leaving the complex through Al-Silsileh gate, he added.

Outside the compound, he said, a group of Jewish settlers attacked three Muslim women and tried to pour hot tea on them.

The occupation authorities also detained three Palestinians – two men and a woman – when the latter tried to enter the compound.

In recent months, groups of Jewish settlers – often accompanied by Zionist security forces – have repeatedly forced their way into the Al-Aqsa Mosque complex.



المجموعة اللبنانية للإعلام
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Israeli minister demands to halt A renovations



BY ANADOLU AGENCY APR 14, 2015 12:00 AM

Israeli Construction Minister Uri Ariel asked Prime Minister-designate Benjamin Netanyahu to halt renovation work being carried out by the Jerusalem Islamic Waqf Department on East Jerusalem's Al-Aqsa Mosque on Tuesday.

He addressed Netanyahu on his Facebook page, asking the latter to "order an immediate halt to the earthworks to allow a proper review and authorization process."

"These works are unprecedented and warrant the review of the ministerial committee on archeological digs at holy sites; the fact that there is heavy machinery involved makes this all the more pressing," the minister wrote.

He said he had to make the urgent appeal because the Jerusalem Islamic Waqf Department had begun renovating the Dome of the Rock - the alleged site of the Jewish Temple - on Monday, and noted that planned renovations included the installation of new carpets at the Muslim shrine.

Ariel said the nature of these activities was "unknown," citing the use of heavy equipment in the renovations.

It was not immediately clear, however, how Netanyahu responded to Ariel's request.

The Jerusalem Islamic Waqf Department, an affiliate of Jordan's Religious Endowments Ministry, has repeatedly rejected "Israeli interference" in the affairs of the Al-Aqsa Mosque.

The Jordanian ministry accuses Israel of digging beneath the Al-Aqsa Mosque, the world's third holiest site for Muslims, alleging that the excavations endanger the iconic house of worship.

Jews refer to the area as the "Temple Mount," claiming it was the site of two prominent Jewish temples in ancient times.

LAST UPDATE: APR 14, 2015 6:33 PM



KEYWORDS

16 arrested, then released, in church torching

Settlers questioned in connection with attack at site where Christians believe Jesus fed 5,000 with five loaves and two fish

By **STUART WINER** ✓

18 June 2015, 1:47 pm



A priest inspects the damage caused to the Church of the Multiplication at Tabgha, on the Sea of Galilee, in northern Israel, which was set on fire in what police suspect was an arson attack, June 18, 2015. (Basel Awidat/Flash90)

Police said on Thursday they had detained 16 suspects in connection with the torching of the Church of the Multiplication at Tabgha, on the Sea of Galilee, which was set ablaze early that morning. The group was released a few hours later.

Many of those detained were said to be minors, all from Jewish settlements in the Samaria region in the northern West Bank, including 10 from Yitzhar, which is known as a bastion of extremists. The group had apparently been spending time in the nearby Ein Hokuk spring.

“In an area near the church, 16 youths were detained for investigation in order to check their involvement in the incident before dawn,” police spokeswoman Luba Samri said in a statement, referring to the Church of the Multiplication at Tabgha in northern Israel.

THE TIMES OF ISRAEL

“All 16... were released, with no conditions attached, after being interviewed and giving statements,” she added in a subsequent statement.

Firefighting crews successfully doused the blaze and two people who were in the building suffered minor smoke inhalation. No significant damage was inflicted to the church itself, as the fire raged mainly on the roof. Some damage was caused to a book storage room, offices, and an event hall.

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Interior Minister Silvan Shalom earlier Thursday voiced his outrage at the attack in a phone call to the church leader, Father Matthias Karl, and promised that his ministry would do all it could to bring the perpetrators to justice.

“A hate crime like this is unbelievable and unacceptable,” he said. “I apologize personally and on behalf of the state for this extremist attack.”

In an [entrance corridor of the building](#), which is believed by Christians to be the site of Jesus’s miracle of multiplying two fish and five loaves to feed 5,000 people, Hebrew graffiti was found, reading, “The false gods will be eliminated” — a quote from the Aleinu prayer.

The church, which is run by the Catholic Benedictine Order, is best known for its fifth-century mosaics, including one depicting two fish flanking a basket of loaves.

Public Security Minister Gilad Erdan also denounced the incident.

“This is a cowardly and vile act that I vigorously condemn,” he said. “We will not allow anyone to shake the coexistence between religions and ethnic groups in Israel. It is a blow to the principles of tolerance between religions and a blow to the most essential values of Israel, and we will show no patience for these kinds of acts.”


MK Zouheir Bahloul (Zionist Union) appealed for swift action to prevent the incident from causing tensions between religious groups in Israel. “The torching of the church is shocking and directly threatens the democratic nature of Israel,” he said.

Right-wing Jewish extremists have in the past carried out numerous arson and graffiti attacks against Christian sites, as well as against Arab property in the West Bank and Jerusalem, under the “price tag” slogan.

The term "price tag" is used by Jewish extremists to describe vandalism or attacks typically carried out against non-Jews or their property, ostensibly as retribution for Palestinian attacks or Israeli government actions deemed contrary to settler interests.


Times of Israel staff and AFP contributed to this report.

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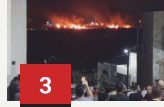
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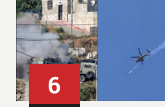
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DK Daniel Kennemer 18 June, 2015 ...

An awful incident, and I'm glad they caught those responsible. It should be noted that the Aleinu/AI ken neqaveh prayer doesn't say false gods will be eliminated, it says that the idols/false gods "will be cut off" - "veha'elilim karot yikaret un". Translating it erroneously as ...**See more**

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The Temple Mount: Background

Publish Date: 10.09.2015

In recent years, Palestinian radicals have been trying to violate the status quo by preventing Christians and Jews from visiting the Temple Mount. Palestinian rioters are funded and led by radical Islamist elements.



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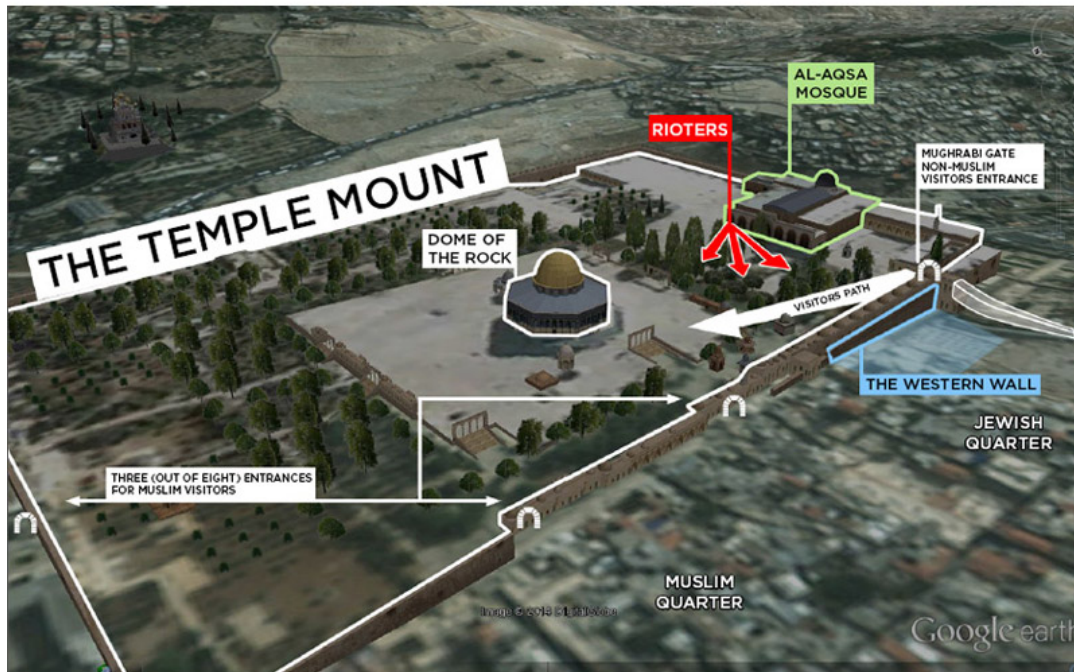
The Temple Mount in Jerusalem, where the two Jewish Temples were located, is the holiest site in Judaism. Called Haram al-Sharif (the Noble Sanctuary) by Muslims, the site contains the al-Aqsa Mosque, which is the third holiest site in Islam, the iconic Dome of the Rock (which is not a mosque) and many other small structures. The al-Aqsa Mosque is situated at the southern edge of the Temple Mount and covers a relatively small area of the Mount's surface.

Freedom of Worship and the Status-Quo:

- Israel's official policy, first laid down in its Declaration of Independence, protects freedom of religion and worship for all faiths. Israel places the utmost importance on facilitating worship by Muslims and Christians in their respective holy sites, including in Jerusalem. Moreover, Jewish holy sites (among them the Western Wall), are open to visitors of all faiths, as are the Christian holy sites in Jerusalem.
- Freedom of worship has not always been respected throughout Jerusalem's history. For example, in the modern era, Jews were denied the right to worship in their holy sites in the Old City of Jerusalem between 1948 and 1967.
- After Jerusalem's reunification in 1967, Israel's leadership chose to uphold the existing status quo on the Temple Mount. Out of respect for Muslim sensibilities, it allowed the Islamic Waqf to continue to administer the Temple Mount, the holiest site in Judaism.
- Non-Muslims (Israelis and tourists) are allowed to visit the Temple Mount at fixed times, but do not enter the al-Aqsa Mosque itself: they are visiting other parts of the site and usually walk around the large open spaces. In addition, Jews and other non-Muslims are not permitted to pray on the Temple Mount.
- Prime Minister Netanyahu has repeatedly declared that the Government of Israel is committed to maintaining the status quo on the Temple Mount and will oppose any proposal to change it. He has stated that anyone who expresses a different view is merely giving their personal opinion and not the policy of the Government. The PM has instructed all government ministers

to act responsibly with regards to this issue.

- The Prime Minister has repeatedly stressed, in his talks with King Abdullah as well as in his public statements, Israel's commitment to preserving the status quo on the Temple Mount and Jordan's special role regarding the holy sites of Islam in Jerusalem, as written in the peace treaty, article 9.



Palestinian Violence on the Temple Mount:

- While Israeli authorities take measures designed to ensure freedom of religion, allow access to Jerusalem's holy sites, uphold the status quo on the Temple Mount and maintain public order, there are many on the Palestinian side who are actively attempting to change the status-quo and to undermine the delicate balance and long-standing modus vivendi in Jerusalem.
- In recent years, Palestinian radicals have been trying to violate the status quo by preventing Christians and Jews from visiting the Temple Mount. Palestinian rioters are funded and led by radical Islamist elements, including Hamas and the northern branch of the Islamic Movement in Israel. They have attacked visitors, as well as the police, with rocks, fireworks, iron rods, explosive devices and Molotov cocktails. The young operatives use the al-Aqsa Mosque as their base of operations for premeditated attacks, concealing weapons and explosive materials inside the mosque and hiding in this holy site overnight. In addition, well-organized groups of older men and women physically and verbally harass Jewish visitors. As a result of these developments, two radical Islamist organizations, the Mourabitoun and the Mourabitat, were declared illegal organizations on 8 September 2015, due to the grave threat they pose to the public order.

The Role of Incitement:

- Incitement to violence on the Temple Mount has been conducted by President Mahmoud Abbas and his Palestinian Authority [PA], as well as by extremist Islamist elements.

In past statements, Abbas has announced that "all means must be used to prevent Jews from going up to the Haram (i.e. Temple Mount)." He called Jewish visitors to their holiest site a "herd." In the past, Abbas has disseminated lies, claiming that Israel is attacking the al-Aqsa mosque and that Jews are "desecrating" it. He has chosen to follow the path of his predecessor, Yasser Arafat, and deny the existence of the Jewish Temples on the Temple Mount.

Abbas' Fatah party and official PA bodies use traditional and social media to spread incitement. For example, on 21 August 2015, a libelous PA TV 'documentary' was screened, regarding the arson attack against Al-Aksa mosque in 1969. Although the attack was actually perpetrated by Australian Christian Michael Denis William Rohan, the PA TV documentary falsely presented Rohan

as a "Jewish terrorist", and went on to claim (equally falsely) that "the fire was planned by senior Jews of high position."

These and numerous other statements by the PA, led by Abbas, amount to official incitement to violence and can only serve to inflame passions among the Palestinians.

- Sadly, conspiracy theories about the Jews threatening to destroy the Al-Aqsa mosque have abounded in the region for decades. These false claims, which are exploited by Palestinian and Arab leaders to incite the masses and rally them against the Jews, have often led to violent attacks, starting with the 1929 riots that led to the massacre of over 130 Jews in the Mandate territory.
- The accusations that Israel plans to harm the al-Aqsa Mosque are utterly baseless and ridiculous. The fact that they are made not only by Islamist extremists but also by the mainstream Palestinian leadership is alarming and dangerous.

Protecting the Temple Mount:

- The Israeli authorities have sought to contain attempts by Islamist extremists to escalate the situation on the Temple Mount while protecting Muslim sensitivities and freedom of worship. Access to the Temple Mount is only restricted when public safety and security is at risk. The Islamic Waqf manages the Temple Mount. Israeli police officers are not posted on the Mount and only enter the area in specific cases when riots have to be controlled. Most importantly, as a matter of policy, the police do not enter the mosque itself.
- Although they often find themselves in life-threatening situations, police officers entering the Temple Mount are equipped solely with non-lethal measures. These self-imposed limitations by law enforcement officers are strictly observed.
- At the same time, both Muslim worshippers and visitors from other faiths are expected to respect the status quo. Anyone who breaks the rules - whether they are Muslim, Jewish or members of another faith - is dealt with accordingly by the police.
- It is the Palestinian rioters themselves who are damaging, defiling and endangering the al-Aqsa Mosque, including by transforming it into a base for attacks and concealing weaponry inside the mosque. They have destroyed furniture from the mosque for use in constructing barricades and launched fireworks from inside its premises, where carpets and wooden beams could easily catch fire. The rioters are also demonstrating their disrespect for the many Muslim worshippers who simply wish to pray in peace, as well as for the Islamic Waqf that is in charge of managing the site.

More on the subject

[Rosh Hashanah: September events on the Temple Mount in Jerusalem](#)

This page was last updated on 10.09.2015

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Statement on Moshe Feiglin's Visit to Australia

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Twelve Jewish and Zionist organisations in Australia from across the religious, political and social spectrum have come together to issue a statement regarding former Likud MK Moshe Feiglin's visit to Australia this month.

The statement reads:

“Moshe Feiglin’s views on women, homosexuality and Palestinian citizens of Israel are inconsistent with Jewish values. They have no place in a modern democracy such as Israel that was established on the principle of respecting the human rights of all its minorities.”

The following organisations have signed on to the statement:

- Aleph Melbourne
- Ameinu Australia
- Australian Reform Zionist Association
- Habonim Dror Australia
- Hashomer Hatzair Australia
- Hineni Australia
- Jewish Labour Bund and SKIF
- Keshet Australia
- Netzer Australia
- New Israel Fund Australia
- Progressive Judaism Victoria
- Shira Hadasha Synagogue

In addition, a number of the organisations' leaders have commented:

Dr Ilana Snyder, President of New Israel Fund Australia, said:

HP EXHIBIT 286

“The views of many people in the Australian Jewish community do not line up with Moshe Feiglin’s which is why it is important to point out when such anti-democratic values are being promoted. NIF is working hard in Israel to bring different sectors together, promote shared society and coexistence, and uphold the values of the Declaration of Independence.”

Johnny Baker, President of Ameinu Australia, said:

“Whilst we respect the right of different voices to be heard in our community, we are equally concerned that the impending visit of Israeli extremist, Moishe Feiglin, will bring the Jewish community into disrepute and play into the hands of our adversaries.”

Daniel Stiglec, Meta’em (Vice President & Community Liason) of Hashomer Hatzair, said:

“Hashomer Hatzair Australia believes Moshe Feiglin's views about minority groups in Israel are divisive and detrimental to the character of the Jewish State. Whilst he has the right to freedom of speech, we condemn his views and would like to highlight the fact that these are not the views of Australian Jewry and the larger Israeli mainstream society.”

Shira Appelboom, Federal Mazkira (Chairperson) of Netzer Australia, said:

“Moshe Feiglin's disrespect for marginalised groups in Israel goes against Netzer Australia's fundamental beliefs in equality and respect for all human life. Though he is entitled to his views, we strongly believe they are an obstacle to the pursuit of peace and democracy in Israel.”

Brian Samuel, President of Progressive Judaism Victoria, said:

“We are concerned about Mr Feiglin’s visit to Melbourne. He is a disruptive person in the Jewish world and shares few values with the Jewish community.”

Jonathan Barnett, President of Keshet Australia, said:

“The board of Keshet Australia, wishes to express our concern regarding the proposed visit by Mr Feiglin to Australia. Keshet aspires to encourage and teach inclusivity. Mr Feiglin's philosophy is diametrically opposed to our core values. Mr Feiglin has expressed views which seek to oppose the inclusivity and rights of GLBT Jews. Keshet Australia believes his views are damaging and hurtful to people here and in Israel. We feel it is incumbent on us to highlight to the greater community that such views are not held or supported by most Jewish people in Australia or elsewhere.”

Barbara Ford, Acting President of the Australian Reform Zionist Association (ARZA), said:

“ARZA Australia supports discussion about sensitive issues in Israel, including the treatment of minorities, the status of women and the issues of pluralism and sexual orientation. However, such discussions “ should be respectful and focussed on constructive dialogue. It is highly questionable if the views and presentation of Moshe Feiglin meet these basic criteria.”



 shira



For more information, please contact:

Liam Getreu
Executive Director, NIF Australia
liam@nif.org.au
0413 374 401



Statement on Moshe Feiglin's Visit to Australia

OCTOBER 9, 2015 – Eleven Jewish and Zionist organisations in Australia from across the religious, political and social spectrum have come together to issue a statement regarding former Likud MK Moshe Feiglin's visit to Australia this month.

"Moshe Feiglin's views on women, homosexuality and Palestinian citizens of Israel are inconsistent with Jewish values. They have no place in a modern democracy such as Israel that was established on the principle of respecting the human rights of all its minorities."

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Page 2 of 2

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Brian Samuel, President of Progressive Judaism Victoria, said: "We are concerned about Mr Feiglin's visit to Melbourne. He is a disruptive person in the Jewish world and shares few values with the Jewish

Article in the Australian Jewish News:

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The screenshot shows a news article from 'The Australian Jewish News' (jewishnews.net.au) with the headline 'Hawk flies back to his roots'. The author is Peter Kohn. The article features a photo of Moshe Feiglin and discusses his political career, including his role in the Likud party and his views on settlements and the Waqf. It also mentions his upcoming visit to Australia for a speech on October 11th.

(<https://d3n8a8pro7vhmx.cloudfront.net/nifau/pages/626/attachments/original/1444348124/Feiglin.jpg?1444348124>)

Photo credit: "Moshe-feiglin (<https://en.wikipedia.org/wiki/File:Moshe-feiglin.jpg#/media/File:Moshe-feiglin.jpg>)" CC/Wikipedia

Published: 9 October 2015

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Beliefs

Hebrew graffiti at Jerusalem monastery threatens Christians

JERUSALEM (Reuters) The attack on a Christian holy site, possibly by Jewish ultra-nationalists, seems to up the ante from previous incidents. "This time it amounts to a real call to murder Christians," said a church spokesman.



Israeli policemen walk near the Dormition Abbey in Jerusalem's Old City, after anti-Christian graffiti was found on some of its exteriors. Photo by Ronen Zvulun courtesy of Reuters.

January 17, 2016

By *Reuters*



Listen to this article



Israeli policemen walk near the Dormition Abbey in Jerusalem's Old City, after anti-Christian graffiti was found on some of its exteriors. Photo by Ronen Zvulun courtesy of Reuters.

JERUSALEM (Reuters) Israel ordered a high-priority police investigation on Sunday (Jan. 17) into anti-Christian messages scrawled in Hebrew on the walls and doors of a Jerusalem monastery, saying they marked an assault on religious harmony.

“Idols will be extirpated” — a line lifted from the Jewish prayer service — and “Christians Go to Hell” were among graffiti written on the Dormition Abbey with felt-tip pens. The varying handwriting suggested several vandals had been involved.

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The Benedictine monastery, on Mount Zion in the Old City, marks the site where Christian tradition says Mary, the mother of Jesus, died or “fell asleep,” as the name suggests. It is the highest point in the ancient city and is near the site of the Last Supper as well as a tomb revered as the last resting place of the biblical King David and which draws many Jewish worshippers.

The monastery, along with a Greek Orthodox seminary next to it, has [previously been targeted](#) by what police believe are Jewish extremists.

EN nt attack was in 2014 shortly after the visit of Pope Francis. Earlier this month, two Israelis, including a [man, were charged](#) over the 2014 incident at the Dormition Abbey as well as an arson attack at a church in Galilee in

the northern part of the country.

HP EXHIBIT 287

“This time it amounts to a real call to murder Christians,” a spokesman for the Church of the Dormition, Wadi Abu Nassar, [told Agence France-Presse](#) on Sunday.

“We will not let anyone undermine religious coexistence in Israel,” Internal Security Minister Gilad Erdan said in a statement, adding that police would put a high priority on “nabbing those who carried out this despicable act.”

Rabbi David Rosen, Jerusalem-based head of interreligious affairs for the American Jewish Committee, also urged authorities to find the perpetrators and prevent further incidents: “There must be zero tolerance for such vile acts of hate.”



“Once again, we are compelled to condemn vandalism of Christian holy sites in Israel, mindful that such acts of hatred not only threaten Christians, but also are a reprehensible affront to our Jewish heritage and contravene Israel’s enduring commitment to respect for other religious faiths,” [Rosen said in a statement](#).

Israel has been struggling with a spate of hate crimes by suspected Jewish ultra-nationalists targeting Christian sites as well as Palestinians and Israeli human rights activists.

In a statement, the Latin Patriarchate of Jerusalem described the Dormition Abbey as “a significant place for interreligious dialogue between Judaism and Christianity” and voiced “hope that the perpetrators (of the vandalism) will be arrested before they put proposed threats into action.”

Jerusalem’s Old City, which Israel captured in the 1967 war and annexed in a move not recognized abroad, has been on heightened security alert during a months-long wave of Palestinian street violence, with wall-to-wall security camera coverage and paramilitary police patrols.

(Reuters and RNS)

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Christian holy site in Jerusalem vandalised

The graffiti included threats of violence, messages degrading Jesus, and a call for Christians to “go to hell”.



A monk points out where graffiti was written near Dormition Abbey in the Old City of Jerusalem [Abir Sultan/EPA]

17 Jan 2016



A landmark Christian holy site in Jerusalem was vandalised with Hebrew graffiti in what appears to be the latest attack by “extremist” Jews.

Police spokeswoman Luba Samri said anti-Christian slogans were found on Sunday on the outer walls of the Dormition Abbey, a Benedictine monastery

just outside Jerusalem's Old City where Christian tradition says the Virgin Mary died.

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The graffiti included threats of violence, messages degrading Jesus, and a call for Christians to “go to hell”.

Police were investigating but suspicion immediately fell on Jewish “extremists” who have for years vandalised Palestinian property, as well as mosques, churches, the offices of dovish Israeli groups – and even Israeli military bases. The so-called “price tag” attacks seek to exact a cost for Israeli steps seen as favouring the Palestinians.

That attacks have prompted widespread condemnation and pledges by Israel's government to get tougher on Jewish vigilantes.

Israel's Minister of Public Security Gilad Erdan said he has instructed police to give the vandalism case top priority.

“We will not allow anyone to undermine the coexistence between religions in Israel. We will show zero tolerance to whoever harms the democratic foundations of Israel and its freedom of religion, and we will apprehend those who carried out this heinous act,” he said.

Prime Minister Benjamin Netanyahu also condemned the vandalism.

The Benedictine abbey is a popular site for pilgrims and tourists. It has been damaged several times in recent years.

SOURCE: AP



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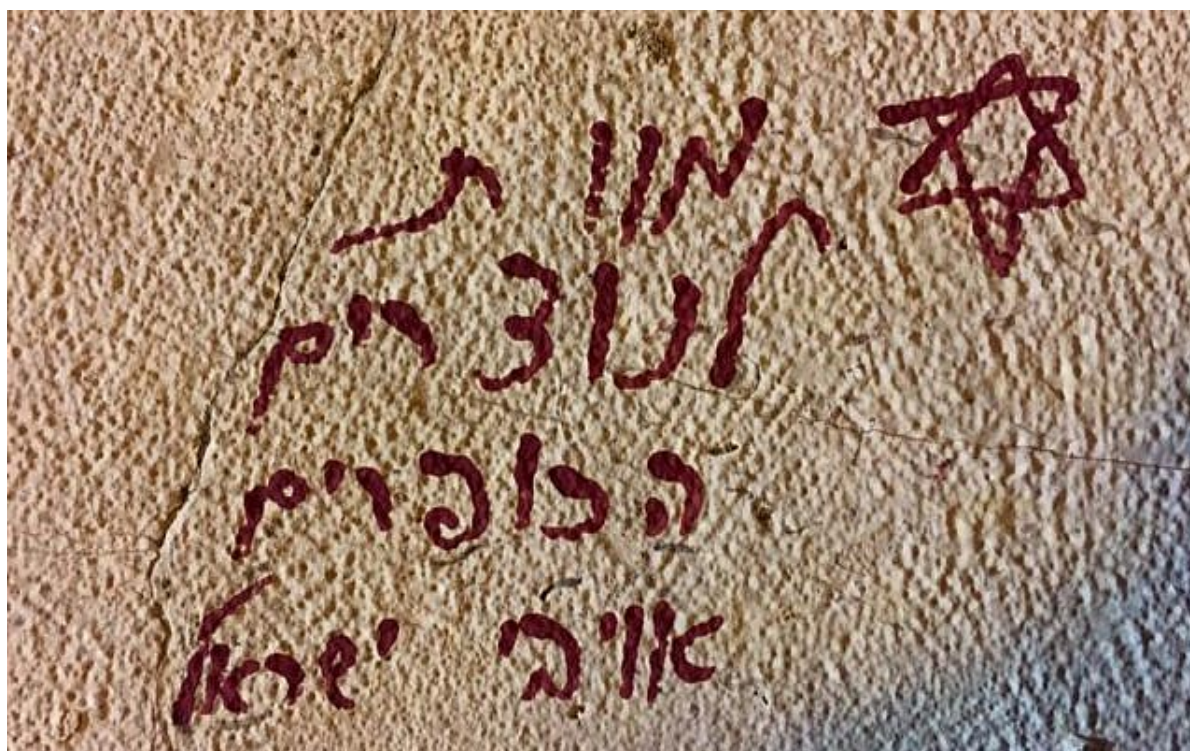
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Israeli teens arrested for defacing church with anti-Christian graffiti

'Christians to hell' and 'Death to the heathen Christians' were scrawled on the walls of Jerusalem's Dormition Abbey

By **RAOUL WOOLLIFF** ✓

20 January 2016, 11:33 am

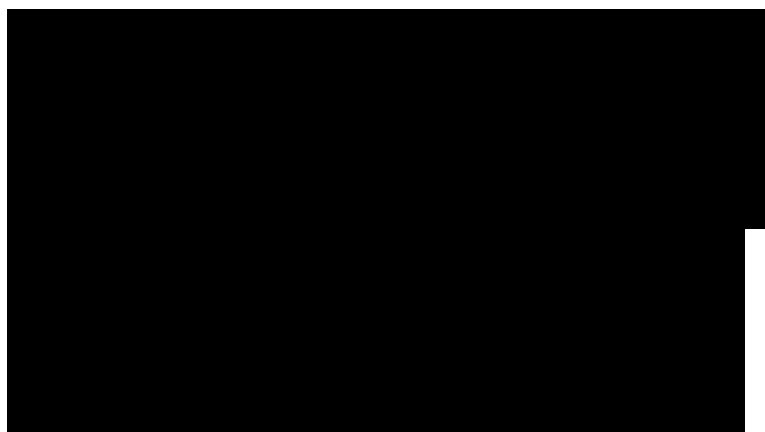


Anti-Christian graffiti found on the walls of Jerusalem's Dormition Abbey reads 'Death to the heretical Christians, the enemies of Israel,' January 17, 2016. (The Dormition Abbey)

Two Israeli minors were arrested Tuesday on suspicion of vandalizing a Jerusalem church with anti-Christian graffiti late last week, police said Wednesday.

The suspect, who are 16 and 15 years old, were set to be arraigned in court Wednesday.

The Dormition Abbey was spray-painted with anti-Christian graffiti overnight Saturday, the latest in a series of hate crimes against Christians and churches in Israel in recent years.



THE TIMES OF ISRAEL

“Christians to hell” and “Death to the heathen Christians, the enemies of Israel” were among the slogans painted on the walls of the Benedictine monastery, which lies just outside the capital’s Old City. “The revenge of the people of Israel is yet to come,” read another epithet written next to a depiction of a bloody sword.

“Despite promises by the government, these incidents continue to happen,” Wadia Abu Nasser, the executive director of the Assembly of Catholic Bishops in the Holy Land, railed Sunday morning. “If we were to actually count all of these incidents, they’d be in the hundreds.

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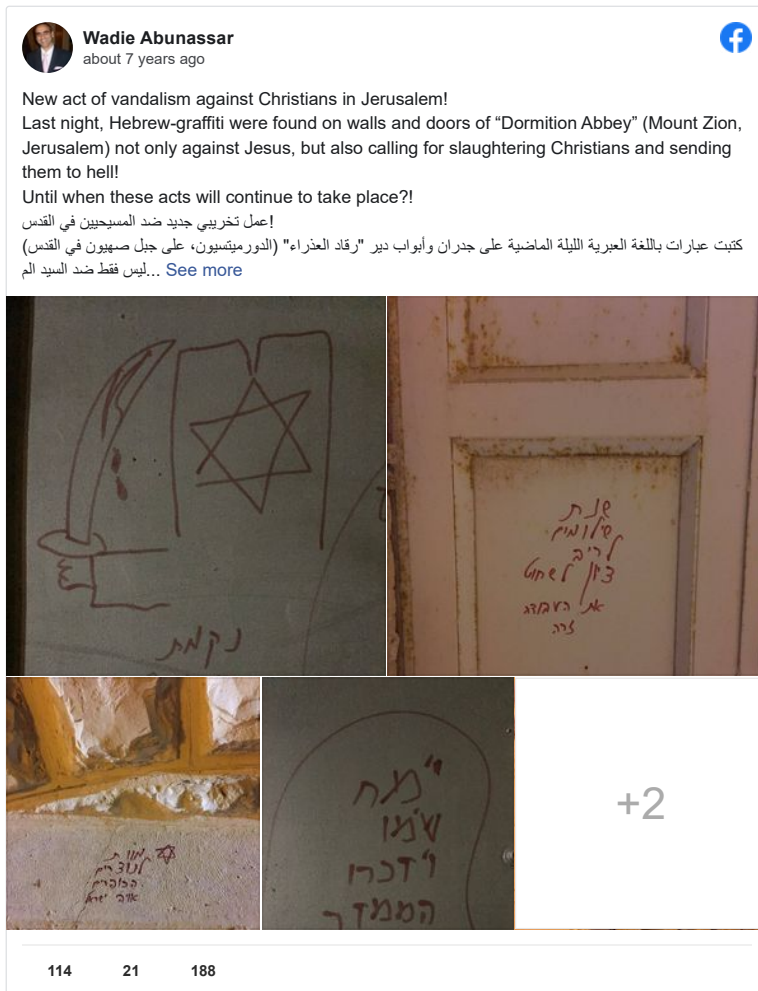
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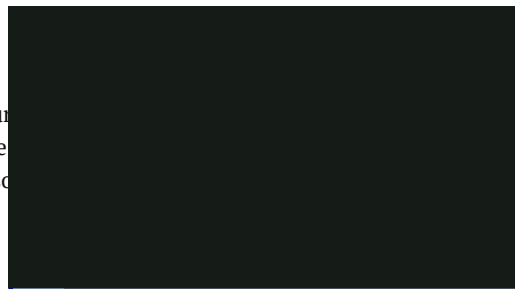
“We have limited resources at our disposal. It’s the state’s responsibility to not only apprehend these perpetrators, but to make the necessary changes in the education system to educate against this sort of thing,” he told Army Radio.

Nasser also called on rabbis to speak out against the recurring hate crimes. “It’s time they stopped hiding behind politics,” he said.



Prime Minister Benjamin Netanyahu condemned the attack.

Dormition Abbey, which is located right next to the Cenacle — a compound containing the Tomb and Christians as the room of the Last Supper — outside Zion Gate in Jerusalem. In 2013, In 2014, hours after Pope Francis celebrated mass at the abbey, arsonists caused minor damage to its structure.





Dormition Abbey in Jerusalem (Andrew Shiva/Wikipedia CC BY-SA 4.0)

In recent years, Israeli nationalist vandals have targeted mosques and churches, in addition to Palestinian private property, on dozens of occasions — including the Church of the Multiplication of the Loaves and Fishes, in northern Israel, which was badly damaged by arson in 2015.

Tamar Pileggi contributed to this report.

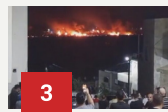
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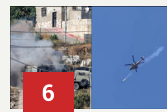
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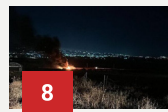
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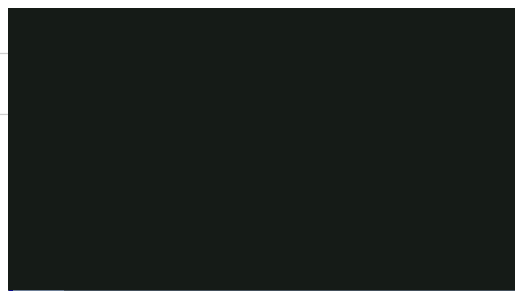
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News

Israel removes key sites from Jerusalem's Old City Map

Israeli ministry's map of Jerusalem's Old City marks historically unimportant sites and omits key non-Jewish holy sites.



The Israeli tourism ministry's official Old City map erases important Muslim and Christian holy sites and entire neighbourhoods around the historic basin [Harvey Meston/Getty Images]

By Nigel Wilson

12 Jun 2016



Jerusalem – In groups of twos, threes and families, visitors shuffled towards the ticket booth at the City of David archaeological park. Sunscreen was reapplied, mineral water sipped, and shekels exchanged for paper tickets.

It is a typical touristic scene that plays out thousands of times daily across Jerusalem. But the City of David park, located in the heart of a Palestinian neighbourhood in East Jerusalem, is not a regular attraction.

It is a touristic settlement managed by Elad, a private political organisation that facilitates the purchase and takeover of Palestinian homes in the Old City and occupied East Jerusalem in an effort to increase Jewish settlement.

The City of David site features prominently, in large, bold red letters, on the Israeli tourism ministry's official Old City map, which is distributed free of charge at official tourist information centres in Jerusalem.

But the nearby al-Haram al-Sharif, or [the Noble Sanctuary](#), a 14-hectare compound that comprises Islam's third holiest site, al-Aqsa Mosque, as well as the Dome of the Rock, is only referred to by its Jewish name: the Temple Mount.

Although these major tourist attractions have always been promoted in most touristic literature about Jerusalem, al-Aqsa Mosque is illustrated on the official Old City map – albeit anonymous – while the Dome of the Rock is mentioned. Meanwhile, dozens of sites of questionable historical importance, many of them Jewish settlements in the Muslim and Christian quarters of the Old City, are highlighted by the mapmakers in an “Old City Legend” numbered guide.



The map labels dozens of historically unimportant sites while omitting key non-Jewish holy sites in its 'Old City Legend' key [Nigel Wilson/Al Jazeera]

Among 57 numbered sites, almost half are buildings occupied by Jews in the Muslim quarter of the city, many unknown to licensed tour guides. A number of yeshivas, Jewish religious schools, as well as synagogues purchased by Jews in the Muslim quarter of the Old City, are managed by the Ateret Cohanim organisation, a right-wing nonprofit organisation that seeks to replace Palestinian residents of the city with Jewish-Israeli settlers.

Like Elad, Ateret Cohanim is a nationalistic settler group. In recent years, it has pursued a legal campaign to [evict Palestinian families](#) from their homes in the Old City in order to replace them with Jewish families.

“There are a bunch of sites that are not only historically unimportant, but that are run by settlers,” said Betty Herschman, director of international relations and advocacy at Ir Amim, an Israeli human rights NGO that gives tours of East Jerusalem to diplomats and other parties.

“That is to the detriment of historically relevant Christian and Muslim sites, which you would think would be far more prioritised on a map of the Old City, the hub of the three major monotheistic religions.”



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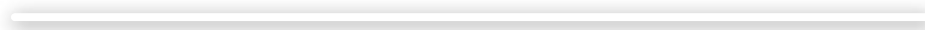
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One licensed Jerusalem tourist guide, who did not want to disclose his name, noted that the map favoured Jewish sites regardless of their touristic value and appeared religiously skewed.

This map, in addition to erasing important Muslim and Christian holy sites in the Old City, completely erases entire neighbourhoods around the historic basin, supplanting them not only with Hebrew names but with the names of settlements.

BETTY HERSCHMAN, ISRAELI NGO DIRECTOR

“When I saw it, I thought it was a map for only Jewish tour groups,” he told Al Jazeera, surprised to learn that it was being distributed at the main tourist information centre by Jaffa gate. “The narrative it shows is quite exclusive to one religious group.”

While buildings like Beit Wittenberg, Beit Danon and Beit Eliyahu feature among the list of 57 sites, there is no room on the list of the numbered sites for the Church of St Anne or the Church of the Redeemer, although the latter is on the map with a tiny, hard to find name.

Aziz Abu Sarah, a Jerusalemite who cofounded Mejdī Tours, told Al Jazeera that the exceptions do not make sense from a business perspective. “I think that a lot of Israeli tour operators and tour guides, even right-wingers, would agree with me that a touristic map should show the treasures of the city,” said Abu Sarah.

“I grew up in Jerusalem. St Anne’s Church, which I think is one of the most amazing places, is not on the map. There are many Christians coming to Jerusalem, and they are going to get a map that doesn’t identify their holy sites. It’s not a smart decision.”

The Israeli Ministry of Tourism defended the map when contacted by Al Jazeera. “The map, which was produced in cooperation with tour guides and took into account their recommendations and the vast knowledge they have accumulated, is useful and convenient, listing the main tourist sites,” the ministry said in a statement.

However, Abu Sarah suggested that the inclusion of certain sites inside and outside the Old City walls seemed to promote a Jewish nationalistic representation of East Jerusalem.

“Politically speaking, it adds sites that are controversial, like the settlements in East Jerusalem, and I think that makes it political and one-sided. In many ways, there is a national narrative, and perhaps this is where the national narrative is going.”

[READ MORE: Israel's 'gun guards' terrorise East Jerusalem](#)

Indeed, the Palestinian neighbourhoods outside the Old City walls are absent on the map, apart from Ras al-Amud, while Jewish-only settlements built in those neighbourhoods are represented.

The City of David is easily spotted, but the neighbourhood of Silwan that surrounds it is not labelled. Palestinian communities, including At-Tur, Wadi al-Joz and Issawiya do not appear, but the settlement of Maale Har Hazeitim is labelled with the Star of David.

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“This map, in addition to erasing important Muslim and Christian holy sites in the Old City, completely erases entire neighbourhoods around the historic basin, supplanting them not only with Hebrew names but with the names of settlements,” Herschman told Al Jazeera.

These settlements, added Herschman, are built by radical settlers within the heart of Palestinian neighbourhoods; namely, Bet Orot, a community of 150 settlers living in the Palestinian neighbourhood of At-Tur, that does not even appear on the map.

Maintaining the Palestinian identity of East Jerusalem is a crucial plank in the “two-state solution” to the Israeli-Palestinian impasse as the neighbourhoods would form the capital of a future Palestinian state. In this context, the settlements are seen as an attempt to disrupt Palestinian territorial contiguity in East Jerusalem in order to ruin Palestinian plans to have East Jerusalem as its capital city.

“The map is legitimising private settlement around the historic basin,” Herschman told Al Jazeera.

“This is a form of consolidating Israeli control of arguably the epicentre of the most critical point of Jerusalem – which is itself the epicentre of the Palestinian-Israeli conflict. So there are extremely important political consequences involved.”

SOURCE: AL JAZEERA

Next Up

Preoccupied With Judicial Coup, Netanyahu's Coalition Is Losing Grip on All Other Fronts



Palestinian women take a photo of Dome of the Rock Mosque in the Al Aqsa Mosque compound, on the third Friday of the Muslim holy month of Ramadan, in Jerusalem's old city, Friday, July 3, 2015. Credit: AP

Israel News

Israel Corrects Jerusalem Tourism Map That Omitted Al-Aqsa Mosque, non-Jewish Sites

New map includes Via Dolorosa, St. Anne's Church, omits sites affiliated with controversial Jewish organization.



Nir Hasson
Oct 6, 2016

 Follow

The Tourism Ministry has in recent weeks quietly replaced a visitors' map of



2256

Haaretz's Guide to Jerusalem

Night Falls on Jerusalem's Fabled Mahane Yehuda Market

Fearing for Coexistence, Jaffa Residents Fight Effort to Judaize City

Without acknowledging a problem with the previous version, the ministry is now providing tourists with a new map that identifies the Al-Aqsa Mosque on the Temple Mount and important churches. In addition, it no longer denotes Jewish enclaves in predominantly Palestinian neighborhoods of East Jerusalem.

Haaretz reported on [the previous map in April](#), which was distributed by the official tourism office at Jaffa Gate in the Old City. As well as denoting almost only Jewish sites, it was full of errors and disregarded non-Jewish locations in the city.

It included 25 synagogues, yeshivas and other Jewish buildings in the Old City, most of which were connected to Ateret Cohanim, an organization that has promoted moving Jews into predominantly Palestinian neighborhoods of the city.

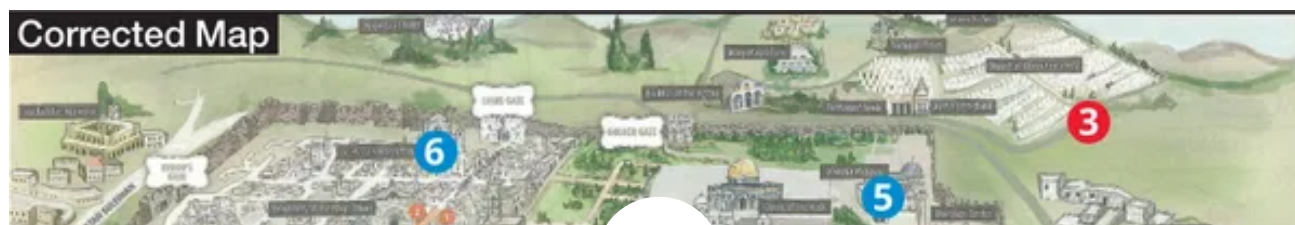
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The previous map noted a number of buildings with a Jewish presence in the Old City's Muslim Quarter — most of them purchased through the Ateret Cohanim organization — but omitted major Christian sites including the Via Dolorosa. It also omitted Muslim locations other than the Dome of the Rock.



2257



Jewish sites that have now been deleted

- 1. Beit Chabad
- 2. Site of Ateret Cohanim's pre-army prep course
- 3. Ma'aleh Zetim Jewish neighborhood

Non-Jewish sites that have been added

- 4. Church of the Redeemer
- 5. Al-Aqsa Mosque
- 6. St. Anne's Church

The corrected visitor's map of Jerusalem the Tourism Ministry issued after the former was criticized for omitting major non-Jewish sites. Credit: Haaretz Infographics

In its response to the initial Haaretz report, the Tourism Ministry said it stood behind the publication of the map. However, that map has now been replaced by the revised version, which reflects tourist sites in a more balanced manner.

Buildings associated with Ateret Cohanim are not noted in the new map, but other locations — including the stations of the cross along the Via Dolorosa and Muslim sites, including Al-Aqsa Mosque — have been added.

The new map also includes corrections and eliminates the designation of the Temple Mount as Mount Moriah — a term not in regular English-language usage in modern times.

Beyond the Old City walls, the names of the Jewish enclaves at Ma'aleh Zetim and Beit Orot have been omitted and important churches on the



Daniel Seidemann, a lawyer who has been involved in advocating on behalf of Palestinians in Jerusalem, welcomed the revision. “Someone at the ministry has come to their senses,” he said. “The previous map made us an object of ridicule for visitors and raised unpleasant questions over Israel’s policy in Jerusalem.”

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Israeli tourism maps aim to shape Jerusalem narrative

Although new version is more inclusive than controversial older map, it erases the Palestinian neighbourhood of Silwan.



The new version, recently released by Israel's tourism ministry, is slicker and enlarges some of the key holy sites that draw millions of visitors to Jerusalem each year [Getty Images]

By Nigel Wilson

28 Dec 2016



Jerusalem – Running a finger over a new tourist map of Jerusalem's Old City, Husam Jubran counted a number of cultural and holy sites and compared them with an old version of the map, both issued by Israel's tourism ministry.

Side by side, the maps are starkly different. The old version, [released earlier this year](#), was heavily criticised for promoting an Israeli-settler narrative of the Old City and its environs.

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It featured a crowded design and a key listing 57 sites across the Old City and surrounding neighbourhoods. Most of the labelled sites were of little interest to tourists, including yeshivas, or centres for the study of the Torah, and buildings managed by radical Jewish settler organisations. At the same time, the key failed to locate important holy sites for Christian and Muslim visitors, including al-Aqsa Mosque and the Stations of the Cross.

The new version, recently released by Israel's tourism ministry, is slicker and enlarges some of the key holy sites that draw millions of visitors to Jerusalem each year.



The old version, released earlier this year, was heavily criticised for promoting an Israeli-settler narrative of the Old City [Nigel Wilson/Al Jazeera]

“You have all the Christian sites, all the Muslim sites – they are even avoiding the controversial words like Temple Mount/Haram al-Sharif, which I think is good,” said Jubran, a tour guide who has worked in Israel and the Palestinian territories since 1999.

Examining the old map beside the new one, Jubran noted that the new map was a “huge improvement”.

“It is more inclusive ... I doubt any Palestinian guide would willingly give the old map to tourists,” he added. “It lists sites that Palestinians consider settlements.”

The updated map highlights Al-Aqsa, the route of the Stations of the Cross and the Church of St Anne, while removing sites associated with right-wing settler organisations such as Ateret Cohanim, which aims to replace Palestinian residents of the city with Jewish settlers.

Without acknowledging a problem with the old version, Israel’s tourism ministry told Al Jazeera that it had run out of stock of the old map and began to

distribute the new one instead.



The updated map highlights sites such as Al-Aqsa Mosque, while removing sites associated with right-wing settler organisations [Nigel Wilson/Al Jazeera]

However, spokeswoman Lydia Weitzman said that the map highlighting al-Aqsa and removing some settler sites was “only a temporary version”, noting: “The tourism ministry is currently working on a new version for printing and distributing to tourists and visitors to the Old City.”

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Weitzman declined to respond to further queries on the matter, including whether the next version of the map would be closer to the older, more controversial version.

Although the version currently being distributed is more inclusive than the old one, the representation of the City of David Park is still problematic, said Ir Amim, the Israeli human rights NGO which gives tours of occupied East Jerusalem.

While the park is part of Israel's national parks network, the daily management of the site has been contracted out to Elad, a private organisation that works to buy and take over Palestinian homes in East Jerusalem and to settle Jewish families in their place.

The park is located in the Palestinian neighbourhood of Silwan, but this community is not represented at all on the map. Instead, the City of David Park appears to be surrounded by open green space.

It literally obscures the fact that the park is located in a Palestinian neighbourhood. It not only erases their narrative, but obscures their very existence.

BETTY HERSCHMAN, DIRECTOR OF INTERNATIONAL RELATIONS AND
ADVOCACY AT IR AMIM

“What is most egregious is the omission of Silwan, because there is just empty space where Silwan is. It makes it look as though they have eradicated the neighbourhood, supplanting it with City of David, which is a settler-run tour-

ist site,” Betty Herschman, the director of international relations and advocacy at Ir Amim, told Al Jazeera.

“It literally obscures the fact that the park is located in a Palestinian neighbourhood. It not only erases their narrative, but obscures their very existence.”

In October, UNESCO, the UN’s world heritage agency, adopted a resolution that criticised Israeli policies in Jerusalem, including Israel’s failure to stop excavation works in and around the Old City.

UNESCO also criticised Israel for approving a number of East Jerusalem tourist projects run by settler organisations, including the Kedem Centre, a controversial plan advanced by Elad to build a massive visitor centre in Silwan across the street from the City of David Park. Herschman warned that this plan was designed to entrench the presence of settlers within Silwan, while marginalising Palestinian residents.

“You have City of David on one side of the street and then you’re going to have another massive Elad-run operation – the Kedem Compound – on the other, functioning like a gatepost to Silwan,” she said. “Visitors won’t go past there, they won’t see Silwan, they won’t see the grievous condition which the neighbourhood is in; poverty rate near 80 percent, no schools, no sidewalks, leaving children to walk on the street. They won’t see all of that.”

SOURCE: AL JAZEERA

About 

ISRAEL

Israeli Cabinet meets in Western Wall tunnels, approves Old City elevator

MAY 28, 2017 12:31 PM



Israeli Prime Minister Benjamin Netanyahu gesturing in the Western Wall tunnels before the start of a special weekly Cabinet in Jerusalem, May 28, 2017. (Kobi Gideon/GPO)

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JERUSALEM (JTA) — Israel’s Cabinet held its weekly meeting in the Western Wall tunnels to mark the 50th anniversary of the reunification of Jerusalem.

“In this place King Solomon built the First Temple. In this place, the Babylonian exile built the Second Temple and after the destruction of the Second Temple, this place was the focal point of the longing of our people for generations,” Prime Minister Benjamin Netanyahu said Sunday at the start of the meeting. “Thousands of years passed, the people of Israel returned to their land, established their state and built their united capital.”

During the meeting, the Cabinet approved a plan to build an elevator from Jerusalem's Jewish Quarter to the Western Wall that would allow more accessibility for handicapped people to the holy site. The Cabinet also approved the construction of a cable car to the Dung Gate near the Western Wall in the Old City from the center of the city.

The elevator and a pedestrian tunnel at its foot is estimated to cost \$14 million.

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The Cabinet also approved a five-year budget to develop the area around the Old City and to improve health, culture, welfare and education services in the city of Jerusalem, including eastern Jerusalem.

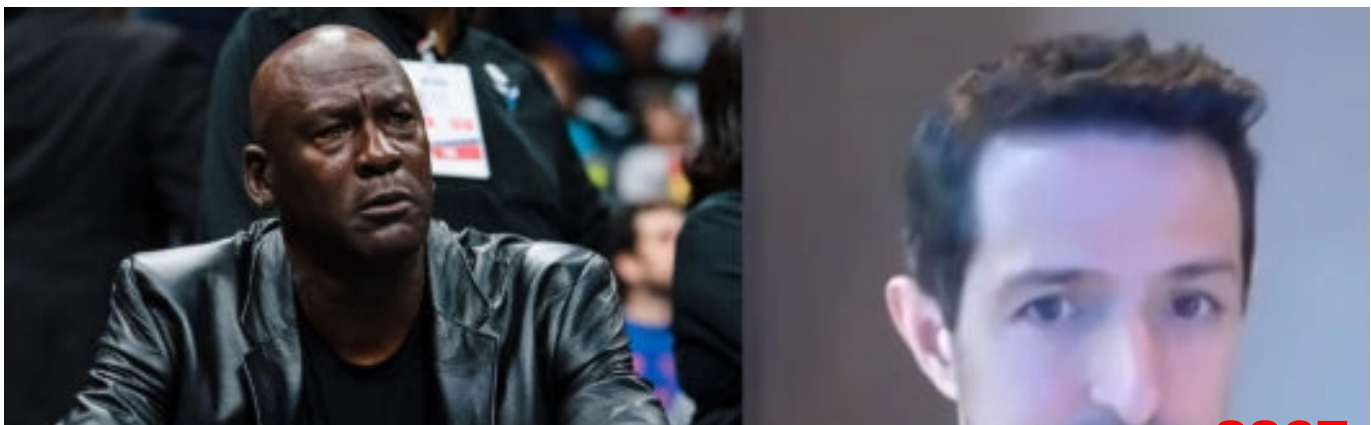
The Ruderman Family Foundation praised the Cabinet decision to build the elevator and make the Western Wall more accessible to people with disabilities.

“The Government of Israel made the right decision today to make Judaism’s holiest site, the Western Wall, accessible to people with disabilities by voting to build an elevator and passageway,” said Jay Ruderman, president of the Ruderman Family Foundation, in a statement. “For far too long, these ever-important sites were not completely accessible for people with disabilities, who account for twenty percent of the population. This decision will now ensure freedom to worship for all.”

Tourism Minister Yariv Levin praised the approval of the cable car, which he said would make the Western Wall more accessible to the 130,000 visitors to the site each week. The cable car, which will be operational by 2021, will be able to serve up to 3,000 people per hour.

“The future cable car will change the face of Jerusalem, allow easy and convenient access for tourists and visitors to the Western Wall and will serve as an exceptional tourist attraction. There is no more appropriate and exciting time than this - 50 years since the reunification of Jerusalem - to launch this revolutionary project,” he said in a statement.

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Don't Feel Sorry for Netanyahu. He Owns This Disaster



Benjamin Netanyahu's cabinet meets in the Western Wall Tunnels, May 28, 2017. Credit: Emil Salman

Israel News

Netanyahu Returns to the Western Wall Tunnels, the Bedrock of His Political Existence



confident than ever

Anshel Pfeffer
May 28, 2017



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Israel's government is holding its weekly ministerial meeting on Sunday in the [Western Wall Tunnels](#). [Benjamin Netanyahu's](#) cabinet is taking a break from the stuffy meeting room in the Prime Minister's Office, as it does every few months, and going on a field trip. The location is not surprising as it's the [Six-Day War's 50th anniversary](#), and while even [Donald Trump wouldn't allow Israeli officials to accompany him to the Western Wall](#) (as the world doesn't recognize Israel's sovereignty over [East Jerusalem](#)), the government is anxious to demonstrate that Israel in charge. But the venue is significant for other reasons, as well.

The Real Meaning of Trump's Western Wall Visit

Trump Exposed the Fantasy of Netanyahu's 'Undivided Jerusalem'

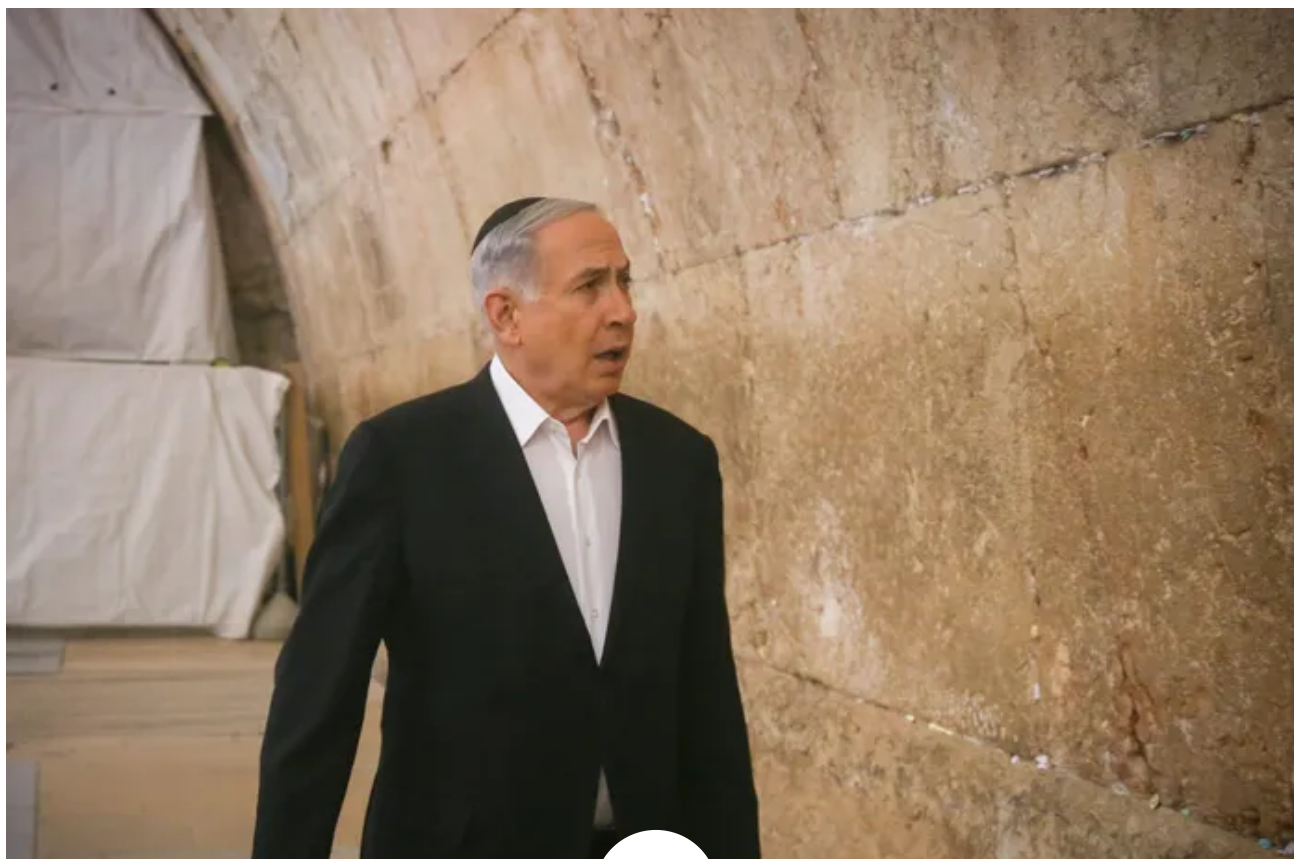
Temple Mount Custodian Willing to Open Muslim Holy Sites to Israelis

If anyone had suggested 20 years ago on the 30th anniversary of the war and the Western Wall's capture (or liberation if you prefer) that Benjamin Netanyahu's government would be holding a meeting celebrating 50 years of "reunification" of [Jerusalem](#) inside the Western Wall Tunnels, it would have sounded too outlandish even for satire. Twenty years ago, Netanyahu was just ending the first year of his first term in office. It had been a bumpy and chaotic ride, strewn with casualties and mishaps. The youngest and least-experienced prime minister in Israel's history was still struggling to get a grip on the machinery of power, and the screw-ups were accumulating.

**2269**

Only a month earlier, he had escaped by the skin of his teeth an indictment that would have almost certainly forced him to resign after less than a year in office. Then-Attorney General Elyakim Rubinstein had decided, despite the police investigators' recommendation, not to indict him in the Bar-On-Hebron affair. The investigation had unearthed evidence that Netanyahu conspired to appoint Roni Bar-On, a Jerusalem lawyer close to political figures, as attorney general as part of a deal with Shas to support an agreement with the Palestinian Authority where Israeli forces would pull out of most of Hebron, leaving only a small enclave of settlers under Israeli control. In return, Bar-On was expected to not pursue a conviction of Shas leader Arye Dery over bribery charges.

Rubinstein ruled that the evidence against Netanyahu was inconclusive and indicted only Dery, but the "public report" he published on the case was damning enough for some senior Likud ministers to publicly consider resigning and calling for the prime minister to step down. They backed down, but it was the culmination of a bruising first year in office and it had all begun in the tunnel.





Benjamin Netanyahu in the Western Wall Tunnels, February 28, 2015. Credit: Marc Israel Sellem

The Hebron Agreement with then-Palestinian President Yasser Arafat had been a deal Netanyahu was avoiding. Hebron was the only major Palestinian city that the previous governments of Yitzhak Rabin and Shimon Peres hadn't pulled out of, though it was in the list of cities Israel had committed to handing over to the Palestinian Authority in the Oslo II Accord. Hebron, with its Tomb of Patriarchs and millenia of Jewish history. Hebron, the only Palestinian city with settlers living inside it. Though he had fought it tooth and nail as leader of the opposition, Netanyahu was committed now as prime minister to fulfilling the Oslo Accords. He was committed as well to his right-wing base not to budge from the "City of the Forefathers."

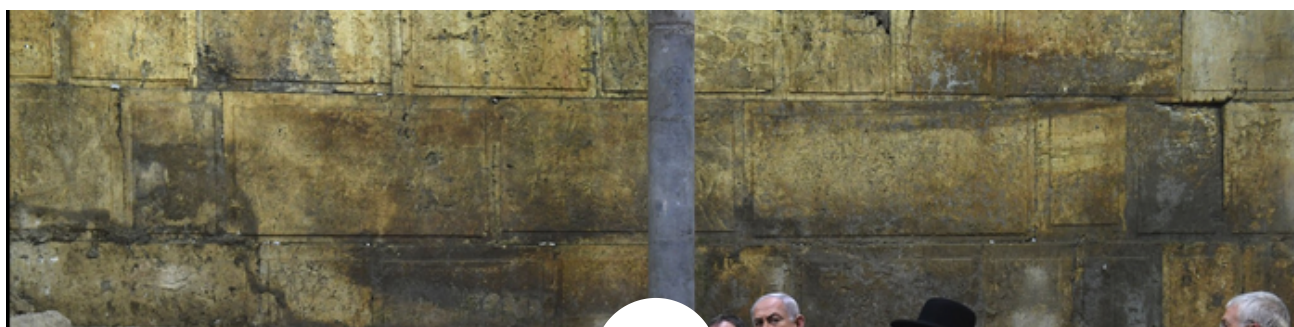
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Two-and-a-half months after taking office, Netanyahu met with Arafat for the first time at the Erez Crossing. It was a frosty meeting, and nothing was agreed upon. The Palestinians demanded an Israeli pullback from Hebron and had Oslo in their favor. Netanyahu prevaricated; the breakthrough was to come elsewhere.



The Western Wall Tunnels, a series of subterranean spaces excavated for decades by archaeologists – extending north from beneath today’s Western Wall plaza, exposing the foundations of the Second Temple compound built by King Herod, as well as other earlier buildings from ancient Jewish Jerusalem – was an ongoing source of tension between Israelis and Palestinians. The tunnels ran under the houses of today’s Muslim Quarter and though the excavations never extended under Temple Mount, the Palestinians continuously claimed that the “the Jews” were digging under the Haram al-Sharif mosques to weaken their foundations and eventually destroy them.

From the mid-1980s tourists were allowed in to the tunnels but passage there was often cramped due to the single entrance from the Western Wall Plaza. The furthest point of the tunnels reached the Via Dolorosa in the Muslim Quarter. Opening up an exit to the street would be a simple act of knocking through 80 centimeters of brick and plaster, but the smallest construction around Temple Mount needs authorization from the very top.





Benjamin Netanyahu at the Western Wall Tunnels, May 28, 2017. Credit: @Ofirgendelman / Israeli Prime Minister's Spokesperson

Rabin had authorized it, in principle, but ordered to wait for a more convenient time, when it would not jeopardize talks with the Palestinians. Peres had ruled the same. So had Netanyahu when he took office in June 1996. Three months later, however, the directive was reversed and Netanyahu ordered Muslim Quarter's tunnel exit opened on September 24, the night after Yom Kippur. Netanyahu triumphantly called the tunnel “the bedrock of our existence.”

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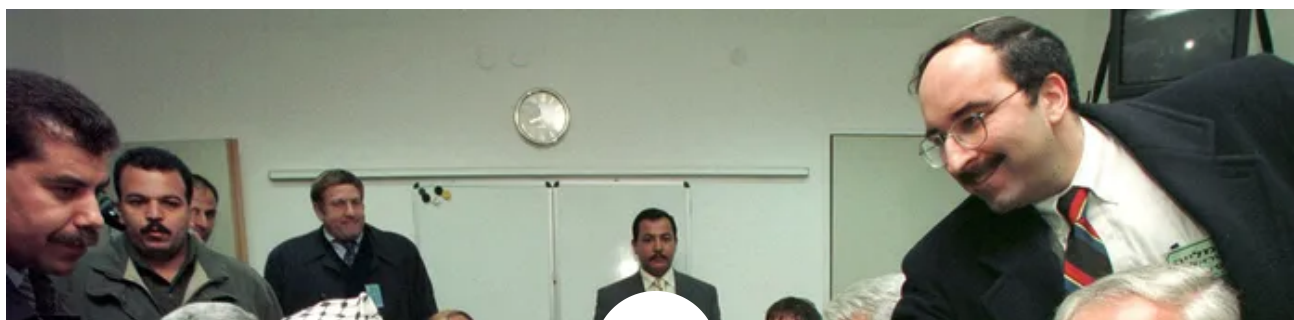
None of those involved agree on the sequence of events. Then-Defense Minister Yitzhak Mordehai claimed he was notified only a few hours in advance and not consulted on the implications. The Waqf, the Muslim religious trust that manages the Haram al-Sharif mosques, denied they were notified, much less that they gave any approval. Netanyahu has never given a public account of the events, but sources close to him have blamed then-Jerusalem Mayor Ehud Olmert for organizing the event and former Shin



repercussions from the Palestinians. Olmert, who at the time as mayor was much more right-wing than he was during his future tenure as prime minister, also blames Ayalon for giving the OK. Ayalon insists that his professional opinion was that opening the tunnel was possible but only under the right circumstances.

The only undisputed truth is that the tunnel's exit was opened that night on Netanyahu's orders. The next day, Arafat seized upon the incident as a desecration of Haram al-Sharif and called upon Palestinians to respond in force. Over the next three days, open warfare broke out between Palestinian security forces and the IDF across the West Bank and the Gaza Strip. The ferocity of the fighting – and the fact that the Palestinian police with whom they had been carrying out since the Oslo Agreements joint patrols – were now firing on them caught the IDF by surprise, and they responded with overwhelming firepower. In three days of fighting, 17 Israelis and 100 Palestinians were killed until an uneasy truce was established.

The “Tunnel Riots” were Netanyahu's first major blunder and put in motion a sequence of events where U.S. President Bill Clinton summoned Netanyahu and Arafat to an emergency summit in Washington, where Netanyahu was pressured into agreeing in principle to pull back from Hebron. The Hebron Agreement itself was hammered out in four months, and the right's staunch opposition led to Netanyahu's courtship of Shas and the Bar-On-Hebron scandal and investigation. The events leading from the hasty opening of the tunnel, through the bloodshed, Netanyahu's capitulation in Washington, the abortive appointment of an attorney general and the first corruption investigation of a sitting prime minister remain the abiding memories of Netanyahu's first year in office.

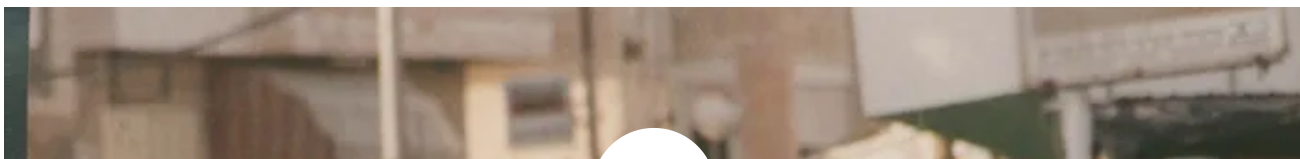




Netanyahu meeting Yasser Arafat in the Gaza Strip, 1997. Credit: © Jim Hollander / Reuters

Today Netanyahu is back at “the bedrock of our existence” with his fourth government. Ironically, the only minister around the table today who served in the first Netanyahu government is Tzachi Hanegbi, then the Justice Minister who signed off on the Bar-On appointment. Dery, who in 1996 was forbidden from serving as a minister due to his first indictment will also be there today as interior minister, a rehabilitated ex-con.

There will be much talk at the festive cabinet meeting of the symbolism of the venue at the heart of the Eternal Unified Capital. Many in the deep tunnel under Jerusalem, however, will be reflecting on the symbolism of Netanyahu’s longevity. Twenty years later, he is still there. Olmert is in prison. Arafat is dead. Clinton has long ago left the White House and now finally Netanyahu has a Republican in the Oval Office. A U.S. president who visited just last week and didn’t once mention a Palestinian state. All the political rivals who in 1997 were waiting his imminent downfall have long ago retired from politics. True, Netanyahu once again has corruption charges looming over him, but he is confident that once again the attorney general will hesitate before indicting a sitting prime minister. Meanwhile this weekend he was back ahead again in the latest polls, with a healthy margin over his latest challenger, Yair Lapid and a stable majority for his right-wing-religious coalition. Netanyahu is back at the bedrock of his existence.





Palestinians throw stones at Israeli soldiers in Bethlehem, West Bank, 1996. Credit: Alon Ron

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Greek Orthodox Patriarch Theophilos III (center), Custos Francesco Patton (left) and Armenian Patriarch Nourhan Manougian. Credit: Mab-CTS

Israel News

Jerusalem's Church of Holy Sepulchre Closes in Protest Amid Row With Israel

After rare move by heads of churches in Jerusalem in protest of legislation to expropriate church lands, ministers postpone debate on bill



Jonathan Lis and Nir Hasson

Feb 25, 2018



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In a rare move, the [Church of the Holy Sepulchre](#) was closed on Sunday until



management of the property, the Greek Orthodox, Roman Catholic and the Armenian Apostolic.

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The heads of Christian churches in Jerusalem announced the move as the Knesset's Ministerial Committee for Legislation was set to discuss a bill that would allow the state to expropriate land in Jerusalem sold by the Greek Orthodox and Roman Catholic churches since 2010. After the church was closed, the ministerial panel decided to postpone the debate on the bill.





A sign on the Church of Holy Sepulchre says "enough is enough, stop the persecution of churches." Credit: ניר חסון

The churches are also protesting the Jerusalem municipality's [new policy on municipal tax payments](#) for church property.

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The heads of the churches – Greek Orthodox Patriarch Theophilos III, Custos Francesco Patton and Armenian Patriarch Nourhan Manougian – released a statement attacking the legislation and the recent move by the city, which they labeled as a "systematic campaign against the Churches and the Christian community in the Holy Land."



"The systematic campaign... reaches now its peak as a discriminatory and racist bill that targets solely the properties of the Christian community in the Holy Land is being promoted," the statement said. "This reminds us all of laws of a similar nature which were enacted against the Jews during dark periods in Europe."

Church of Holy Sepulchre Crisis: Israel Burns Bridges With Christians
Jerusalem Churches Warn: Israel Erasing Christian Presence
Jerusalem Churches to Boycott Mayor's Event in Protest of Tax Policy
Israeli Land Sale by Orthodox Church Puts Tenants' Homes in Danger

The ministerial panel is set to discuss the church lands bill, which is designed to put an end to most of the major land sales carried out by the churches to private real estate companies. Most of the lands involved, about 500 dunams (125 acres) are in the centrally located neighborhoods of Rehavia, Talbieh and Nayot. Some of the residents living on the land have protested the move, which would force them to evacuate when the lease on the land ends.

The bill would authorize the finance minister, with the approval of the Knesset Constitution, Law and Justice Committee, to expropriate lands sold since the beginning of the decade in return for compensation for the companies that bought the land.



The bill is quite unusual in terms of Israeli jurisprudence, and because it applies retroactively to land sales that have been finalized. It limits the property rights of the churches and private firms that bought the land.

Church leaders have made it clear a number of times that they consider this a serious violation of their property rights and the status quo. Leaders have also announced they will fight the law both legally and diplomatically.

Meanwhile, church representatives have accused Jerusalem Mayor Nir Barkat of breaching international treaties after the municipality said it planned to collect 650 million shekels (\$186 million) in back taxes owed by churches and international bodies with property in the city.

So far, church property has been exempt from paying property tax, but the municipality last month said it has begun collecting municipal taxes from offices, schools, and buildings designated for various purposes and owned by the churches. Municipal taxes however would not be collected from places of worship, which are exempt from taxation.

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Jordan condemns closure of Al Aqsa Mosque Friday

JT jordantimes.com/news/local/jordan-condemns-closure-al-aqsa-mosque-friday

August 19, 2018

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By JT - Aug 19,2018 - Last updated at Aug 19,2018

AMMAN — Jordan on Friday condemned Israel's closure of Al Aqsa Mosque/Al Haram Al Sharif gates, and forcing Muslim worshippers and Awqaf staff to leave the venue.

State Minister for Media Affairs and Government Spokesperson Jumana Ghunaimat said that such "condemned and rejected practices violate the sanctity of the holy site", the Jordan News Agency, Petra, reported.

The minister warned that such acts would affect the feelings of worshippers and all Muslims around the world.

She added that these violations constitute a breach of Israel's obligations as the occupying power in East Jerusalem according to international law.

Israel's acts also violate all international norms, which affirm respect to all places of worship, Ghunaimat highlighted.

The minister held Israel responsible for such provocations and demanded an immediate halt to such practices.

The spokesperson pointed out that the Kingdom was making contacts and working for the reopening of Al Aqsa Mosque gates, adding that the officials were contacting their counterparts in the Palestinian Authority for consultation and coordination.

Israel reported that its forces killed an Arab Israeli who attacked the occupation troops with a knife near the mosque.

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Israel officially withdraws from UNESCO

BY MARCY OSTER JANUARY 1, 2019 1:59 PM



The UNESCO headquarters in Paris. (Wikimedia Commons)

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JERUSALEM (JTA) — Israel's withdrawal from UNESCO has gone into effect a year after it officially notified the international body that it would leave.

Israel announced at the end of 2017 that it would leave the United Nations Educational, Scientific and Cultural Organization in solidarity with the United States, whose withdrawal also became official on Tuesday.

It takes a year for the withdrawal to take effect.

Israel and the United States will remain as observer states of UNESCO.

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Israel, which joined the body on Sept. 16, 1949, has nine cultural sites on UNESCO's list of World Heritage sites, including Masada, Acre, the White City of Tel Aviv, and the Necropolis of Beit She'arim.

In recent years, UNESCO has passed resolutions rejecting Israeli sovereignty over Jerusalem, and placed the Cave of the Patriarchs and the Old City of Hebron in the State of Palestine on the list of world heritage sites in danger. It frequently refers to the Temple Mount only by its Arabic name, Al-Haram al-Sharif.

Between 2009-2014, UNESCO adopted 46 resolutions against Israel; 1 on Syria; and none on Iran, Sudan, North Korea, or any other country in the world.

UNESCO's new director-general, Audrey Azoulay, who is Jewish, has spent the last year lobbying for Israel and the United States to remain members.

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Jordan 'strongly condemns' Israel's closure of Al Aqsa Mosque

JT jordantimes.com/news/local/jordan-strongly-condemns-israels-closure-al-aqsa-mosque

February 18, 2019

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By JT - Feb 18,2019 - Last updated at Feb 18,2019



Israeli forces detain a Palestinian demonstrator during confrontations, after protesters tried to break the lock on a gate at Al Aqsa Mosque compound in Jerusalem's Old City on Monday, after it was closed by Israel (AFP photo)

AMMAN — Jordan on Monday condemned “in the strongest possible terms” the Israeli closure of Al Aqsa Mosque/Al Haram Al Sharif in occupied Jerusalem and the assaults on worshippers.

Foreign Affairs Ministry Spokesperson Sufian Qudah demanded that Israel, as the occupying power, “act in accordance with international law and immediately reopen the gates, respect the sanctity of the holy place, stop hampering the entry of worshippers, withdraw its security forces from Al Aqsa Mosque and respect the feelings of Muslims”, the Jordan News Agency, Petra, reported.

The spokesperson also slammed the Israeli measures at Al Aqsa as “a flagrant violation of the historical and legal status quo and Israel’s obligations under the international law and the international humanitarian law”, holding Israel fully responsible for the safety of Al Aqsa Mosque/Al Haram Al Sharif, Petra reported.

He stressed that the Foreign Ministry is “following up on this dangerous development through various channels to ensure the reopening of the gates and the restoration of calm at Al Haram Al Sharif”.

Qudah said that the ministry has lodged a protest with the Israeli foreign ministry, that carried Jordan’s condemnation of the provocative Israeli actions against Al Haram Al Sharif, and demanded their immediate cessation, Petra reported.

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ABC NEWS

The Australian shearer who torched Al Aqsa Mosque in a bid to bring on the apocalypse

ABC RN / By [Joey Watson](#) and Stan Correy for [Late Night Live](#)

Posted Fri 23 Aug 2019 at 11:30pm, updated Sat 24 Aug 2019 at 1:32am



The political consequences of the fire at the Al Aqsa Mosque still ring today. (Getty: Keystone-France/Gamma-Keystone)

Fifty years ago, a young shearer travelled from Australia to Israel to orchestrate a plot he believed would prompt the return of Jesus Christ and usher in the end of the world.

Denis Michael Rohan started a fire which seriously damaged Jerusalem's Al Aqsa mosque — one of Islam's holiest sites — and shook a region already shrouded in tension.

Many Muslims believed the attack had been orchestrated by Israel, and protests erupted across the Middle East.

Carlo Aldrovandi, who researches religion, conflict and peacemaking in the region, says the political consequences still ring today.

"It was a tremendous historical watershed," he [tells RN's Late Night Live](#).



Denis Michael Rohan was arrested soon after the arson attack. (Getty: Bettmann)

Rohan, religion, and the radio

In the early 1960s Rohan was working as a shearer in Grenfell, in the central-west of New South Wales.

He had suffered a mental breakdown in the mid-60s, and did a stint at Bloomfield psychiatric hospital in Orange.

This was where he first discovered the Radio Church of God and an American religious broadcast called The World Tomorrow, which was syndicated on commercial radio throughout Australia.

Its presenter, Herbert W Armstrong, was known for prophesising the end of the world that would dawn after a global war centred around Jerusalem.

In 1969, at 28 years of age, Rohan travelled to Jerusalem.

Around four months later, on August 21, he carried a thermos flask of kerosene into the Al Aqsa mosque and started a blaze.



Many people galvanised to fight the fire. (Getty: Keystone-France/Gamma-Keystone)

"It has been proved that Rohan acted alone motivated largely by his own apocalyptic belief," Dr Aldrovandi says.

"[He believed] that destroying the existing Islamic shrines and replacing them with a temple would have brought about the advent of Jesus Christ."

The fire destroyed an 800-year-old precious pulpit, known as the Minbar of Saladin, before it was put out.

"The damage caused by the arson was awful and it is evident when you see the photographs of the events," Dr Aldrovandi says.



The fire inflicted lasting damage on the ancient mosque. (Getty: Keystone-France/Gamma-Keystone)

Rohan was arrested the day after the fire at a kibbutz north of Tel Aviv, where he'd been learning Hebrew since his arrival in Israel.

He told police his study of the Bible had convinced him that God wanted him to destroy the mosque.

At his trial he said he was trying to hasten the return of Jesus Christ, fulfilling the will of God communicated to him through the Bible.

"God told me that because I have obeyed him, I will be lifted up above the Earth and God shall bring all the maidens of Israel to me to bear offspring to God's glory," he told the court.



Rohan detailed his apocalyptic vision over the course of his trial. (Getty: Keystone/Hulton)

Three judges ultimately decided there was "no doubt" that Rohan was mentally ill.

He was subsequently hospitalised, and half a decade later his requests to be brought back to Australia were granted.

Eventually, he fell back into society and little is known about the remainder of his life.

A holy site

The Al Aqsa mosque is located on a hill in the Old City of Jerusalem that for thousands of years has been venerated as a holy site in Judaism, Christianity and Islam alike.

"The Temple Mount is the centre of of the world according to the Jewish and Islamic tradition," Dr Aldrovandi says.



The Temple Mount is a holy site in Judaism, Christianity and Islam. (Getty: Mahmoud Ibrahim/Anadolu Agency)

Muslims believe the mosque is built upon the site that the Prophet Mohammed ascended into Heaven.

For Jews it is called the Temple Mount, the site of the ancient Temple of Solomon, which was destroyed and rebuilt twice.

In biblical prophecy, a third restoration of Solomon's temple — the Third Temple — would mean the return of Jesus. This is the basis of Christian Zionism.

A new era for Islamist politics

In the wake of the fire, Muslims in Jerusalem and across the world protested, often with violence.



The protests in Jerusalem often grew violent. (Getty: Rolls Press/Popperfoto)

Many Arab leaders were convinced the attack had been orchestrated by Israel.

"[Rohan's] acts were, and are still seen today by many Muslims and Palestinians, as being orchestrated by the Israeli government," Dr Aldrovandi says.

Muslim nations came together in Morocco and unanimously agreed Israel was responsible.

The move led to the formation of the Organisation of Islamic Cooperation, an attempt to represent this pan-Islamic sentiment and unity.

It was the first global Islamic organisation, and it still exists today.

The "collective voice of the Muslim world", as it calls itself, has permanent delegations to the United Nations and the European Union.

Christian Zionism and Al Aqsa today

Dr Aldrovandi says a small minority of evangelical Christians and Jews still have apocalyptic visions associated with the destruction of the Al Aqsa Mosque and the building of the Third Temple.

"A minority of Temple Mount activists believe that human action should take place in order to force a full sovereignty over the Temple Mount," Dr Aldrovandi says.



Hear more on the political legacy of Denis Michael Rohan

"A very minute minority ... would like to build the Third Temple.

"It's very difficult to understand whether or not this entails of destruction of the existing Islamic shrines."

The evangelical leaders of the US Christian Zionist movement also want to reclaim the Temple Mount and have formed close alliances with Jewish religious groups.

Dr Aldrovandi says the movement is closely connected to the Trump administration.

"They were very prominent during the Bush administration and they went dormant during the Obama era," he says.

"Now they're back with Trump because Trump relies on the evangelical bloc in electoral terms.

"If you see [the US Israel-Palestinian] peace plan now, some may argue that has been influenced to some extent by the evangelical lobby."

Dr Aldrovandi predicts the Temple Mount will remain a source of tension in the years to come.

"It's a place that reflects on the Israeli-Palestinian conflict and at the same time the Israeli-Palestinian conflict has an impact on Temple Mount," he says.

"The Temple Mount will remain a catalyst."



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Jerusalem: Israel approves controversial Old City cable car plan

🕒 6 November 2019



YOUTUBE

The Old City of Jerusalem is a Unesco World Heritage site

A controversial plan to build a cable car network in Jerusalem's Old City to transport visitors to one of Judaism's holiest sites has been approved by Israel's housing cabinet.

The cable cars will ferry up to 3,000 people an hour about 1.4km (0.9 miles) from West Jerusalem to the Western Wall in occupied East Jerusalem.

<https://www.bbc.com/news/world-middle-east-50315910>

2295

Israel's government says the project will reduce traffic congestion.

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But opponents say it will damage the area's historic landscape.

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They intend to petition Israel's High Court of Justice to stop it.

Emek Shaveh, an Israeli non-governmental organisation working to defend cultural heritage, has previously warned that **the cable car network will alter the skyline of the Old City** - a Unesco World Heritage site - and have a detrimental impact on Palestinian residents of the Silwan area living under the proposed route.

It has also alleged that the project "serves a highly political agenda" and that it was "fast-tracked" through the planning process.

- **What makes Jerusalem so holy?**

The Palestinian Authority and the Jordanian government - the custodian of the compound behind the Western Wall, known to Muslims as al-Haram al-Sharif (the Noble Sanctuary) and to Jews as the Temple Mount - have also expressed concern about the impact on the Old City.



| Why the ancient city of Jerusalem is so important

The Western Wall is a remnant of the site of the biblical Jewish Temple, destroyed by the Romans almost 2,000 years ago, and attracts millions of visitors and worshippers a year.

Before planning approval was granted on Monday, Israeli Finance Minister Moshe Kahlon said the Western Wall was not accessible enough.

"It is impossible that heavy traffic prevents thousands of people from praying, visiting and taking part in military and national ceremonies that are taking place there," he added, according to [the Israeli newspaper Haaretz](#).

Jerusalem Affairs Minister Zeev Elkin said: "This is a strategic project to promote tourism in the Old City. Step by step, we are transforming a vision into a new reality."

The status of Jerusalem goes to the heart of the Israeli-Palestinian conflict.

Israel regards Jerusalem as its "eternal and undivided" capital, while the Palestinians claim East Jerusalem - occupied by Israel in the 1967 Middle East war - as the capital of a future state.

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05/December/2020 01:41 PM

Jordan decries attempted arson attack on Gethsemane Church in Jerusalem



Jerusalem's Christian and Muslim holy places.

AMMAN, Saturday, December 05, 2020 (Wafa) – The Jordanian Ministry of Foreign Affairs condemned today the attempted arson attack by an Israeli Jewish fanatic on the Church of Gethsemane in occupied East Jerusalem yesterday.

Daifallah al-Fayez, spokesman for the ministry, described in a press statement the arson attempt as “a heinous crime” and called on the Israeli occupation authorities to abide by its obligations under international law as an occupying power to hold the perpetrators to account and take all necessary measures to prevent any similar attacks in the future.

As custodian of the Muslim and Christian holy places in occupied East Jerusalem, he said, Jordan will continue to play its role as protector and caretaker of the holy places, stressing the kingdom's refusal of targeting the holy sites and attacks against churches in Jerusalem, their authorities, properties, real estate or their right to run their affairs, as per international law and the status quo.

Israel has been trying to gradually change the status quo in Jerusalem’s holy places by interfering in or impeding the work of their local caretakers, including the Jordan-run Islamic Waqf department, which is in charge of the Muslim holy places, including Haram al-Sharif that includes the Dome of the Rock and Al-Aqsa Mosque.

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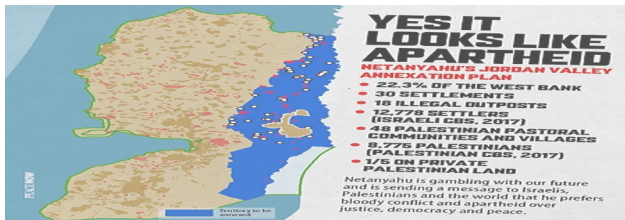
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Attack on Jerusalem church no isolated incident



DAOUD KUTTAB
December 10, 2020 22:42

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Franciscan Father Ibrahim Faltas inspects the damage after a man tried to set fire to Gethsemane Church in Jerusalem, Dec. 4, 2020. (Reuters)

When a radical Israeli nationalist last Friday attempted to burn down one of Jerusalem's most iconic churches, the Church of All Nations at Gethsemane, the act was condemned by a wide section of religious and political leaders in Palestine and Jordan. However, Wadie Abunassar, a Haifa-based senior adviser to the Catholic Church in the Holy Land, wondered why no Israeli leaders issued a condemnation of the attack. He called for an investigation into the motive for this ugly act.

As has often happened in the past, the attacker is usually exonerated as being mentally disturbed and, therefore, what happened is referred to as an individual act, meaning there was no external influence that motivated it. A more

contextual look at what is happening in Israel/Palestine, both in terms of political statements (or lack thereof) as well as the impunity of such attacks, belies the claim that there is no larger responsibility of Israeli officials and public leaders in this action.

In the past few years, more than 45 religious locations have been attacked. Israeli radicals have been filmed and left signatures after cemeteries have been pillaged, crosses broken, anti-Arab racist graffiti scribbled on churches, car tires slashed, clergy and Christian icons spat upon, and much more. Last month, a member of the Israeli Magen David Adom ambulance team who spat on Christian icons was only fired because it was filmed by a security camera and the video was shared on social media.

The racism is anti-Arab, anti-Christian and, for sure, anti-Muslim. Mosques are desecrated and worshippers are harassed daily, while many are legally prevented by Israeli kangaroo courts from worshipping in their house of prayer without any evidence or a chance to defend themselves.

Staff of the Jordanian Waqf Ministry, who for decades have been managing the 144 dunums of Al-Haram Al-Sharif, are often harassed as Israeli soldiers protect the infiltrating radicals as they show no respect to the site and its regulations, as specified in the centuries-old status quo agreement. The status of Al-Aqsa Mosque — Islam's third-holiest mosque — was reconfirmed as recently as 2014 in the understanding between US Secretary of State John Kerry, Israeli Prime Minister Benjamin Netanyahu, and Jordan's King Abdullah. The Jordanian monarch's family members have been the custodians of the mosque since the early 1900s, long before the state of Israel existed.

Anti-Christian and anti-Muslim racism is not restricted to actions against holy places and worshippers — it has even been codified in Israeli law. The 2018 “nation state” law was used to justify discrimination against two Arab children from Karmiel, who asked for compensation to travel to another town because there were no Arabic-language schools where they lived. “This is a Jewish city,” proclaimed the Israeli court when justifying rejecting the request by citing the nation state law. This legislation considers Israel a Jewish state, despite the fact 20 percent of its citizens are Arab.

“ Jerusalem should be a shared city for all its inhabitants, as well as the billions around the world that look to it as a foundation of their faith.

Daoud Kuttab

A nongovernmental organization dedicated to equality in Israel and Palestine has created Adalah’s Discriminatory Laws Database, which it describes as “an online resource comprising a list of over 65 Israeli laws that discriminate directly or indirectly against Palestinian citizens in Israel and/or Palestinian residents of the Occupied Territories on the basis of their national belonging.”

Racism is abhorrent and rejected by all civilized people. The Universal Declaration of Human Rights, which celebrated its 72nd anniversary on Thursday, reminded the world that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

The most recent attack on a historic church is not an isolated case, regardless of whether or not the Israeli courts show the perpetrator to be mentally disturbed. The racist motivation for a political movement that wants to monopolize Jerusalem for a certain religion will not work. Jerusalem, the cradle of religions, should be a shared city for all its inhabitants, as well as the billions around the world that look to it as a foundation of their faith and a source of their spiritual inspiration.

- *Daoud Kuttab is an award-winning Palestinian journalist and former Ferris Professor of Journalism at Princeton University. Twitter: @daoudkuttab*

Disclaimer: Views expressed by writers in this section are their own and do not necessarily reflect Arab News' point of view

Islamic Christian commission reaffirms Hashemite Custodianship

JT jordantimes.com/news/local/islamic-christian-commission-reaffirms-hashemite-custodianship

December 13, 2020

By JT - Dec 13,2020 - Last updated at Dec 13,2020

AMMAN — Secretary General of the Islamic Christian Commission for supporting Jerusalem and holy sites Hanna Issa said on Sunday that the Hashemite Custodianship reaffirms the Hashemites' continuity in safeguarding and rebuilding of the sacred places.

In a Sunday statement, Issa stressed that the Hashemite Custodianship was established on solid foundations including the Kingdom's agreement with the Palestinian Liberation Organisation (PLO) in 2013, adding that it harmonises with Jordanian's role in promoting the values of tolerance, peace and stability, the Jordan News Agency, Petra, reported.

Ever since Sharif Hussein Bin Ali was given guardianship by Arabs and Palestinians in 1924, the Hashemites, headed by His Majesty King Abdullah, have never ceased to support Jerusalem, Issa added.

The secretary general also highlighted Jordan's efforts exerted to protect Al Aqsa Mosque/Al Haram Al Sharif against Israeli violations, including the restoration of gypsum and mosaic decorations, providing additional power generators, modernisation of lighting, setting a fire extinguishing system, and others.

Issa noted that Christian holy sites also had their share of restoration projects which were funded by the King himself, Petra reported.

The secretary general underlined His Majesty's constant annual meetings with people from Jerusalem to engage them in defining priorities and implementing projects to keep the identity of the city intact.

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The restoration projects that keep Jerusalem's Al-Aqsa in good repair



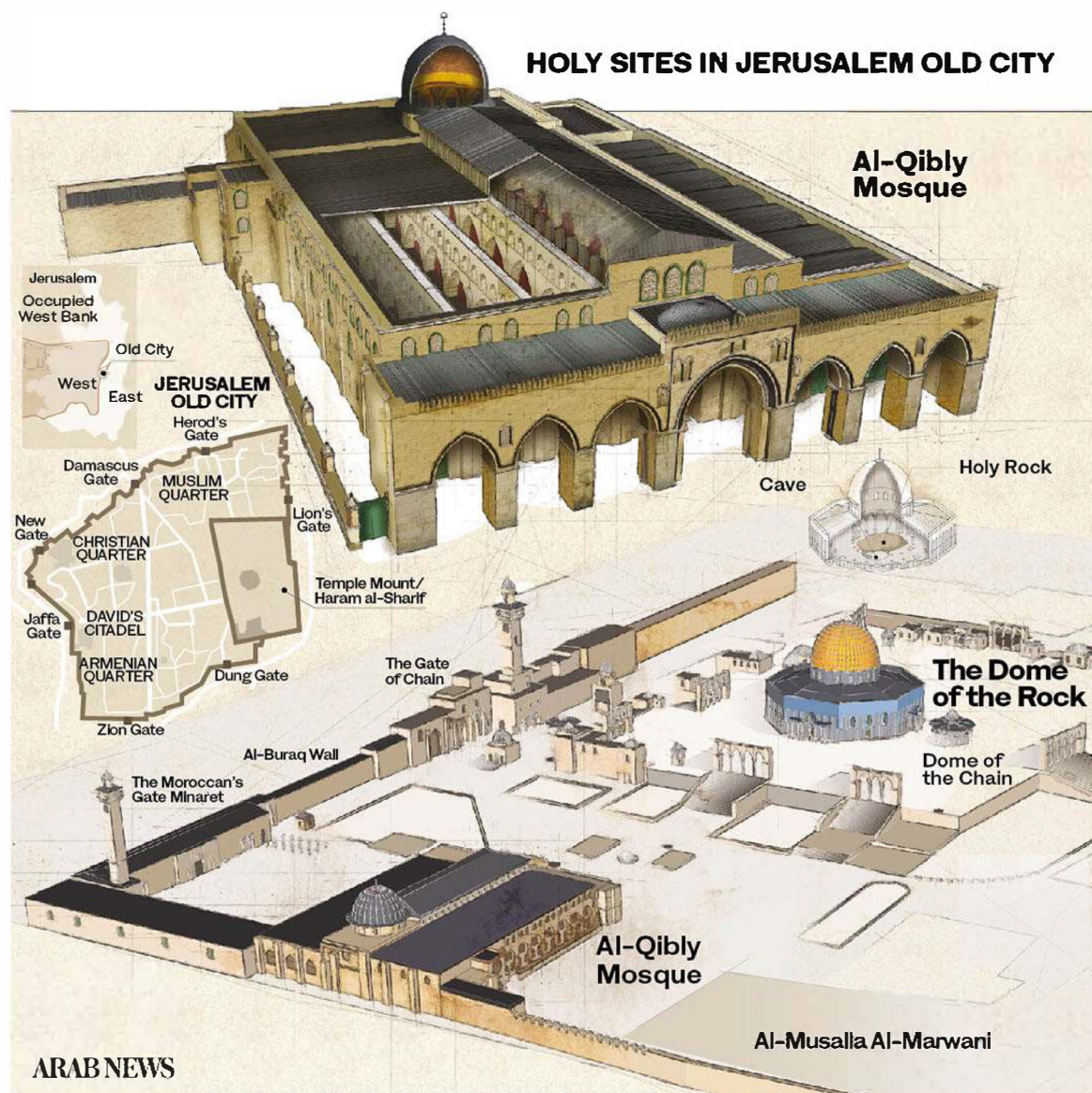
- Israeli attempts to stop renovations to the Dome of the Rock in January brought into focus ongoing projects in the Old City
- Al-Aqsa compound has seen five major restoration cycles undertaken by the Hashemite Fund since 1922 at a cost of \$2.1 billion

AMMAN, JORDAN: Restoration work has been underway at Jerusalem's holy sites for almost a century now, with a total of five major initiatives funded by the Hashemite royal family of Jordan.

Ongoing projects in the Old City of Jerusalem, a UNESCO World Heritage site, were brought into focus by a flare-up in tensions in January this year when Israeli police tried to stop renovations to the Dome of the Rock Islamic shrine.

The current monarch, King Abdullah II, has continued his father and great-grandfather's mission, establishing in 2007 the Hashemite Fund for the Restoration of the Al-Aqsa Mosque and the Dome of the Rock.

In December 2016, an eight-year project to renovate and preserve the mosaics of the Dome of the Rock and the Qibly Mosque concluded with the restoration of about 16 million mosaic tiles – the first such project in 500 years.



Wasfi Al-Kailani, executive director of the Hashemite Fund, told Arab News that the royal family's funds have spent nearly JOD 1.5 billion (\$2.1 billion) on these projects since 1922.

Al-Aqsa Mosque, also known as the Qibly Mosque, is situated inside the Noble Sanctuary, or Haram al-Sharif, alongside the Dome of the Rock — the iconic gold-capped mosque built on the site where Prophet Muhammad is believed to have ascended to heaven by night on a winged horse.

The Umayyad Caliph Abdel Malik ibn Marwan commissioned its construction and it was completed during the reign of his son, Al-Walid, in the year 705. The UNESCO World Heritage site is one of the three holiest sites in Islam, along with Makkah and Madinah in Saudi Arabia.

However, the Jewish people also lay claim to the same site, known to their faith as the Temple Mount. They believe the mosque is the site of the remains of two destroyed Jewish temples. As a result, to this day the compound remains both a symbolic and a literal flashpoint in the ongoing Israeli-Palestinian problem.



An engineer dry cleaning the mosaic painting after renovating some impaired pieces. (Supplied)

According to international law, the Jerusalem Islamic Waqf, which is directly affiliated with the Jordanian Ministry of Awqaf Islamic Affairs and Holy Places, is the official supervisor of Al-Aqsa Mosque and the endowments of Jerusalem.

Jordan still maintains the exclusive right to supervise religious affairs in Jerusalem according to the peace agreement it signed with Israel in 1994.

The first restoration, which began in 1922 and concluded in 1952, saw the Islamic Higher Council (IHC) created to preserve Islamic deals and protect the sanctuaries of Palestine.

Under the leadership of Hajj Amin Al-Husseini, the IHC raised funds to restore the Dome of the Rock. King Abdullah I, the first ruler of Transjordan, personally supervised the restoration work, which included the retiling of ancient artworks.

During the 1948 war, the Old City of Jerusalem, Al-Aqsa Mosque and the roof of the Church of the Holy Sepulcher suffered considerable damage. Immediately after the end of the war, King Abdullah I visited Al-Aqsa and launched the restoration of the Mihrab Zakariah (Niche of the Al-Aqsa).



King Abdullah II inspects the final stage of restoring typical copy of Minbar Salhahudeen designed and manufactured in Amman before installing it in Al-Aqsa Qibli Mosque in 2007. (Supplied)

The king was deeply committed to preserving the holy places throughout his reign until his assassination in Qibly Mosque on July 20, 1951.

Abdullah's grandson, King Hussein, took on the mantle by launching a second wave of restoration efforts from 1952 to 1964 and founding the Jordanian Law of the Hashemite Restoration Committee in 1954.

Over the centuries the Dome of the Rock had lost its golden sheen and was letting in water. The lead plates adorning the dome had to be replaced with aluminum support beams and new gilded plates.

“When Caliph Abdel Malik decided to cover the mosque with gold, he appealed to Muslims to contribute their gold jewelry,” said Al-Kailani.

“Until this day, we see in the transparent offering box in Al-Aqsa Mosque both paper money and jewelry that women contribute to the restoration effort.”

THE NUMBER

\$2.1 bn

*** Money spent by Hashemite funds for the restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif since 1922.**

Some of the most significant restoration work took place in the third cycle after Michael Dennis Rohan, an Australian Christian extremist, attempted to torch the compound's ancient buildings on Aug. 21, 1969.

The 1,000-year-old wood and ivory carved Saladin pulpit — known as the Minbar of Salah Al-Din — was destroyed in the fire. The pulpit had been brought from Aleppo to Jerusalem by Salah Al-Din himself after his liberation of Jerusalem from the Crusaders in 1187.

Its replacement, designed to resemble the original, was finally installed in 2007 at a cost of \$2.115 million to the Jordanian treasury. Repairs to the fire damage are ongoing.

The fourth restoration began in the early 1990s to address weathering and other wear and tear to the Dome of the Rock. Some 1,200 copper and nickel plates, gilded with 24-carat gold, were installed, alongside new roof supports and fireproofing.



Hashemite Fund Director Dr. Wasfi Kailani and engineer Ra'ef Najem join Awqaf Council members in celebrating the finishing of the 2008-2016 important phase of renovating the mosaic in the Dome of the Rock, July 2016. (Supplied)

“His Majesty the late King Hussein sold his house in Britain for £8.5 million, which he donated to renovate the golden dome with 24-carat golden covering,” said Al-Kailani. The restoration brought back the dome’s glittering splendor.

Even so, in recent years the leak in the roof of the Bab Al-Rahmeh prayer hall had become unbearable. Every time it rained, the wet ceiling would drip onto the heads of Muslim worshippers as they prayed in Bab Al-Rahmeh on the periphery of the Al-Aqsa compound.

Israeli police were repeatedly blocking attempts to repair the roof of the small building, tucked just inside the closed Golden Gate, despite regular appeals by the Jerusalem Islamic Waqf.

Then, on Jan. 22, a Palestinian man, wearing a keffiyeh over his face to conceal his identity from Israeli surveillance cameras, climbed onto the roof of Bab Al-Rahmeh prayer hall and repaired the leak. The Israeli police responded with a ban on restoration work and an embargo on all goods and materials coming into the compound.

Bassam Al-Hallaq, director of Al-Aqsa Mosque's Hashemite Restoration Department, was outraged by the move, telling Jordan TV's Eye on Jerusalem program: "I have worked for 40 years and this is the first time that our work has been interrupted."



An Israeli policewoman stands guard at an entrance of the al-Aqsa compound, leading to the Dome of the Rock mosque in the Old City of Jerusalem on October 18, 2020, amid the novel coronavirus pandemic crisis. (AFP/File Photo)

Azzam Khatib, the director-general of the Jordanian Jerusalem Waqf and Al-Aqsa Mosque Affairs Directorate, refused to take the embargo lying down. The Waqf Council met and issued a statement condemning the Israeli action.

Omar Kiswani, director of Al-Aqsa Mosque, said that repairing and restoring the entire compound is the right of the Islamic Waqf and that Israeli authorities have no right to interfere.

Khatib also informed Ghassan Majali, Jordan's ambassador to Israel, and Mohammad Khalaileh, the minister of Waqf in Amman, leading to a strong statement of protest from Jordan's foreign ministry.

The combined pressure campaign worked. Four days after the ban was imposed, the Israeli authorities rescinded the order, allowing restoration work to continue.

“We were able to return to our regular work and bring in all the needed equipment and items needed,” Al-Hallaq said.

“The challenge of restoration has always been how to safeguard the authentic character of every historic segment of Al-Aqsa,” said Al-Kailani of the Hashemite Fund.



A Palestinian woman walks as snow falls at the Dome of the Rock Mosque in Jerusalem's al-Aqsa mosque compound, on February 17, 2021. (AFP/File Photo)

For his part, Al-Hallaq says many of the restoration projects have faced obstruction by Israeli authorities — and more hurdles are expected in future. In addition to the ban on renovations at Bab Al-Rahmeh, Israel has also prevented any attempts to light up the top of the Dome of the Rock.

“Even before the controversy over the repair of the Bab Al-Rahmeh, Israel had banned some of the work, such as the lighting of the golden dome and the fire extinguishing system inside Al-Aqsa Mosque,” he said.

“We have noticed that the current lighting of the Dome of the Rock doesn’t reach the top areas. We have the money and the plans to erect a lighting system that will allow the illumination of the entire Dome of the Rock, but Israel bans the erection of any towers that are needed to light the dome.”

Al-Hallaq says overcoming these obstacles is an important part of the historic and religious duty of Muslims to defend their holy places.

“When you work as an engineer or artisan here, you are always working at risk from Israel,” he said. “But despite all this, while we suffer from these interventions, we are steadfast and insistent on continuing the restoration efforts.”

Twitter: @daoudkuttab (<https://twitter.com/daoudkuttab>)

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Patriarch Theophilos emphasizes Muslims' exclusive right over Haram Al-Sharif

[19-07-2021 02:08 AM]

Ammon News - Patriarch Theophilos III, patriarch of the Holy City and all Jordan and Palestine, on Sunday, said Al-Haram Al-Qudsi Al-Sharif is an exclusive right and property of Muslims, and attacking it or the right of Muslims to pray freely there is "an attack on the freedom of worship guaranteed by international laws and charters, and human morals."



Patriarch Theophilos condemned attempts of extremist groups to provoke Muslims and Christians through ongoing attacks and violating to the Al-Haram Al-Sharif, adding that any visit to the Al-Haram Al-Sharif that is not approved by the Islamic Awqaf Department is considered an intrusion that must stop.

Patriarch Theophilos lauded the leading role of His Majesty King Abdullah, the Custodian over Jerusalem's Islamic and Christian holy sites, in defending the holy sites, and his constant endeavor to preserve them against extremist groups.

He expressed his appreciation for the efforts made by Palestinian President Mahmoud Abbas, the Palestinian leadership, and the Supreme Presidential Committee of Churches Affairs in Palestine (HCC), in exposing extremist groups practices and attacks on Islamic and Christian holy sites.



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AUGUST 30, 2021 9:07 AM

Western Wall Authority Begins Work on At-Risk Mughrabi Bridge

 by Israel Hayom / JNS.org



A general view shows the plaza of the Western Wall in Jerusalem, amid the coronavirus pandemic, May 6, 2020. Photo: Reuters / Ronen Zvulun.

JNS.org – Renovation work on the Mughrabi Bridge at the Western Wall in Jerusalem’s Old City began on Sunday, according to the Western Wall Heritage Foundation, which is responsible for the site. The temporary construction has been deemed by experts to be at risk of collapse.

The project will take several days, the authority said, and part of the women’s prayer section—where the bridge is located—will be closed off.

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Last month, municipal engineer Ofer Cohen, who was hired by the Western Wall Heritage Foundation, notified the state of the bridge's poor condition and warned that unless proper measures were taken, it could lead to a disaster as deadly as the Lag B'Omer [stampede](#) that took the lives of 45 people in May.

Cohen inspected the bridge shortly after that disaster, which shook the country to its core, and deemed it hazardous. The wooden part of the bridge, which sits on a steel base, is rotting and dilapidated, and poses an immediate threat to those using it and to those underneath it, according to Cohen.

The engineer submitted his urgent recommendation in May that although the bridge—providing sole access for police, Israelis and tourists visiting the Temple Mount—is due to be replaced by September, it really should be immediately torn down due to the danger of imminent collapse.

Jerusalem City Engineer Yoel Even urged Mordechai Eliav, director of the Western Wall Heritage Foundation, to promote the construction of a permanent bridge at the Western Wall. In the letter obtained by *Israel Hayom*, Even said the current bridge should be renovated to prevent its collapse but also emphasized the need for permanent construction.

In the meantime, in response to the engineer's report, the state said it would replace the wooden beams that are in bad shape.

The move drew criticism from many. Former Jerusalem City Council member Mina Fenton called the decision to only replace the wooden beams "a crime." She pointed out that construction works would not finish in time for the September deadlines, and thus, the lives of women who visit the Western Wall Plaza will continue to be at risk.

Israeli Violations

Sept 16, 2021

Far right Israeli terrorist Rabbi Yehudah Etzion, who attempted to explode the Dome of the Rock in 1982, leads extremist groups and practice of Jewish rituals in al-Aqsa Mosque / al-Haram al-Sharif. Etzion and his students have recently become the most advocate Jews calling for intruding al-Aqsa Mosque and eroding the Status Quo. Some of them call for eroding the Mosque itself and building Jewish Temple in its place, afternoon incursions, Sept 16, 2021.







0:00 / 0:25

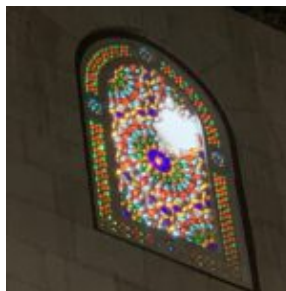
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Hashemite Fund

The Hashemite Fund for the Restoration of Al-Aqsa Mosque and the Dome of the Rock and the Government of the Hashemite Kingdom of Jordan are committed to the protection, maintenance and preservation of Al-Aqsa Mosque / Al-Haram Al-Sharif. This website aims to increase the world's awareness of this holy site's importance and why its protection matters to so many across the globe.

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Jerusalem holy site clashes fuel fears of return to war

© 22 April 2022



Israeli police blocked a flag march through the Old City's Muslim Quarter on Wednesday

By Yolande Knell
BBC News, Jerusalem

Waving or wearing Israeli flags, hundreds of right-wing nationalist marchers shouted angrily by the wall of Jerusalem's Old City as Israeli police blocked them from heading to the main gate to the Muslim Quarter.

As we waited to see exactly what would happen, so was Israel's prime minister. A right-wing nationalist himself, some of those here once supported Naftali

Bennett. But not anymore. Angry chants on Wednesday told him to "go home".


"We came here because it's the Passover holiday, to show that this city is ours, that it belongs to the nation of Israel," said Matan, gripping the hand of his smallest child. "This is our city, our capital, our country."

The prevailing feeling was that as the leader of an ideologically diverse coalition, which includes an Arab Islamist party, Mr Bennett had sold out and failed to deal effectively with recent tensions in Jerusalem.

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A prominent banner declared his rival, the opposition leader Benjamin Netanyahu, to be "king", and there were big cheers for far-right politician, Itamar Ben Gvir.

He told me that Mr Bennett was being held back from doing the correct thing by his fragile government, which recently lost its parliamentary majority after one of his own MPs quit, saying she could not be part of it anymore.

"It's not our prime minister's orders, it's the power of the coalition," Mr Ben Gvir said.

"Naftali Bennett was ordered not to allow Jews onto the Temple Mount," he added, referring to a contested holy site in Jerusalem that is known to Muslims as Haram al-Sharif and is the location of the al-Aqsa Mosque. "They gave him instructions to free 400 terrorists who threw stones."



REUTERS

<https://www.bbc.com/news/world-middle-east-61154373>

| Last Friday, more than 150 Palestinians were injured in clashes with Israeli police at the al-Aqsa Mosque compound

The march had been officially barred from its original planned route and Mr Ben Gvir was also stopped from using his parliamentary immunity to head to Jerusalem flashpoints because of security concerns.

The prime minister accused Mr Ben Gvir of a "political provocation", adding that his intended actions would have endangered police and soldiers whom, he said, were fighting terrorism "with determination".

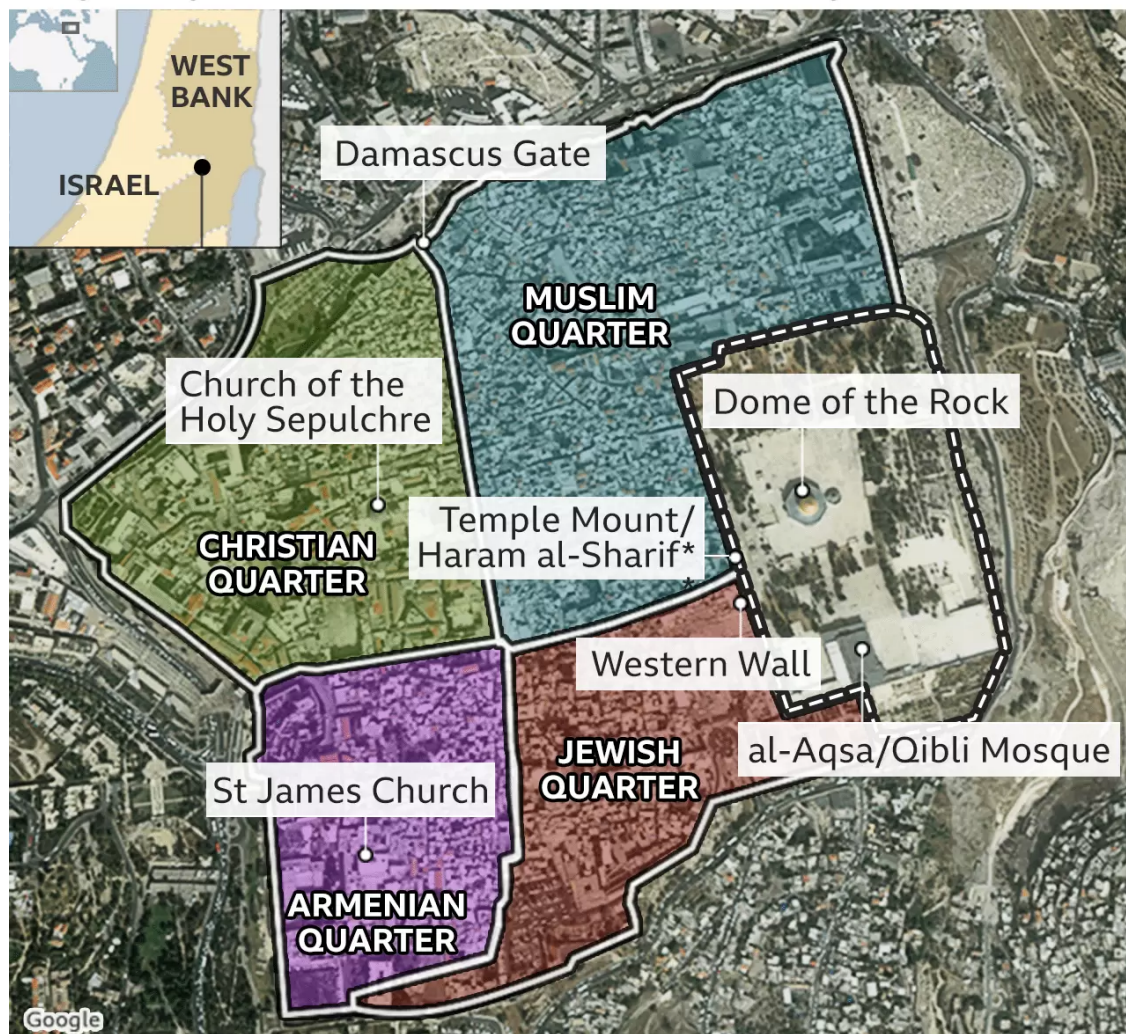
Israel's unusual coalition government rose in the wake of last year's 11-day conflict with Palestinian militants in the Gaza Strip.

Now, the danger is that it could be pushed to collapse by a similar set of events. Concerted efforts to plan for heightened tensions exacerbated by religious holidays coming together have failed to stop a new escalation in violence.

Last Friday saw hours of clashes in the al-Aqsa Mosque compound, just after dawn prayers. Video clips on social media that circulated across the Arab world raised anger.

Israeli police sent up clouds of tear gas, threw stun grenades, and hit people with batons. They said they acted to stop masked rioters, some of whom had thrown fireworks and stones towards the adjacent Western Wall, the holiest place where Jews are allowed to pray.

Key holy sites in Jerusalem's Old City



*Whole site also considered by Muslims as al-Aqsa Mosque



Later, officers could be seen inside the mosque with Palestinians lying on the ground as they were arrested. Several hundred people were detained, most of whom were later released. More than 150 were injured.

"I think the Israelis are trying to start a war instead of pushing for peace," said Mohammed Qasqas, from Battir in the occupied West Bank, who has been heading into Jerusalem for Friday prayers during the Islamic holy month of Ramadan.

"It's really driving everyone crazy. When you don't feel safe to pray that's the worst thing you can think of."



REUTERS

Israeli police said they acted after Palestinians set off fireworks and threw stones at the Western Wall

Adding to the tensions at al-Aqsa Mosque is the idea that there could be changes to long-standing "status quo" arrangements. Israel denies that is the case and says that it acts to preserve freedom of worship.

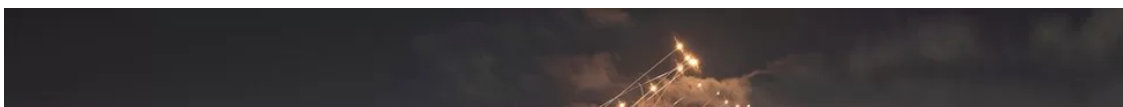
Palestinian Muslims fear that the complex will be partitioned to make a space for Jewish prayer. Rumours repeatedly circulated during the Passover holiday that Jews would return to the practice of sacrificing goats at the site, as they did in biblical times before the Romans destroyed their temple there.

An extremist Jewish group had put up a Facebook post offering 10,000 shekels (\$3,000; £2,400) to anyone who carried out such an act, and Israeli police arrested several people on suspicion of planning a sacrifice after a goat was found in one of their homes.

On successive mornings this week, there were renewed clashes at the al-Aqsa Mosque compound, as heavily armed police tried to clear the courtyard of Muslim worshippers to make way for hundreds of Jewish visitors, many of whom arrived barefoot to avoid desecrating the site.

"This has been going on for years now. It's not new. It's not any change in the status quo," said the deputy mayor of Jerusalem, Fleur Hassan-Nahoum, in a briefing to journalists, which underlined the confusion and contentiousness about what is allowed.

"It's a custom that a very, very limited group of Jewish people goes up to pray on the Jewish holidays," she insisted - as a reporter pointed out the ban on Jews openly praying there.





REUTERS

Although no serious injuries were reported on either side, the sleepless nights brought back painful memories of previous conflicts and fears of a slide into a new conflict.



REUTERS

The Israeli military said it struck militant sites in Gaza in response to this week's rocket fire

The US state department has called on Israeli and Palestinian leaders to "end the cycle of violence" and sent top diplomats to meet officials in the West Bank and Israel, as well as Jordan - the historic custodian of Jerusalem's Muslim and Christian holy sites - and Egypt, which negotiated last year's truce.

However, the Palestinians are calling for increased international involvement. A senior official from President Mahmoud Abbas's Fatah faction complained to me that the world seemed distracted, accusing the US and others of "limp diplomacy".

"We are losing hope, as we see that the international community is using double-standards vis-à-vis Palestine versus the war between Russia and Ukraine," he said.

"Meanwhile, the situation here is very volatile and about to ignite any minute."

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Awqaf Ministry says appointing Al Aqsa guards is within its mandate

[10-05-2022 02:49 AM]

Ammon News - The Awqaf Ministry on Monday said that appointing guards and employees at the Al Aqsa Mosque and Al Haram Al Sharif is within its mandate in coordination with the Islamic Awqaf Department in Jerusalem, and it doesn't accept any participation or dictation from any party, including the Israeli occupation government.



Commenting on recent reports circulated by media outlets on the Israeli government's approval of a Jordanian request to increase the number of Al-Aqsa Mosque guards at the Al Haram Al Sharif, a ministry official source said the ministry has appointed more than 70 guards since 2016, but measures and restrictions placed by the Israeli police on the ground constitute an obstacle that prevents the guards and employees from joining their work.

The source also affirmed that the ministry, through the Islamic Awqaf Department in Jerusalem, is continuing its efforts and procedures despite all obstacles, and its position is firm that it is the only body charged with implementing the Hashemite custodianship over Islamic and Christian holy sites and endowments and consolidating the historical and legal status quo, and that the holy Al-Aqsa Mosque is a pure right of Muslims in which no one shares them.



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MENA

Islamic religious authorities warn of 'suspicious' Israeli excavation at Al Aqsa Mosque

► Al Aqsa Mosque compound is a focal point of Israeli-Palestinian tensions



Jerusalem's Old City, including the compound that houses Al Aqsa Mosque and the Dome of the Rock. Reuters



Amr Mostafa

Jun 25, 2022



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Islamic religious authorities in East Jerusalem have spoken of "suspicious" Israeli excavation work in the vicinity of Al Aqsa Mosque.

The work is being carried out in an area adjacent to the outer base of Al Aqsa Mosque by Israel's antiquities authority and an Israeli settler group, the Islamic Awqaf, Affairs and Holy Sites Council said.

"A group of workers, with bulldozers and excavation equipment, have been working with suspicious haste in the area," the council said in a statement.

It said earth was being removed and holes were being made in walls towards the south of the mosque.

The council said it had for months monitored damage to archaeological stones in the area by workers hired by Israeli settler groups.

"The council warns of the continued sabotage and attempts to change the historical and religious features of these historical sites," it said.

It called for an immediate halt of excavation work in the vicinity of Al Aqsa Mosque.

READ MORE

Israel says no change to Al Aqsa Mosque 'status quo'

[Al Aqsa Mosque](#) compound in Jerusalem's Old City is a site considered holy by Muslims and Jews, and is a focal point of Israeli-Palestinian tensions. Known as Haram Al Sharif to Muslims, the compound includes [Al Aqsa Mosque](#) and the Dome of the Rock.

Muslims believe that the Prophet Mohammed travelled from Makkah to Jerusalem and ascended to heaven from the site.

Jews consider the area the most sacred place in Judaism, as they believe it was once the site of two temples.

Israel captured East Jerusalem, including the Old City, from Jordan during the war of 1967 and then annexed the area. Israel later declared a unified Jerusalem to be its capital, but that move has not been recognised by the international community.

Updated: June 25, 2022, 11:58 AM



Navigation bar with 'Home', 'Search', and menu items: 'Now', 'Sudan crisis', 'Occupation', 'Turkey Politics', 'Français'.

News | Israeli forces restrict access to Al-Aqsa during first Friday prayers of Ramadan | Opinion | Israeli forces impose strict search on young men, while drones and helicopters circle Dome of the Rock



Over 100,000 worshippers went to pray at the Dome of the Rock (MEE)

By MEE staff in Jerusalem

Published date: 24 March 2023 19:16 GMT | Last update: 3 months 16 hours ago



The atmosphere on the roads leading to Al-Aqsa Mosque during the first Friday of Ramadan, one of the holiest days for Muslims, was in stark contrast to previous days.

Israeli forces blocked roads towards the holy site in East Jerusalem, where over 100,000 Muslim worshippers - friends and families - came to pray.

Drones and helicopters circled in the sky above the Dome of the Rock.

In the narrow streets and markets of the Old City, leading towards Al-Aqsa, Israeli forces equipped with teargas canisters were seen stopping young men from entering.

Women of all ages were allowed to enter, as well as men above the age of 55, but all young men were stopped at the gates and searched.

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Israeli police in East Jerusalem, where Al-Aqsa is located (MEE)

At the Qalandia checkpoint, Israeli forces stopped hundreds of people from entering the holy site, causing a backlog of traffic.

Around the gates of Al-Aqsa, Israeli forces, some undercover, could be seen filming worshippers and using binoculars for surveillance.

Farah Erakat, a Palestinian from Abu Dis, said that Israeli forces made it challenging for people to reach the site.

“There have been roadblocks all over and people don’t feel a sense of freedom here. The allowances for women to enter were only for Friday prayers. But typically, it’s very hard for everyone from the West Bank to come,” she told Middle East Eye.

“My sister got stopped and questioned. Every time someone is stopped it ruins their day. Buses have been stopped from getting to certain points.”

Ramadan is the holiest month in the Islamic calendar and, undeterred, Palestinians streamed through the various entrances of Al-Aqsa and lined up to pray.

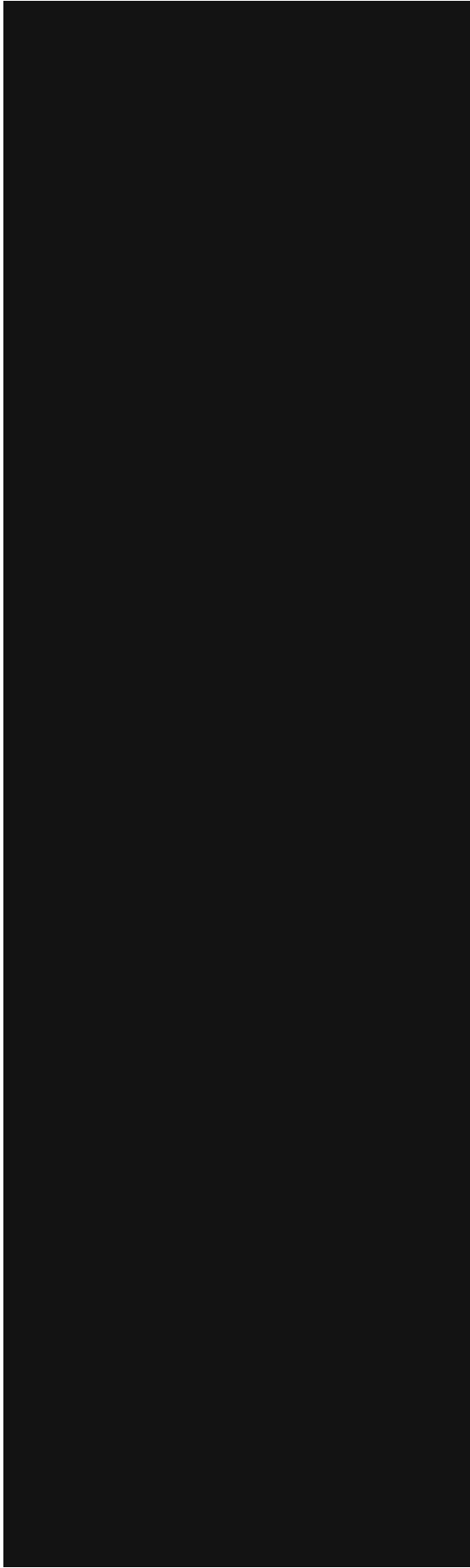
“Police have surrounded our shops and are stopping everyone walking by. It’s usually the young men that get stopped here,” explained Nadia, who owns a shop on al-Wad street in the Old City, close to Al-Aqsa.

‘A special experience’

The streets surrounding Al-Aqsa were decorated with lanterns and string lights in anticipation of the holy month, which is marked by Muslims around the world.

Khadija, who is originally from Nablus and works in a shop close to Al-Aqsa, told Middle East Eye: “There is no experience in the world like Ramadan at Al-Aqsa. It’s special.”

In the streets of the Old City, lines formed outside shops selling everything from pickles to fresh bread and syrup-soaked sweets. Ramadan lanterns also lined streets, adding colour to the markets.





Roadblocks were set up on the streets around the mosque (MEE)

"Al-Aqsa is a unique place in Ramadan, the young people are what make it," said Erakat. "Before the start of Ramadan, women from all over Palestine came to clean the courtyards, which shows how important it is to us."

Prior to the start of the holy month, the trees in the surrounding gardens were given a fresh coat of white paint and the floors were cleaned. During Friday prayers, Palestinian scouts were deployed to help assist people and manage the crowds.

Storming of Damascus Gate

After worshippers broke their fast at sunset, hundreds flocked to Damascus Gate, which has been decorated for the holy month.

The site has become a main focal point for Palestinians to gather and socialise after evening prayers.

Carts of street food selling everything from fava beans to corn on the cob lined the streets, while people ran to find a spot on the stairs. Tea was flowing and music blaring from all directions, with people chanting and singing in elation.

On Thursday, the celebrations were cut short after Israeli forces stormed the crowds of people, at 12.30 am.

"This dispersal is all about the Palestinian consumption of space," one woman told Middle East Eye.

"Yesterday, Israeli forces attacked people at Damascus Gate for no reason. People were just singing and enjoying their time. Just our presence bothers them," said Erakat.

Videos shared online showed people being beaten and carts being kicked and taken apart, as people ran to find their loved ones.

Throughout the evening, Israeli forces were stationed around the steps leading towards Damascus Gate, some undercover. Other forces were deployed at the watchtowers at the gates.

Following the storming of the crowds, families scrambled to find safety and reunite with their friends and family.



Pro-Israel and Palestinian protests greet Netanyahu's visit to London

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Jerusalem churches condemn 'unreasonable' Israeli restrictions for Holy Light ceremony

JT jordantimes.com/news/region/jerusalem-churches-condemn-'unreasonable'-israeli-restrictions-holy-light-ceremony

April 13, 2023

By JT - Apr 13,2023 - Last updated at Apr 13,2023



In this file photo taken on April 23, 2022, Orthodox Christians gather with lit candles around the Edicule, traditionally believed to be the burial site of Jesus Christ, during the Holy Fire ceremony at Jerusalem's Holy Sepulchre Church (AFP photo)

AMMAN — Jerusalem churches have condemned the “unreasonable” restrictions imposed by Israeli forces for the upcoming Holy Light ceremony on Saturday in the Church of the Holy Sepulchre, the day before Easter, according to the Julian calendar.

In a joint statement, the Greek Orthodox Patriarchate, the Custody of the Holy Land and the Armenian Patriarchate said: “Each year, the Churches coordinate with the authorities to ensure this ceremony can take place without issue.

“Notably, last year barriers were imposed by the Israel Authority throughout the Old City that made impossible the access of our local Christian Communities pilgrims from attending the Holy Light Ceremony in the Holy Sepulchre, impeding their freedom to worship and witness the miracle of the resurrection.”

HP EXHIBIT 312

“This year, after many attempts made in good will, we are not able to coordinate with the Israeli authorities, as they are enforcing unreasonable and unprecedented restrictions on access to the Holy Sepulchre — more so than last year. These heavy-handed restrictions will limit access to the Church of the Holy Sepulchre and the Holy Light Ceremony. Police are unfairly and inappropriately placing the burden on the churches to issue invitations, while tying the churches’ hands with unreasonable restrictions that will prevent worshippers from attending, particularly our local community. This makes difficult our coordination with the police,” the statement said.

“As we, the Greek Orthodox Patriarchate, the Custody of the Holy Land and the Armenian Patriarchate clearly stated in our various statements, we shall continue to uphold the Status Quo customs, and the ceremony will be held as customary for two millennia and all who wish to worship with us are invited to attend. With that made clear, we leave the authorities to act as they will. The churches will freely worship and do so in peace,” concluded the statement.

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Ex-Israeli soldier returns Al-Aqsa Mosque key he stole 56 years ago

Jordan News • last updated: May 20,2023



(File photo: Jordan News)

A+ A-



OCCUPIED JERUSALEM – An ex-Israeli soldier, on Thursday, returned a key he stole for the gate of Al-Aqsa Mosque 56 years ago.

The [Jerusalem's Islamic Endowments Department](#) published a video showing its director-general [Sheikh Azzam Al-Khatib](#) receiving the key from Yair Barack who was fighting in the Arab-Israeli War of 1967.

Al-Mughrabi Gate

"I arrived at the [Al-Mughrabi Gate](#) (in the western corridor of [Al-Aqsa Mosque](#))... and when I looked at the left side, I found a key. I don't know why I put my hand on it and took it," he said, according to the Turkish news agency, Anadolu.

"I put the key in my pocket, and since then, I've had it in my possession," he added.

Barack said that after 40 or 50 years, he began feeling uncomfortable that the key was still with him "simply because I stole it and I now decided to return it."

He said Israel should do the same: "I returned the key that I had stolen... to its owners... and this is what Israel should do –to return back to the Palestinians their land, rights, respect, independence, freedom and security," he said.

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Saudi Arabia, Arab nations condemn Israeli security minister's Al-Aqsa visit

MOHAMMED NAJIB

21 May 2023



Israel's National Security Minister Itamar Ben-Gvir (L) walks through the courtyard of Jerusalem's Al-Aqsa mosque complex on May 21, 2023. (AFP)

Short Url

<https://arab.news/gdas4>

- Itamar Ben-Gvir's tour was 'dangerous escalation' say Palestinians and Arab governments

RAMALLAH: Israel's ultra right-wing national security minister has been condemned as "provocative" and "dangerous" after visiting Al-Aqsa mosque in occupied Jerusalem on Sunday.

The visit by Itamar Ben-Gvir — his second since becoming a member of Israel's government — was denounced as a flagrant challenge to the feelings of Muslims and Palestinians and Islamic and Arab sovereignty over the Al-Haram Al-Sharif.

Key institutions and Palestinian, Islamic and Arab officials denounced the move, as well as the holding of an Israeli Cabinet meeting inside the tunnel beneath the Western Wall.

Ben-Gvir entered the courtyards of Al-Aqsa Mosque and performed his prayers in the eastern region and the Bab Al-Rahma area for 30 minutes on Sunday, accompanied by the head of the "Temple Mount" organization manager.

The minister stated: " Hamas threats will not prevent us from being here. We are the owners of the house on the Temple Mount, and this belongs to us, and no one else, and it is important for everyone."

The Israeli Cabinet, headed by Prime Minister Benjamin Netanyahu, held its weekly session at the Western Wall.

Netanyahu said: "Our meeting here today is a message to Abu Mazen (Palestinian President Mahmoud Abbas), who said at the United Nations that the Jewish people have no connection with Jerusalem and that the east of the city is part of the areas of the (Palestinian) Authority ... 3,000 years ago.

"Jerusalem was our capital before London and Washington (existed)."

The Saudi Foreign Ministry strongly condemned Bin-Gvir's visit as a flagrant violation of all international norms and covenants and a provocation to the feelings of Muslims around the world.

It held the Israeli forces fully responsible for the repercussions of the continuation of such abuses.

Jordan criticized Ben-Gvir's actions as "provocative" and a "dangerous and unacceptable escalation" that represented "a flagrant and unacceptable violation of international law, and of the historical and legal status quo in Jerusalem and its holy sites."

The Islamic Waqf echoed both government's comments, adding that it was delusional to think such action would achieve his dreams and goals of Judaizing Al-Aqsa Mosque.

It said that the Cabinet meeting was equally a clear and systematic provocation against the city's Arab-Islamic history and heritage, he said.

The Grand Mufti of Jerusalem and the Palestinian territories, the preacher of the Al-Aqsa Mosque, Mohammed Hussein, told Arab News that the incursions by ministers and Knesset members would not change the landmark's existing legal, religious and historical status as an Islamic mosque for Muslims alone.

Nabil Abu Rudeineh, official spokesman for the PA presidency, said the minister's tour was a dangerous act, and called on the US, to take immediate action to restrain Israel.

The Israeli government has allocated a budget of \$1 million to encourage entry into Al-Aqsa Mosque by extremists and \$4.6 million to support excavations underneath and for the maintenance of existing tunnels.

Hamas spokesman Hazem Qassem said that the Israeli government's weekly meeting was an escalation of the state's religious war.

The Israeli army meanwhile has decided to officially allow settlers to return to the "Homesh" settlement in the northern West Bank, which the army evacuated in 2005.

On March 21, Israeli Knesset approved the Separation Law, allowing settlers to return to four settlements in the West Bank that were evacuated in 2005, reinforcing the legitimacy of random outposts in the northern West Bank.

Also on Sunday, Israeli settlers attacked Palestinian shepherds in the Al-Hamma area in the northern Jordan Valley while grazing their livestock by spraying them with pepper gas.

The mayor of Sebastia, Mohammed Azem, said that the Israeli authorities intend to implement the largest Judaization project for the archaeological site in the historic town of Sebastia, located north of the city of Nablus in the West Bank, at a value of \$10 million.

"The occupation will eliminate the tourism sector in the town, and it will be limited to settlement tourism," said the mayor. "It will also affect the economic situation because dozens of families in Sebastia live on tourism."

Sebastia was the capital of the Romans in Palestine.

It is distinguished by its geographical location, which connects three governorates in the northern West Bank: Nablus, Tulkarem, and Jenin.

It is also on the Christian pilgrimage route from Jerusalem, Bethlehem, Jacob's Well, and Nazareth.

The town is full of dozens of archaeological sites, including the Roman cemetery, the tomb of the Prophet Yahya and his mosque, the Cathedral of John the Baptist, the Al-Kayed Palace, as well as the Basilica Square, the Royal Palace, the Hellenistic Tower, the Temple of Augustus, the theater, Column Street and the stadium.

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May 21 2023 14:12:52



Ankara slams Israeli minister's raid on Haram al-Sharif

ANKARA

Ankara has slammed a raid (/index/raid) by Israeli (/index/israeli) National Security Minister Itamar Ben-Gvir, accompanied by Israeli security guards, on the Haram Al-Sharif (/index/haram-al-sharif), one of the holiest sites for Muslims.

<https://www.hurriyetdailynews.com/ankara-slams-israeli-ministers-raid-on-haram-al-sharif-183335>

2340



Calling Ben-Gvir's raid on the Haram Al-Sharif a violation of international law in a written statement on May 21, the Turkish Foreign Ministry said it "strongly condemns" the breach.

"Challenging the historical status of the Haram al-Sharif and conducting fascist and provocative actions by the Israeli government members is by no means acceptable," it read.

The ministry said it called once again on the Israeli government to end any provocations against the holy site of the Muslims and act with responsibility regarding the Haram Al-Sharif.

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WORLD

Palestinians decry Israeli gov't meeting inside Al-Buraq Wall tunnels of Jerusalem's Al-Aqsa

Al-Buraq Wall is western portion of East Jerusalem's Al-Aqsa Mosque complex

10:00 . 22/05/2023 Monday

AA



File photo



Palestinians on Sunday condemned an Israeli government meeting inside the Western Wall [Al-Buraq Wall] tunnels of Al-Aqsa Mosque complex in occupied East Jerusalem.

Early on Sunday, the government headed by Benjamin Netanyahu held its weekly meeting inside one of the tunnels to mark the anniversary of Israel's occupation of East Jerusalem in 1967.

The Palestinian Authority warned that the Israeli move would embolden further settlement projects on the expense of the Palestinian presence in

Jerusalem.

"The Israeli occupation government is seeking to reinforce its sovereignty in East Jerusalem, and to present a false narrative at the expense of the historical reality of the region, whose roots are Islamic, Christian, Palestinian and Arab" Ahmed Al-Ruwaidi, an adviser to Palestinian President Mahmoud Abbas, told state news agency Wafa.

The Palestinian Foreign Ministry said Israel's feeling of impunity encourages Tel Aviv to go too far "in the process of annexation and judaization of Jerusalem."

The ministry said that all Israeli measures and policies in Jerusalem are "invalid and illegitimate," and don't give Israel any right to annex Jerusalem or have sovereignty over the city.

Hamas group, which rules the Gaza Strip, termed the Israeli cabinet meeting as a "dangerous escalation".

"These steps are an attempt to falsify the identity of Jerusalem, which are a blatant aggression on our people," group spokesman Hazem Qassem said in a statement.

In 1996, Palestinians discovered that Israel secretly excavated a tunnel leading to the ancient Al-Buraq Wall area, triggering clashes with Palestinians that left 63 people dead and 600 injured.

Known to Jews as the "Western or Wailing Wall", Al-Buraq Wall is the western portion of Al-Aqsa Mosque complex, which for Muslims represents the world's third holiest site.

Jews call the area the "Temple Mount," claiming it was the site of two Jewish temples in ancient times.

Israel occupied East Jerusalem, where Al-Aqsa is located, during the 1967 Arab-Israeli war. It annexed the entire city in 1980, in a move never recognized by the international community.

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Israel: cabinet holds meeting beneath Al-Aqsa Mosque



Israel's Cabinet holds a meeting under Al-Aqsa Mosque in Jerusalem on 21 May 2023. [@IsraeliPM/Twitter]

May 22, 2023 at 9:06 am

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Israel's occupation government held a cabinet meeting on Sunday in a tunnel underneath Al-Aqsa Mosque in an attempt to demonstrate the Zionist state's sovereignty over the occupied city of Jerusalem and its holy sites. The tunnel in question is located under Al-Buraq Wall (the "Western Wall") of the Noble Sanctuary of Al-Aqsa.

According to Israeli daily *Maariv*, during the meeting the cabinet approved a large budget – NIS60 million (\$17m) – and a number of Judaisation projects for Jerusalem. The budget and projects are aimed at encouraging more tunnels to be dug beneath Al-Aqsa Mosque which, inevitably, weaken the ancient structure.

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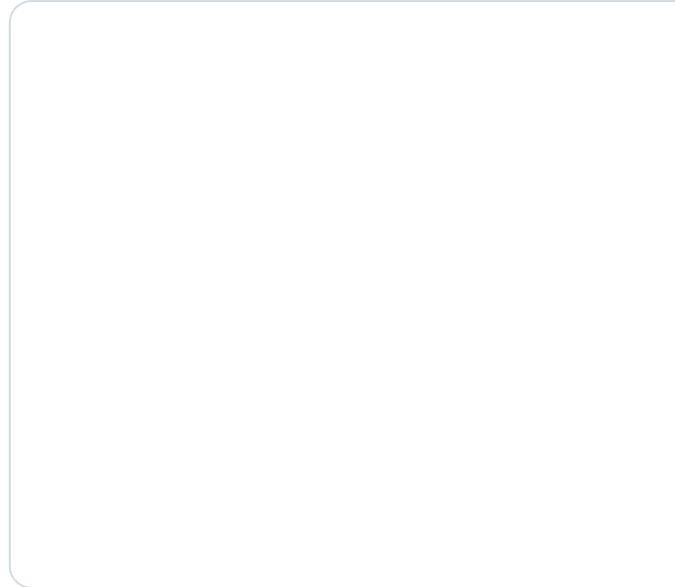
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At its weekly meeting today, in the Western Wall Tunnels, approved Prime Minister Benjamin Netanyahu's proposal approx. NIS 60 million, the budgetary framework of the 5 upgrade infrastructure and encourage visits to the Weste



2:02 PM · May 21, 2023

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"Time and again, my friends and I have been forced to repel international pressure on the part of those who would divide Jerusalem again,"*AFP* quoted Israeli Prime Minister Benjamin Netanyahu as saying. "A few days ago, Abu Mazen [Mahmoud Abbas] said that the Jewish people do not have links to Jerusalem and Al-Haram, therefore, I am telling him that we are holding our meetings today in the depth of Jerusalem and its Haram."

president

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The Palestinian factions and Palestinian Authority condemned the government for holding the cabinet meeting underneath Al-Aqsa Mosque for the first time since 2017. "This is a dangerous escalation of the religious war waged by the Israeli occupation against the holy city of Jerusalem," said Hamas spokesman Hazem Qasem.

Ahmed Ruwaidi, the advisor to PA President Mahmoud Abbas on Jerusalem Affairs, said that the Israeli government is seeking to reinforce its sovereignty in East Jerusalem and to present a false narrative at the expense of the historical reality of the region. He added that the meeting promotes projects aimed at the forcible displacement of the indigenous Palestinian population in the Jerusalem neighbourhoods of Sheikh Jarrah and Silwan.

READ: Israeli far-right security minister storms Jerusalem's Al-Aqsa complex



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WORLD

US 'concerned' by Ben-Gvir's storming of Jerusalem's Al-Aqsa complex **'We believe this holy space should not be used for political purposes,' says State Department**

10:26 . 23/05/2023 Tuesday

AA



File photo



The United States expressed concern on Monday over the far-right Israeli Security Minister Itamar Ben-Gvir's storming of the Al-Aqsa Mosque complex in East Jerusalem.

"We are deeply concerned by the visit to Haram al-Sharif/Temple Mount. We believe this holy space should not be used for political purposes," said Matthew Miller, spokesperson for State Department, at a press briefing.

Miller invited all parties to respect the sanctity of holy spaces.

On Sunday, Ben-Gvir forced his way into the Al-Aqsa Mosque complex. Once inside, he claimed Israel's ownership of the holy site.

Several countries, including the US, Türkiye, France, Jordan, Qatar, and Egypt, also condemned the provocation and the minister's inflammatory rhetoric.

Israel's opposition leader Yair Lapid on Monday also slammed Ben-Gvir's move, calling him "an irresponsible and fanatical man."

For Muslims, Al-Aqsa represents Islam's third-holiest site. Jews call the area the Temple Mount, saying it was the site of two Jewish temples in ancient times.

- Settlement projects

The spokesman also expressed deep concern over the Israeli government's recent decision to permit citizens to establish permanent residency in the northern West Bank.

"We are deeply troubled by the Israeli government's recent order that allows citizens to establish permanent residence in the northern West Bank, which according to Israeli law, is illegally built on private Palestinian land," Miller said, when asked about the continued settlement projects on the expense of the Palestinian presence in Jerusalem.

Miller termed the Israeli government's order as "inconsistent".

US # Ben-Gvir # Jerusalem # Al-Aqsa

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Israel/Palestinian territories: France is concerned about the unilateral measures

[fr]

MIDDLE EAST

STATEMENT BY MR. NICOLAS DE RIVIÈRE, PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS

TO THE SECURITY COUNCIL (Translation from French)

New York, May 24, 2023

Madam President,

I wish to thank Mr. Wennesland and Ms. Hary for their briefings.

France is concerned about the continued unilateral measures. France condemns the decision of the Israeli authorities to authorize the establishment of settlers in Homesh, in the Northern part of the occupied West Bank. This decision, like any announcement to expand or create settlements, runs counter to international law. It also contravenes commitments taken by Israel during the Aqaba and Sharm el-Sheikh meetings. France calls upon the Israeli government to reverse this decision. France will never recognize the illegal annexation of territories, nor the legalization of unauthorized outposts.

France also expresses its concern regarding the second visit of the Israeli Minister of National Security to the Haram al-Sharif/Temple Mount on May 21. This is a provocation. France recalls the need to preserve the historic status quo of the Holy Sites in Jerusalem and underscores the importance of the specific role of Jordan in this regard.

These unilateral measures are stoking tensions on the ground. France welcomes the ceasefire that entered into force on May 13 in the evening thanks to the mediation efforts of Egypt, with the support of the United Nations and Qatar. We call for a sustainable opening of access to Gaza and a lifting of the blockade, accompanied by credible security guarantees for Israel. France will also continue to condemn any attack on Israel and reiterates its unwavering commitment to Israel's security. Any loss of civilian life is unacceptable.

This recent escalation has significantly increased the suffering of civilians. In the Occupied territories, the situation remains precarious. UN agencies, funds, and programs no longer have the financial means to function normally. By August, the World Food Programme will be forced to suspend part of its operations in the West Bank and Gaza if it does not receive funding. Likewise, UNRWA requires additional resources by this summer to continue its operations.

This Council bears the responsibility of defending the two-state solution and ensuring that the resolutions it has adopted are upheld. France welcomes the efforts of the United States, Egypt and Jordan to allow the parties to resume dialogue. We call upon the parties to uphold their commitments, in particular with regard to settlements, but also with regard to respect for the security prerogatives of the Palestinian Authority in Area A.

As was recalled by the Foreign Ministers of France, Germany, Egypt, and Jordan during the seventh meeting of the Amman/Munich Group on May 11, it is essential to relaunch a credible political process leading to a comprehensive, just, and lasting peace between Israelis and Palestinians. France stands ready to contribute to these efforts alongside its partners. The United Nations, and particularly the Special Coordinator, have an important role to play.

Thank you.

LAWS AND CUSTOMS OF WAR ON LAND
(HAGUE, IV)

Convention signed at The Hague October 18, 1907, with annex of regulations

Senate advice and consent to ratification March 10, 1908

Ratified by the President of the United States February 23, 1909

Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909

Entered into force January 26, 1910

Proclaimed by the President of the United States February 28, 1910

Sections II and III of the regulations supplemented by convention of August 12, 1949,¹ relative to protection of civilians in time of war, as between contracting parties to both conventions; chapter II of the regulations complemented by conventions of July 27, 1929,² and August 12, 1949,³ relative to treatment of prisoners of war, as between contracting parties

36 Stat. 2277; Treaty Series 539

[TRANSLATION]

IV

CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR
ON LAND

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions

¹ 6 UST 3516; TIAS 3365.

² TS 846, *post*, vol. 2.

³ 6 UST 3316; TIAS 3364.

Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference,⁴ which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

⁴ The First Peace Conference was held at The Hague May 18-July 29, 1899. See convention of July 29, 1899, respecting laws and customs of war on land (TS 403), *ante*, p. 247.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia :

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Sefir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania :

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias :

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador :

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia :

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;
Mr. C. Corragioni d'Orelli, His Counselor of Legation;
Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemmed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency, Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

ARTICLE 1

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 3

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 4

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 6

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 7

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 8

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 9

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany: Under reservation of
Article 44 of the annexed regulations.
MARSCHALL
KRIEGE

2. For the United States of America:
JOSEPH H. CHOATE
HORACE PORTER

U. M. ROSE
DAVID JAYNE HILL
C. S. SPERRY
WILLIAM I. BUCHANAN

3. For Argentina:
ROQUE SAENZ PEÑA
LUIS M. DRAGO
C. RÚEZ LARRETA

4. For Austria-Hungary: Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.⁵
MÉREY
BON MACCHIO
5. For Belgium:
A. BEERNAERT
J. VAN DEN HEUVEL
GUILLAUME
6. For Bolivia:
CLAUDIO PINILLA
7. For Brazil:
RUY BARBOSA
E. LISBÔA
8. For Bulgaria:
GÉNÉRAL-MAJOR VINAROFF
IV. KARANDJOULOFF
9. For Chile:
DOMINGO GANA
AUGUSTO MATTE
CARLOS CONCHA
10. For China:
11. For Colombia:
JORGE HOLGUIN
S. PEREZ TRIANA
M. VARGAS
12. For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE
GONZALO DE QUESADA
MANUEL SANGUILY
13. For Denmark:
C. BRUN
14. For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL
APOLINAR TEJERA
15. For Ecuador:
VICTOR M. RENDÓN
E. DORN Y DE ALSÚA
16. For Spain:
17. For France:
LÉON BOURGEOIS
D'ESTOURNELLES DE CONSTANT
L. RENAULT
MARCELLIN PELLET
18. For Great Britain:
EDW. FRY
ERNEST SATOW
REAY
HENRY HOWARD
19. For Greece:
CLÉON RIZO RANGABÉ
GEORGES STREIT
20. For Guatemala:
JOSÉ TIBLE MACHADO
21. For Haiti:
DALBÉMAR JN JOSEPH
J. N. LÉGER
PIERRE HUDICOURT
22. For Italy:
POMPILJ
G. FUSINATO
23. For Japan: With reservation of Article 44.
AIMARO SATO
24. For Luxemburg:
EYSCHEN
CTE. DE VILLERS
25. For Mexico:
G. A. ESTEVA
S. B. DE MIER
F. L. DE LA BARRA
26. For Montenegro: Under the reservations formulated as to Article 44 of the regulations annexed to the present Convention and contained in the procès-verbal of the fourth plenary session of August 17, 1907.⁶
NELIDOW
MARTENS
N. TCHARYKOW

⁵ The declaration of Austria-Hungary reads, in translation, as follows: "The delegation of Austria-Hungary having accepted the new Article 22a [The proposed art. 22a became the last paragraph of art. 23.], on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a proposed by the Second Commission."

⁶ The reservations of Montenegro read, in translation, as follows: "The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of new wording of the said Article 44a."

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| <p>27. For Nicaragua:</p> <p>28. For Norway:
F. HAGERUP</p> <p>29. For Panama:
B. PORRAS</p> <p>30. For Paraguay:
G. DU MONCEAU</p> <p>31. For the Netherlands:
W. H. DE BEAUFORT
T. M. C. ASSER
DEN BEER POORTUGAEL
J. A. RÖELL
J. A. LOEFF</p> <p>32. For Peru:
C. G. CANDAMO</p> <p>33. For Persia:
MOMTAZOS-SALTANEH M. SAMAD
KHAN
SADIQH UL MULK M. AHMED KHAN</p> <p>34. For Portugal:
MARQUIS DE SOVERAL
CONDE DE SELIR
ALBERTO D'OLIVEIRA</p> <p>35. For Roumania:
EDO. MAVROCORDATO</p> <p>36. For Russia: Under the reservations
formulated as to Article 44 of the
regulations annexed to the present</p> | <p>Convention and contained in the
procès-verbal of the fourth plenary
session of August 17, 1907.⁷</p> <p>NELIDOW
MARTENS
N. TCHARYKOW</p> <p>37. For Salvador:
P. J. MATHEU
S. PEREZ TRIANA</p> <p>38. For Servia:
S. GROUITCH
M. G. MILOVANOVITCH
M. G. MILITCHEVITCH</p> <p>39. For Siam:
MOM CHATIDEJ UDOM
C. CORRAGIONI D'ORELLI
LUANG BHÜVANARTH NARÜBAL</p> <p>40. For Sweden:
K. H. L. HAMMARSKJÖLD
JOH. HELLNER</p> <p>41. For Switzerland:
CARLIN</p> <p>42. For Turkey: Under reservation of
Article 3.
TURKHAN</p> <p>43. For Uruguay:
JOSÉ BATLLE Y ORDOÑEZ</p> <p>44. For Venezuela:
J. GIL FORTOUL</p> |
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ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I. ON BELLIGERENTS

CHAPTER I. *The Qualifications of Belligerents*

ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

⁷ The Russian reservations read, in translation, as follows: "The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a."

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents, if they carry arms openly and if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II. *Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE 6

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or

dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ARTICLE 17

Officers taken prisoner shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III. *The Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.⁸

SECTION II. HOSTILITIES

CHAPTER I. *Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

⁸ See conventions of Aug. 22, 1864 (TS 377), *ante*, p. 7, and July 6, 1906 (TS 464), *ante*, p. 516.

ARTICLE 23

In addition to the prohibitions provided by special Conventions, it is especially forbidden:

- (a) To employ poison or poisoned weapons;
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- (d) To declare that no quarter will be given;
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- (f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- (h) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II. *Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III. *Flags of Truce*

ARTICLE 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV. *Capitulations*

ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V. *Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III. MILITARY AUTHORITY OVER THE TERRITORY
OF THE HOSTILE STATE

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

ARTICLE 46

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated.

ARTICLE 47

Pillage is formally forbidden.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ARTICLE 49

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effective as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

4. *Requests* the United Nations International Children's Emergency Fund, as the United Nations agency entrusted with special responsibility for meeting emergency needs of children in many parts of the world :

(a) To assist in the conduct of national campaigns for the benefit of the International Children's Emergency Fund, with a view to providing international co-ordination of voluntary governmental and non-governmental appeals for the benefit of children;

(b) To report concerning the appeals to the ninth session of the Economic and Social Council and to the fourth regular session of the General Assembly.

*Hundred and seventy-seventh plenary meeting,
8 December 1948.*

216 (III). Advisory social welfare services

The General Assembly,

Having considered resolution 155 (VII) of the Economic and Social Council of 13 August 1948 on advisory social welfare services,

Approves the provisions of that resolution.

*Hundred and seventy-seventh plenary meeting,
8 December 1948.*

217 (III). International Bill of Human Rights

A

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

4. *Invite* le Fonds international de secours à l'enfance de l'Organisation des Nations Unies en sa qualité d'institution de l'Organisation des Nations Unies spécialement chargée de pourvoir aux pressants besoins des enfants dans de nombreuses parties du monde;

a) A contribuer à l'organisation de campagnes nationales en faveur du Fonds international de secours à l'enfance, afin d'assurer la coordination internationale des appels gouvernementaux et non gouvernementaux bénévoles en faveur de l'enfance;

b) A faire rapport sur les résultats des appels à la neuvième session du Conseil économique et social ainsi qu'à la quatrième session ordinaire de l'Assemblée générale.

*Cent-soixante-dix-septième séance plénière,
le 8 décembre 1948.*

216 (III). Fonctions consultatives en matière de service social

L'Assemblée générale,

Ayant examiné la résolution 155 (VII) du Conseil économique et social, en date du 13 août 1948, relative aux fonctions consultatives en matière de service social,

Approuve les dispositions de ladite résolution.

*Cent-soixante-dix-septième séance plénière,
le 8 décembre 1948.*

217 (III). Charte internationale des droits de l'homme

A

DÉCLARATION UNIVERSELLE DES DROITS DE L'HOMME

PRÉAMBULE

Considérant que la reconnaissance de la dignité inhérente à tous les membres de la famille humaine et de leurs droits égaux et inaliénables constitue le fondement de la liberté, de la justice et de la paix dans le monde,

Considérant que la méconnaissance et le mépris des droits de l'homme ont conduit à des actes de barbarie qui révoltent la conscience de l'humanité et que l'avènement d'un monde où les êtres humains seront libres de parler et de croire, libérés de la terreur et de la misère, a été proclamé comme la plus haute aspiration de l'homme,

Considérant qu'il est essentiel que les droits de l'homme soient protégés par un régime de droit pour que l'homme ne soit pas contraint, en suprême recours, à la révolte contre la tyrannie et l'oppression,

Considérant qu'il est essentiel d'encourager le développement de relations amicales entre nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas 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,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ARTICLE 3

Everyone has the right to life, liberty and the security of person.

Considérant que dans la Charte les peuples des Nations Unies ont proclamé à nouveau leur foi dans les droits fondamentaux de l'homme, dans la dignité et la valeur de la personne humaine, dans l'égalité des droits des hommes et des femmes, et qu'ils se sont déclarés résolus à favoriser le progrès social et à instaurer de meilleures conditions de vie dans une liberté plus grande,

Considérant que les États Membres se sont engagés à assurer, en coopération avec l'Organisation des Nations Unies, le respect universel et effectif des droits de l'homme et des libertés fondamentales,

Considérant qu'une conception commune de ces droits et libertés est de la plus haute importance pour remplir pleinement cet engagement,

L'Assemblée générale

Proclame la présente Déclaration universelle des droits de l'homme comme l'idéal commun à atteindre par tous les peuples et toutes les nations afin que tous les individus et tous les organes de la société, ayant cette Déclaration constamment à l'esprit, s'efforcent, par l'enseignement et l'éducation, de développer le respect de ces droits et libertés et d'en assurer, par des mesures progressives d'ordre national et international, la reconnaissance et l'application universelles et effectives, tant parmi les populations des États Membres eux-mêmes que parmi celles des territoires placés sous leur juridiction.

ARTICLE PREMIER

Tous les êtres humains naissent libres et égaux en dignité et en droits. Ils sont doués de raison et de conscience et doivent agir les uns envers les autres dans un esprit de fraternité.

ARTICLE 2

Chacun peut se prévaloir de tous les droits et de toutes les libertés proclamés dans la présente Déclaration, sans distinction aucune, notamment de race, de couleur, de sexe, de langue, de religion, d'opinion politique ou de toute autre opinion, d'origine nationale ou sociale, de fortune, de naissance ou de toute autre situation.

De plus, il ne sera fait aucune distinction fondée sur le statut politique, juridique ou international du pays ou du territoire dont une personne est ressortissante, que ce pays ou territoire soit indépendant, sous tutelle, non autonome ou soumis à une limitation quelconque de souveraineté.

ARTICLE 3

Tout individu a droit à la vie, à la liberté et à la sûreté de sa personne.

ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

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

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the pro-

ARTICLE 4

Nul ne sera tenu en esclavage ni en servitude; l'esclavage et la traite des esclaves sont interdits sous toutes leurs formes.

ARTICLE 5

Nul ne sera soumis à la torture, ni à des peines ou traitements cruels, inhumains ou dégradants.

ARTICLE 6

Chacun a le droit à la reconnaissance en tous lieux de sa personnalité juridique.

ARTICLE 7

Tous sont égaux devant la loi et ont droit sans distinction à une égale protection de la loi. Tous ont droit à une protection égale contre toute discrimination qui violerait la présente Déclaration et contre toute provocation à une telle discrimination.

ARTICLE 8

Toute personne a droit à un recours effectif devant les juridictions nationales compétentes contre les actes violant les droits fondamentaux qui lui sont reconnus par la constitution ou par la loi.

ARTICLE 9

Nul ne peut être arbitrairement arrêté, détenu ni exilé.

ARTICLE 10

Toute personne a droit, en pleine égalité, à ce que sa cause soit entendue équitablement et publiquement par un tribunal indépendant et impartial, qui décidera, soit de ses droits et obligations, soit du bien fondé de toute accusation en matière pénale dirigée contre elle.

ARTICLE 11

1. Toute personne accusée d'un acte délictueux est présumée innocente jusqu'à ce que sa culpabilité ait été légalement établie au cours d'un procès public où toutes les garanties nécessaires à sa défense lui auront été assurées.

2. Nul ne sera condamné pour des actions ou omissions qui, au moment où elles ont été commises, ne constituaient pas un acte délictueux d'après le droit national ou international. De même, il ne sera infligé aucune peine plus forte que celle qui était applicable au moment où l'acte délictueux a été commis.

ARTICLE 12

Nul ne sera l'objet d'immixtions arbitraires dans sa vie privée, sa famille, son domicile ou sa correspondance, ni d'atteintes à son honneur et à sa réputation. Toute personne a droit à la

tection of the law against such interference or attacks.

ARTICLE 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to

protection de la loi contre de telles immixtions ou de telles atteintes.

ARTICLE 13

1. Toute personne a le droit de circuler librement et de choisir sa résidence à l'intérieur d'un État.

2. Toute personne a le droit de quitter tout pays, y compris le sien, et de revenir dans son pays.

ARTICLE 14

1. Devant la persécution, toute personne a le droit de chercher asile et de bénéficier de l'asile en d'autres pays.

2. Ce droit ne peut être invoqué dans le cas de poursuites réellement fondées sur un crime de droit commun ou sur des agissements contraires aux buts et aux principes des Nations Unies.

ARTICLE 15

1. Tout individu a droit à une nationalité.

2. Nul ne peut être arbitrairement privé de sa nationalité, ni du droit de changer de nationalité.

ARTICLE 16

1. A partir de l'âge nubile, l'homme et la femme, sans aucune restriction quant à la race, la nationalité ou la religion, ont le droit de se marier et de fonder une famille. Ils ont des droits égaux au regard du mariage, durant le mariage et lors de sa dissolution.

2. Le mariage ne peut être conclu qu'avec le libre et plein consentement des futurs époux.

3. La famille est l'élément naturel et fondamental de la société et a droit à la protection de la société et de l'État.

ARTICLE 17

1. Toute personne, aussi bien seule qu'en collectivité, a droit à la propriété.

2. Nul ne peut être arbitrairement privé de sa propriété.

ARTICLE 18

Toute personne a droit à la liberté de pensée, de conscience et de religion; ce droit implique la liberté de changer de religion ou de conviction ainsi que la liberté de manifester sa religion ou sa conviction, seule ou en commun, tant en public qu'en privé, par l'enseignement, les pratiques, le culte et l'accomplissement des rites.

ARTICLE 19

Tout individu a droit à la liberté d'opinion et d'expression, ce qui implique le droit de ne

hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

ARTICLE 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

pas être inquiété pour ses opinions et celui de chercher, de recevoir et de répandre, sans considérations de frontières, les informations et les idées par quelque moyen d'expression que ce soit.

ARTICLE 20

1. Toute personne a droit à la liberté de réunion et d'association pacifiques.

2. Nul ne peut être obligé de faire partie d'une association.

ARTICLE 21

1. Toute personne a le droit de prendre part à la direction des affaires publiques de son pays, soit directement, soit par l'intermédiaire de représentants librement choisis.

2. Toute personne a droit à accéder, dans des conditions d'égalité, aux fonctions publiques de son pays.

3. La volonté du peuple est le fondement de l'autorité des pouvoirs publics; cette volonté doit s'exprimer par des élections honnêtes qui doivent avoir lieu périodiquement, au suffrage universel égal et au vote secret ou suivant une procédure équivalente assurant la liberté du vote.

ARTICLE 22

Toute personne, en tant que membre de la société, a droit à la sécurité sociale; elle est fondée à obtenir la satisfaction des droits économiques, sociaux et culturels indispensables à sa dignité et au libre développement de sa personnalité, grâce à l'effort national et à la coopération internationale, compte tenu de l'organisation et des ressources de chaque pays.

ARTICLE 23

1. Toute personne a droit au travail, au libre choix de son travail, à des conditions équitables et satisfaisantes de travail et à la protection contre le chômage.

2. Tous ont droit, sans aucune discrimination, à un salaire égal pour un travail égal.

3. Quiconque travaille a droit à une rémunération équitable et satisfaisante lui assurant ainsi qu'à sa famille une existence conforme à la dignité humaine et complétée, s'il y a lieu, par tous autres moyens de protection sociale.

4. Toute personne a le droit de fonder avec d'autres des syndicats et de s'affilier à des syndicats pour la défense de ses intérêts.

ARTICLE 24

Toute personne a droit au repos et aux loisirs et notamment à une limitation raisonnable de la durée du travail et à des congés payés périodiques.

ARTICLE 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

ARTICLE 25

1. Toute personne a droit à un niveau de vie suffisant pour assurer sa santé, son bien-être et ceux de sa famille, notamment pour l'alimentation, l'habillement, le logement, les soins médicaux ainsi que pour les services sociaux nécessaires; elle a droit à la sécurité en cas de chômage, de maladie, d'invalidité, de veuvage, de vieillesse ou dans les autres cas de perte de ses moyens de subsistance par suite de circonstances indépendantes de sa volonté.

2. La maternité et l'enfance ont droit à une aide et à une assistance spéciales. Tous les enfants, qu'ils soient nés dans le mariage ou hors mariage, jouissent de la même protection sociale.

ARTICLE 26

1. Toute personne a droit à l'éducation. L'éducation doit être gratuite, au moins en ce qui concerne l'enseignement élémentaire et fondamental. L'enseignement élémentaire est obligatoire. L'enseignement technique et professionnel doit être généralisé; l'accès aux études supérieures doit être ouvert en pleine égalité à tous en fonction de leur mérite.

2. L'éducation doit viser au plein épanouissement de la personnalité humaine et au renforcement du respect des droits de l'homme et des libertés fondamentales. Elle doit favoriser la compréhension, la tolérance et l'amitié entre toutes les nations et tous les groupes raciaux ou religieux, ainsi que le développement des activités des Nations Unies pour le maintien de la paix.

3. Les parents ont, par priorité, le droit de choisir le genre d'éducation à donner à leurs enfants.

ARTICLE 27

1. Toute personne a le droit de prendre part librement à la vie culturelle de la communauté, de jouir des arts et de participer au progrès scientifique et aux bienfaits qui en résultent.

2. Chacun a droit à la protection des intérêts moraux et matériels découlant de toute production scientifique, littéraire ou artistique dont il est l'auteur.

ARTICLE 28

Toute personne a droit à ce que règne, sur le plan social et sur le plan international, un ordre tel que les droits et libertés énoncés dans la présente Déclaration puissent y trouver plein effet.

ARTICLE 29

1. L'individu a des devoirs envers la communauté dans laquelle seule le libre et plein développement de sa personnalité est possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

*Hundred and eighty-third plenary meeting,
10 December 1948.*

B

RIGHT OF PETITION

The General Assembly,

Considering that the right of petition is an essential human right, as is recognized in the Constitutions of a great number of countries,

Having considered the draft article on petitions in document A/C.3/306 and the amendments offered thereto by Cuba and France,

Decides not to take any action on this matter at the present session;

Requests the Economic and Social Council to ask the Commission on Human Rights to give further examination to the problem of petitions when studying the draft covenant on human rights and measures of implementation, in order to enable the General Assembly to consider what further action, if any, should be taken at its next regular session regarding the problem of petitions.

*Hundred and eighty-third plenary meeting,
10 December 1948.*

C

FATE OF MINORITIES

The General Assembly,

Considering that the United Nations cannot remain indifferent to the fate of minorities,

Considering that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises,

2. Dans l'exercice de ses droits et dans la jouissance de ses libertés, chacun n'est soumis qu'aux limitations établies par la loi exclusivement en vue d'assurer la reconnaissance et le respect des droits et libertés d'autrui et afin de satisfaire aux justes exigences de la morale, de l'ordre public et du bien-être général dans une société démocratique.

3. Ces droits et libertés ne pourront, en aucun cas, s'exercer contrairement aux buts et aux principes des Nations Unies.

ARTICLE 30

Aucune disposition de la présente Déclaration ne peut être interprétée comme impliquant pour un État, un groupement ou un individu un droit quelconque de se livrer à une activité ou d'accomplir un acte visant à la destruction des droits et libertés qui y sont énoncés.

*Cent-quatre-vingt-troisième séance plénière,
le 10 décembre 1948.*

B

DROIT DE PÉTITION

L'Assemblée générale,

Considérant que le droit de pétition est un des droits essentiels de l'homme, comme le reconnaissent les constitutions de nombreux pays,

Ayant examiné le projet d'article relatif aux pétitions qui figure dans le document A/C.3/306 et les amendements à cet article déposés par Cuba et la France,

Décide de ne prendre aucune mesure à ce sujet au cours de la présente session;

Prie le Conseil économique et social d'inviter la Commission des droits de l'homme à procéder à un nouvel examen du problème des pétitions lorsqu'elle examinera le projet de pacte relatif aux droits de l'homme et aux mesures de mise en œuvre, afin que l'Assemblée générale puisse, au cours de sa prochaine session ordinaire, examiner quelles mesures doivent être prises, s'il y a lieu d'en prendre, en ce qui concerne le problème des pétitions.

*Cent-quatre-vingt-troisième séance plénière,
le 10 décembre 1948.*

C

SORT DES MINORITÉS

L'Assemblée générale,

Considérant que les Nations Unies ne peuvent pas demeurer indifférentes au sort des minorités,

Considérant qu'il est difficile d'adopter une solution uniforme de cette question complexe et délicate qui revêt des aspects particuliers dans chaque État où elle se pose,

Considering the universal character of the Declaration of Human Rights,

Decides not to deal in a specific provision with the question of minorities in the text of this Declaration;

Refers to the Economic and Social Council the texts submitted by the delegations of the Union of Soviet Socialist Republics, Yugoslavia and Denmark on this subject contained in document A/C.3/307/Rev. 2, and requests the Council to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities.

*Hundred and eighty-third plenary meeting,
16 December 1948.*

D

PUBLICITY TO BE GIVEN TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The General Assembly,

Considering that the adoption of the Universal Declaration of Human Rights is an historic act, destined to consolidate world peace through the contribution of the United Nations towards the liberation of individuals from the unjustified oppression and constraint to which they are too often subjected,

Considering that the text of the Declaration should be disseminated among all peoples throughout the world,

1. *Recommends* Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories;

2. *Requests* the Secretary-General to have this Declaration widely disseminated and, to that end, to publish and distribute texts, not only in the official languages, but also, using every means at his disposal, in all languages possible;

3. *Invites* the specialized agencies and non-governmental organizations of the world to do their utmost to bring this Declaration to the attention of their members.

*Hundred and eighty-third plenary meeting,
16 December 1948.*

Considérant le caractère universel de la Déclaration des droits de l'homme,

Décide de ne pas traiter par une disposition spécifique dans le corps de cette Déclaration la question des minorités;

Renvoie au Conseil économique et social les textes soumis par les délégations de l'Union des Républiques socialistes soviétiques, de la Yougoslavie et du Danemark sur cette question dans le document A/C.3/307/Rev. 2, et prie le Conseil d'inviter la Commission des droits de l'homme et la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités à procéder à un examen approfondi du problème des minorités, afin que l'Organisation des Nations Unies puisse adopter des mesures efficaces de protection des minorités raciales, nationales, religieuses et linguistiques.

*Cent-quatre-vingt-troisième séance plénière,
le 10 décembre 1948.*

D

PUBLICITÉ A DONNER À LA DÉCLARATION UNIVERSELLE DES DROITS DE L'HOMME

L'Assemblée générale,

Considérant que le vote de la Déclaration universelle des droits de l'homme est un acte historique, destiné à affermir la paix mondiale en faisant contribuer l'Organisation des Nations Unies à libérer l'individu de l'oppression et des contraintes illégitimes dont il est trop souvent victime,

Considérant que le texte de la Déclaration doit avoir une diffusion de caractère vraiment populaire et universel,

1. *Recommande* aux Gouvernements des États Membres de manifester leur fidélité à l'Article 56 de la Charte, en ne négligeant aucun des moyens en leur pouvoir pour publier solennellement le texte de la Déclaration et, ensuite, pour faire en sorte qu'il soit distribué, affiché, lu et commenté principalement dans les écoles et autres établissements d'enseignement, sans distinction fondée sur le statut politique des pays ou des territoires;

2. *Prie* le Secrétaire général de donner à cette Déclaration une très large diffusion et, à ces fins, de publier et faire distribuer les textes non seulement dans les langues officielles, mais encore, dans la mesure de ses moyens, dans toutes les langues possibles;

3. *Invite* les institutions spécialisées et les organisations non gouvernementales du monde à bien vouloir faire leur possible pour porter cette Déclaration à la connaissance de leurs membres.

*Cent-quatre-vingt-troisième séance plénière,
le 10 décembre 1948.*

F

PREPARATION OF A DRAFT COVENANT ON
HUMAN RIGHTS AND DRAFT MEASURES
OF IMPLEMENTATION

The General Assembly,

Considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant on Human Rights and measures of implementation,

Requests the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation.

*Hundred and eighty-third plenary meeting,
10 December 1948.*

E

PREPARATION D'UN PROJET DE PACTE
RELATIF AUX DROITS DE L'HOMME ET
DE MESURES DE MISE EN ŒUVRE

L'Assemblée générale,

Considérant que le plan de travail de la Commission des droits de l'homme prévoit l'élaboration d'une charte internationale des droits de l'homme, qui devra comprendre une Déclaration, un Pacte relatif aux droits de l'homme et des mesures de mise en œuvre;

Invite le Conseil économique et social à demander à la Commission des droits de l'homme de continuer à donner la priorité, dans son plan de travail, à la préparation d'un projet de pacte relatif aux droits de l'homme et à l'élaboration des mesures de mise en œuvre.

*Cent-quatre-vingt-troisième séance plénière,
le 10 décembre 1948.*

IV

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RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS
IN TIME OF WAR OF 12 AUGUST 1949**

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IV

GENEVA CONVENTION
RELATIVE TO THE PROTECTION OF CIVILIAN
PERSONS IN TIME OF WAR OF 12 AUGUST 1949

PART I

GENERAL PROVISIONS

Article 1. — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

*Respect
for the
Convention¹*

ART. 2. — In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

*Application
of the
Convention*

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ART. 3. — In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

*Conflicts
not of an
international
character*

- 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated

¹ The marginal notes or titles of articles have been drafted by the Swiss Federal Department of Foreign Affairs.

humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

*Definition of
protected
persons*

ART. 4. — Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949,

or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

ART. 5. — Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Derogations

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ART. 6. — The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

*Beginning
and end of
application*

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ART. 7. — In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make

*Special
agreements*

separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Non-renunciation of rights

ART. 8. — Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Protecting Powers

ART. 9. — The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Activities of the International Committee of the Red Cross

ART. 10. — The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

Substitutes for Protecting Powers

ART. 11. — The High Contracting Parties may at any time agree to entrust to an international organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the

activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

ART. 12. — In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

*Conciliation
procedure*

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them

for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

**GENERAL PROTECTION OF POPULATIONS
AGAINST CERTAIN CONSEQUENCES OF WAR**

*Field of
application
of Part II*

ART. 13. — The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

*Hospital and
safety zones
and localities*

ART. 14. — In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

*Neutralized
zones*

ART. 15. — Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

- a) wounded and sick combatants or non-combatants;

- b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ART. 16. — The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

*Wounded
and sick*

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

*I.
General
protection*

ART. 17. — The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

*II.
Evacuation*

ART. 18. — Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

*III.
Protection
of hospitals*

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

*IV.
Discontinu-
ance of
protection
of hospitals*

ART. 19. — The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

*V.
Hospital staff*

ART. 20. — Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armband which they shall wear on the left arm while carrying out their duties. This armband shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armband, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

*VI.
Land and sea
transport*

ART. 21. — Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and

protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ART. 22. — Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

*VII.
Air transport*

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ART. 23. — Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

*Consignments
of medical
supplies, food
and clothing*

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- a) that the consignments may be diverted from their destination,
- b) that the control may not be effective, or
- c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such

permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

*Measures
relating to
child welfare*

ART. 24. — The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

Family news

ART. 25. — All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the co-operation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

*Dispersed
families*

ART. 26. — Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the

object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES
OF THE PARTIES TO THE CONFLICT
AND TO OCCUPIED TERRITORIES

ART. 27. — Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Treatment

*I.
General
observations*

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ART. 28. — The presence of a protected person may not be used to render certain points or areas immune from military operations.

*II.
Danger zones*

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*III.
Responsibilities*

ART. 29. — The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

*Application
to Protecting
Powers and
relief
organizations*

ART. 30. — Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

*Prohibition
of coercion*

ART. 31. — No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

*Prohibition
of corporal
punishment,
torture, etc.*

ART. 32. — The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

*Individual
responsibility,
collective
penalties,
pillage,
reprisals*

ART. 33. — No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Hostages

ART. 34. — The taking of hostages is prohibited.

SECTION II

ALIENS IN THE TERRITORY
OF A PARTY TO THE CONFLICT

ART. 35. — All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

*Right to leave
the territory*

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ART. 36. — Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

*Method of
repatriation*

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ART. 37. — Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

*Persons in
confinement*

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

Non-repatriated persons

I. General observations

ART. 38. — With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- 1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- 2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- 3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- 4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- 5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

II. Means of existence

ART. 39. — Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

III. Employment

ART. 40. — Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ART. 41. — Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

*IV.
Assigned
residence.
Internment*

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ART. 42. — The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

*V.
Grounds for
internment
or assigned
residence.
Voluntary
internment*

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ART. 43. — Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

*VI.
Procedure*

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or

boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

VII.
Refugees

ART. 44. — In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

VIII.
*Transfer to
another
Power*

ART. 45. — Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power falls to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

*Cancellation
of restrictive
measures*

ART. 46. — In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III

OCCUPIED TERRITORIES

ART. 47. — Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

*Inviolability
of rights*

ART. 48. — Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

*Special
cases of
repatriation*

ART. 49. — Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

*Deportations,
transfers,
evacuations*

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Children

ART. 50. — The Occupying Power shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

*Enlistment.
Labour*

ART. 51. — The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be

applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ART. 52. — No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

*Protection
of workers*

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ART. 53. — Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

*Prohibited
destruction*

ART. 54. — The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

*Judges
and public
officials*

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ART. 55. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

*Food
and medical
supplies
for the
population*

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

Hygiene and public health

ART. 56. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

Requisition of hospitals

ART. 57. — The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

Spiritual assistance

ART. 58. — The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

Relief
I.
Collective relief

ART. 59. — If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ART. 60. — Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

*II.
Responsibilities of the
Occupying
Power*

ART. 61. — The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

*III.
Distribution*

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ART. 62. — Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

*IV.
Individual
relief*

ART. 63. — Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

*National
Red Cross
and other
relief
societies*

- a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross Principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

*Penal
legislation*

*I.
General
observations*

ART. 64. — The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

*II.
Publication*

ART. 65. — The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

*III.
Competent
courts*

ART. 66. — In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

*IV.
Applicable
provisions*

ART. 67. — The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall

take into consideration the fact that the accused is not a national of the Occupying Power.

ART. 68. — Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

ART. 69. — In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

ART. 70. — Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State,

*V.
Penalties.
Death
penalty*

*VI.
Deduction
from
sentence of
period spent
under arrest*

*VII.
Offences
committed
before
occupation*

shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

*Penal
procedure*

ART. 71. — No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

*I.
General
observations*

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- a) description of the accused;
- b) place of residence or detention;
- c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- d) designation of the court which will hear the case;
- e) place and date of the first hearing.

*II.
Right of
defence*

ART. 72. — Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person

has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ART. 73. — A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

*III.
Right of
appeal*

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ART. 74. — Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

*IV.
Assistance
by the
Protecting
Power*

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ART. 75. — In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

*V.
Death
sentence*

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

*Treatment
of detainees*

ART. 76. — Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

*Handing over
of detainees
at the close of
occupation*

ART. 77. — Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

*Security
measures.
Internment
and assigned
residence.
Right of
appeal*

ART. 78. — If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible

delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT
OF INTERNEES

CHAPTER I

General Provisions

ART. 79. — The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

*Cases of
internment
and applicable
provisions*

ART. 80. — Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

Civil capacity

ART. 81. — Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

Maintenance

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ART. 82. — The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language

*Grouping
of internees*

and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II

Places of Internment

*Location
of places of
internment.
Marking
of camps*

ART. 83. — The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

*Separate
internment*

ART. 84. — Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

*Accommoda-
tion, hygiene*

ART. 85. — The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts

the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ART. 86. — The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

*Premises
for religions
services*

ART. 87. — Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Canteens

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered

for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

*Air raid
shelters.
Protective
measures*

ART. 88. — In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III

Food and Clothing

Food

ART. 89. — Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers and children under fifteen years of age shall be given additional food, in proportion to their physiological needs.

Clothing

ART. 90. — When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV

Hygiene and Medical Attention

ART. 91. — Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Medical attention

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ART. 92. — Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

Medical inspections

CHAPTER V

Religious, Intellectual and Physical Activities

*Religious
duties*

ART. 93. — Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

*Recreation,
study, sports
and games*

ART. 94. — The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces

shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ART. 95. — The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

*Working
conditions*

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees, thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ART. 96. — All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities

*Labour
detachments*

of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

CHAPTER VI

Personal Property and Financial Resources

*Valuables
and personal
effects*

ART. 97. — Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

ART. 98. — All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

*Financial
resources and
individual
accounts*

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

CHAPTER VII

Administration and Discipline

ART. 99. — Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

*Camp
administra-
tion.
Posting of the
Convention
and of orders*

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

General discipline

ART. 100. — The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manœuvres, or the reduction of food rations, are prohibited.

Complaints and petitions

ART. 101. — Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees may be sent by the Internee Committees to the representatives of the Protecting Powers.

Internee Committees

*I.
Election of members*

ART. 102. — In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ART. 103. — The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

*II.
Duties*

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ART. 104. — Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

*III.
Prerogatives*

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees, Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII

Relations with the Exterior

ART. 105. — Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

*Notification
of measures
taken*

*Internment
card*

ART. 106. — As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

*Correspon-
dence*

ART. 107. — Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

*Relief
shipments*

*I.
General
principles*

ART. 108. — Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ART. 109. — In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

*II.
Collective
relief*

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ART. 110. — All relief shipments for internees shall be exempt from import, customs and other dues.

*III.
Exemption
from postal
and
transport
charges*

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

*Special
means of
transport*

ART. 111. — Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

*Censorship
and
examination*

ART. 112. — The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ART. 113. — The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

Execution and transmission of legal documents

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ART. 114. — The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

Management of property

ART. 115. — In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

Facilities for preparation and conduct of cases

ART. 116. — Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

Visits

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX

Penal and Disciplinary Sanctions

ART. 117. — Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

General provisions. Applicable legislation

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not

punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

Penalties

ART. 118. — The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight, and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

Disciplinary punishments

ART. 119. — The disciplinary punishments applicable to internees shall be the following:

- 1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- 2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- 3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- 4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Escapes

ART. 120. — Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape, or attempt to escape, shall be liable on this count to disciplinary punishment only.

ART. 121. — Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

Connected offences

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ART. 122. — Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

*Investigations.
Confinement awaiting hearing*

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ART. 123. — Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

*Competent authorities.
Procedure*

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

Premises for disciplinary punishments

ART. 124. — Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

Essential safeguards

ART. 125. — Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

Provisions applicable to judicial proceedings

ART. 126. — The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X

Transfers of Internees

ART. 127. — The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

Conditions

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

ART. 128. — In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

Method

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to

ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI

Deaths

*Wills. Death
certificates*

ART. 129. — The wills of internees shall be received for safekeeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

*Burial.
Cremation*

ART. 130. — The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safekeeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the

identification of the deceased internees, as well as the exact location of their graves.

ART. 131. — Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

*Internees
killed
or injured
in special
circum-
stances*

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII

Release, Repatriation and Accommodation in Neutral Countries

ART. 132. — Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

*During
hostilities or
occupation*

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ART. 133. — Internment shall cease as soon as possible after the close of hostilities.

*After the
close of
hostilities*

Internees in the territory of a Party to the conflict, against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

*Repatriation
and return to
last place of
residence*

ART. 134. — The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

Costs

ART. 135. — The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

*National
Bureaux*

ART. 136. — Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various

departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

ART. 137. — Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

*Transmission
of
information*

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

ART. 138. — The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

*Particulars
required*

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ART. 139. — Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to

*Forwarding
of personal
valuables*

whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

*Central
Agency*

ART. 140. — A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief Societies described in Article 142.

*Exemption
from charges*

ART. 141. — The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

ART. 142. — Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

Relief societies and other organizations

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

ART. 143. — Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

Supervision

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the

Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

*Dissemination
of the
Convention*

ART. 144. — The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

*Translations.
Rules of
application*

ART. 145. — The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

*Penal
sanctions*

*I.
General
observations*

ART. 146. — The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following

of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ART. 147. — Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

*II.
Grave
breaches*

ART. 148. — No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

*III.
Responsi-
bilities of the
Contracting
Parties*

ART. 149. — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

*Enquiry
procedure*

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed. Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II

FINAL PROVISIONS

ART. 150. — The present Convention is established in English and in French. Both texts are equally authentic.

Languages

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

- Signature* **ART. 151.** — The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.
- Ratification* **ART. 152.** — The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.
A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.
- Coming into force* **ART. 153.** — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.
Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.
- Relation with the Hague Conventions* **ART. 154.** — In the relations between the Powers who are bound by the Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of The Hague.
- Accession* **ART. 155.** — From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.
- Notification of accessions* **ART. 156.** — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.
The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.
- Immediate effect* **ART. 157.** — The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ART. 158. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention. *Denunciation*

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ART. 159. — The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention. *Registration with the United Nations*

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL
AND SAFETY ZONES AND LOCALITIES

ARTICLE 1. — Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

ART. 2. — No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

ART. 3. — The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

ART. 4. — Hospital and safety zones shall fulfil the following conditions:

- a)* They shall comprise only a small part of the territory governed by the Power which has established them.
- b)* They shall be thinly populated in relation to the possibilities of accommodation.
- c)* They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- d)* They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ART. 5. — Hospital and safety zones shall be subject to the following obligations:

- a)* The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- b)* They shall in no case be defended by military means.

ART. 6. — Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground. They may be similarly marked at night by means of appropriate illumination.

ART. 7. — The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly established.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

ART. 8. — Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

ART. 9. — Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

ART. 10. — Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

ART. 11. — In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

ART. 12. — In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

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Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ART. 13. — The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

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ANNEX II

DRAFT REGULATIONS
CONCERNING COLLECTIVE RELIEF

ARTICLE 1. — The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible, to all internees who are dependent for administration on the said Committee's place of internment, including those internees who are in hospitals, or in prisons or other penitentiary establishments.

ART. 2. — The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

ART. 3. — Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon for the donors.

ART. 4. — Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all sub-divisions and annexes of their places of internment has been carried out in accordance with their instructions.

ART. 5. — Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ART. 6. — In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the Internee Committee holding the keys of one lock, and the commandant of the place of internment the keys of the other.

ART. 7. — The High Contracting Parties, and the Detaining Powers in particular, shall, so far as is in any way possible and subject to the regulations governing the food supply of the population, authorize purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ART. 8. — The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organization giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

ANNEX III

I. INTERNMENT CARD

1. Front

<u>CIVILIAN INTERNEE MAIL</u>		Postage free
POST CARD		
<p style="text-align: center;">IMPORTANT</p> <p>This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.</p> <p>This card is not the same as the special card which each internee is allowed to send to his relatives.</p>	<p>CENTRAL INFORMATION AGENCY FOR PROTECTED PERSONS</p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p>	

2. Reverse side

Write legibly and in block letters — 1. Nationality			
2. Surname	3. First names (<i>in full</i>)	4. First name of father	
.....			
5. Date of birth	6. Place of birth.....		
.....			
7. Occupation			
.....			
8. Address before detention.....			
.....			
9. Address of next of kin			
.....			
.....			
10. Interned on: *			
(or)			
Coming from (hospital, etc.) on:			
11. State of health *			
.....			
12. Present address			
.....			
13. Date.....		14. Signature.....	
.....			
* Strike out what is not applicable. Do not add any remarks. See explanations on other side of card.			

(Size of internment card — 10 x 15 cm)

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ANNEX III

II. LETTER

CIVILIAN INTERNEE SERVICE

—
Postage free

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

Internment address

Date and place of birth

Surname and first names

Sender:

(Size of letter — 29 x 15 cm)

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III. CORRESPONDENCE CARD

1. Front

<u>CIVILIAN INTERNEE MAIL</u>		Postage free
POST CARD		
<i>Sender:</i> Surname and first names Date and place of birth Internment address	To	
	Street and number	
	<u>Place of destination</u> <i>(in block capitals)</i>	
	Province or Department	
	Country <i>(in block capitals)</i>	

2. Reverse side

Date:
.....
.....
.....
.....
.....
.....
Write on the dotted lines only and as legibly as possible

(Size of correspondence card — 10 x15 cm)

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Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

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[Article 1 - Respect for the Convention](#)

ARTICLE [1](#) -- RESPECT FOR THE CONVENTION

A clause of this kind appeared, in a slightly different form, in the 1929 Conventions. Its prominent position at the beginning of each of the 1949 Conventions gives it increased importance. By undertaking at the very outset to respect the clauses of the Convention, the Contracting Parties drew attention to the special character of that instrument. It is not an engagement concluded on a basis of reciprocity, binding each party to the contract only in so far as the other party observes its obligations. It is rather a series of unilateral engagements solemnly contracted before the world as represented by the other Contracting Parties. Each State contracts obligations 'vis-à-vis' itself and at the same time 'vis-à-vis' the others. The motive of the Convention is such a lofty one, so universally recognized as an imperative call of civilization, that the need is felt for its assertion, as much out of respect for it on the part of the signatory State itself as in the expectation of such respect from an opponent, indeed perhaps even more for the former reason than for the latter.

[p.16] The Contracting Parties do not undertake merely to respect the Convention, but also to 'ensure respect' for it. The wording may seem redundant. When a State contracts an engagement, the engagement extends eo ipso to all those over whom it has authority, as well as to the representatives of its authority; and it is under an obligation to issue the necessary orders. The use in all four Conventions of the words "and to ensure respect for" was, however, deliberate: they were intended to emphasize the responsibility of the Contracting Parties. Article [29](#) expressly states, moreover, that

the Party to the conflict is responsible for the treatment accorded to protected persons. It would not, for example, be enough for a State to give orders or directions to a few civilian or military authorities, leaving it to them to arrange as they pleased for their detailed execution. It is for the State to supervise the execution of the orders it gives. Furthermore, if it is to fulfil the solemn undertaking it has given, the State must of necessity prepare in

advance, that is to say in peacetime, the legal, material or other means of ensuring the faithful enforcement of the Convention when the occasion arises. It follows, therefore, that in the event of a Power failing to fulfil its obligations, the other Contracting Parties (neutral, allied or enemy) may, and should, endeavour to bring it back to an attitude of respect for the Convention. The proper working of the system of protection provided by the Convention demands in fact that the Contracting Parties should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that the humanitarian principles underlying the Conventions are applied universally.

The words "in all circumstances" which appear in this Article, do not, of course, cover the case of civil war (1), as the rules to be followed in such conflicts are laid down by the Convention itself, in Article 3 . The expression refers to all situations in which the Convention has to be applied, as described, for example, in Article 2 . Disregarding the provisions applicable in peacetime, and Article 3 which relates only to conflicts not of an international character, the words "in all circumstances" mean that as soon as one of the conditions of application for which Article 2 provides, is present, no Contracting Party can offer any valid pretext, legal or otherwise, for not respecting the Convention in its entirety. The words in question also mean that the application of the Convention does not depend on the character of the conflict. Whether a war is "just" or "unjust", whether it is a war of aggression or of resistance to aggression, whether the intention is [p.17] merely to occupy territory or to annex it, in no way affects the treatment protected persons should receive.

In view of the foregoing considerations and the fact that the provisions for the repression of violations have been considerably strengthened (2), it is clear that Article 1 is no mere empty form of words, but has been deliberately invested with imperative force. It must be taken in its literal meaning.

Notes: (1) [(1) p.16] See Frédéric SIRDDET, ' The Geneva Conventions and Civil War ', Supplement to the ' Revue internationale de la Croix-Rouge ', Vol. III, Nos. 8, 9 and 11, Geneva,

August, September and November 1950;

(2) [(1) p.17] The Contracting Parties are no longer merely required to take the necessary legislative action to prevent or repress violations. They are under an obligation to seek out and prosecute the guilty parties, and cannot evade their responsibility;

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[Article 27 - Treatment I. General observations](#)

ARTICLE [27](#). -- TREATMENT: GENERAL OBSERVATIONS

GENERAL REMARKS. HISTORICAL BACKGROUND

Article 27, placed at the head of Part III, occupies a key position among the Articles of the Convention. It is the basis of the Convention, [p.200] proclaiming as it does the principles on which the whole of "Geneva Law" is founded. It proclaims the principle of respect for the human person and the inviolable character of the basic rights of individual men and women.

The statement of these principles in an international convention gives them the character of legal obligations and marks an essential stage in the history of international law -- in particular international humanitarian law, which is concerned above all with man as man.

It codifies notions which date back to ancient times and which, through Christian thought and particularly Thomism, have, since the Reformation made their appearance in international law (1). Such notions are not characteristic of western civilization alone; they are also found in the basic philosophies of other civilizations, especially in the philosophies and religions of Islam, India and the Far East. Article 27 is a characteristic manifestation of the evolution of ideas and law (2).

It will be remembered that the XVIIth International Red Cross Conference had thought of giving the Convention a Preamble solemnly drawing attention to certain rules considered to constitute the "basis of universal human law"; but the Diplomatic

Conference was unable to reach agreement on the matter and the present Article, together with Articles 31 - 34 of the Convention, must, in the absence of a Preamble, be regarded as setting forth those rules (3).

The first three paragraphs of Article 27 reflect the spirit which imbues the whole Convention in regard to the rights of the individual, but the last paragraph of the Article nevertheless makes a reservation concerning military requirements and other matters of imperative national interest, thus balancing the rights and liberties of the individual against those of the community (4).

As has been said, Article 27 is the basis on which the Convention rests, the central point in relation to which all its other provisions [p.201] must be considered. It was in order to give greater prominence to this essential Article and to underline its fundamental importance that the Diplomatic Conference placed it at the beginning of Part III on the status and treatment of protected persons.

PARAGRAPH 1. -- GENERAL PRINCIPLES

1. ' First sentence. -- Respect for fundamental rights '

A. ' Respect for the person. -- ' This provision is based on a similar obligation laid down in the 1929 Geneva Convention on prisoners of war. The right of respect for the person must be understood in its widest sense: it covers all the rights of the individual, that is, the rights and qualities which are inseparable from the human being by the very fact of his existence and his mental and physical powers; it includes, in particular, the right to physical, moral and intellectual integrity -- an essential attribute of the human person. The right to physical integrity involves the prohibition of acts impairing individual life or health; it is reinforced by two other provisions of the Convention -- the second sentence of this same paragraph, which lays down expressly the obligation to give humane treatment, and Article 32 which prohibits certain practices which have shocked the conscience of the world.

Respect for intellectual integrity means respect for all the moral values which form part of man's heritage, and applies to the whole complex structure of convictions, conceptions and aspirations peculiar to each individual. Individual persons' names or photographs, or aspects of their private lives must not be given publicity.

What about the right to life itself ? Unlike Article 46 of the Hague Regulations (5) the present Article does not mention it specifically. It is nevertheless obvious that this right is implied, for without it there would be no reason for the other rights mentioned. This is a simple conclusion a majori ad minus, and is confirmed by the existence of clauses

prohibiting murder, reprisals and the taking of hostages, in Articles [32](#) , [33](#) and [34](#) of the Convention. Furthermore, the death penalty may only be applied to protected persons under the circumstances strictly laid down in Article [68](#) .

The right to personal liberty, and in particular, the right to move about freely, can naturally be made subject in war time to certain [p.202] restrictions made necessary by circumstances. So far as the local population is concerned, the freedom of movement of civilians of enemy nationality may certainly be restricted, or even temporarily suppressed, if circumstances so require. That right is not, therefore, included among the other absolute rights laid down in the Convention, but that in no wise means that it is suspended in a general manner. Quite the contrary: the regulations concerning occupation and those concerning civilian aliens in the territory of a Party to the conflict are based on the idea of the personal freedom of civilians remaining in general unimpaired. The right in question is therefore a relative one which the Party to the conflict or the occupying power may restrict or even suspend within the limits laid down by the Convention.

B. ' Respect for honour ' . -- Honour is a moral and social quality. The right to respect for his honour is a right invested in man because he is endowed with a reason and a conscience. The fact that a protected person is an enemy cannot limit his right to consideration and to protection against slander, calumny, insults or any other action impugning his honour or affecting his reputation; that means that civilians may not be subjected to humiliating punishments or work.

It should be noted that respect for a prisoner of war's honour, as well as respect for his person, is stipulated in Article [46](#) of the Hague Regulations , and also in the 1929 Geneva Convention.

C. ' Respect for family rights ' . -- The obligation to respect family rights, already expressed in Article [46](#) of the Hague Regulations, is intended to safeguard the marriage ties and that community of parents and children which constitutes a family, "the natural and fundamental group unit of society" (6). The family dwelling and home are therefore protected; they cannot be the object of arbitrary interference.

Respect for family life is also covered by the clause prohibiting rape and other attacks on women's honour, as stated in the next paragraph. Furthermore, Article [82](#) of the Convention provides that in case of internment "members of the same family, and in particular parents and children, shall be lodged together in the same place of internment". In the same way the Convention lays down that "internees may request

that their children who are left at liberty without parental care shall be interned with them".

Respect for family rights implies not only that family ties must be maintained, but further that they must be restored should they have [p.203] been broken as a result of wartime events. That is the object of Articles [25](#) (family correspondence) and [26](#) (dispersed families) and of some of the clauses of Articles [39](#), [40](#) and [50](#).

D. ' Respect for religious convictions and practices '. -- The principle of freedom of thought is the basis of the great movement for the Rights of Man which invaded and transformed politics and law. It is therefore inscribed at the beginning of the traditional proclamations of essential rights and fundamental liberties.

The right to respect for religious convictions is part of freedom of conscience and freedom of thought in general. It implies freedom to believe or not to believe, and freedom to change from one religion or conviction to another. This safeguard relates to any system of philosophical or religious beliefs.

Religious freedom is closely connected with the idea of freedom to practise religion through religious observances, services and rites. Protected persons in the territory of a Party to the conflict or in occupied territory must be able to practise their religion freely, without any restrictions other than those necessary for the maintenance of public law and morals. That is the object of Articles [38](#), paragraph 3, and [58](#) of the Convention which provide that internees shall receive spiritual assistance from ministers of their faith.

Article [27](#) reaffirms the provision in Article 46 of the Hague Regulations that occupying forces are bound to respect "religious convictions and practice".

E. ' Respect for manners and customs '. -- Respect for the human person implies respect for "manners" (in the sense of individual behaviour) and "customs" (meaning the usages of a particular society).

Manners may be said to refer to the ordinary way of behaving or acting -- to the expression of personality by the most ordinary actions of daily life. It is these constant personal habits which the Convention aims at protecting.

The idea of a custom is more objective, that is, it indicates, in a general way, the body of rules hallowed by usage which man observes in his relations with his fellow men. Custom draws its authority from its tacit acceptance by the whole body of citizens. Such ancient and general customs taken as a whole constitute part of the law of each country.

The obligation to respect manners and customs is particularly important in the case of occupied countries. Everybody remembers the measures adopted in certain cases during the Second World War, which could with justice be described as "cultural genocide". The [p.204] clause under discussion is intended to prevent a reversion to such practices.

2. ' Second sentence. -- Humane treatment '

The obligation to grant protected persons humane treatment is in truth the ' leitmotiv ' of the four Geneva Conventions. After proclaiming the general principle, the Convention enumerates the acts which are prohibited.

The expression "to treat humanely" is taken from the Hague Regulations and from the two 1929 Geneva Conventions. The word "treatment" must be understood here in its most general sense as applying to all aspects of man's life. It seems useless and even dangerous to attempt to make a list of all the factors which make treatment "humane" (7). The purpose of this Convention is simply to define the correct way to behave towards a human being, who himself wishes to receive humane treatment and who may, therefore, also give it to his fellow human beings. What constitutes humane treatment follows logically from the principles explained in the last paragraph, and is further confirmed by the list of what is incompatible with it. In this connection the paragraph under discussion mentions as an example, using the same wording as the Third Geneva Convention (8), any act of violence or intimidation inspired not by military requirements or a legitimate desire for security, but by a systematic scorn for human values (insults, exposing people to public curiosity, etc.).

The Convention does not confine itself to stipulating that such acts are not to be committed. It goes further; it requires States to take all the precautions and measures in their power to prevent such acts and to assist the victims in case of need (9).

This first list has very rightly been supplemented in Article 32 by a further list of acts considered as grave breaches of the duty of humane treatment: extermination, murder, torture, mutilation, biological experiments not necessitated by medical treatment of the person concerned.

The requirement of humane treatment and the prohibition of certain acts incompatible with it are general and absolute in character, [p.205] like the obligation enjoining respect for essential rights and fundamental liberties. They are valid "in all circumstances" and "at all times", and apply, for example, to cases where a protected person is the legitimate object of strict measures, since the dictates of humanity and

measures of security or repression, even when they are severe, are not necessarily incompatible. The obligation to give humane treatment and to respect fundamental rights remains fully valid in relation to persons in prison or interned, whether in the territory of a Party to the conflict or in occupied territory. It is in such situations, when human values appear to be in greatest danger, that the provision assumes its full significance.

PARAGRAPH 2. -- TREATMENT OF WOMEN

Paragraph 2 denounces certain practices which occurred, for example, during the last World War, when innumerable women of all ages, and even children, were subjected to outrages of the worst kind: rape committed in occupied territories, brutal treatment of every sort, mutilations etc. In areas where troops were stationed, or through which they passed, thousands of women were made to enter brothels against their will or were contaminated with venereal diseases, the incidence of which often increased on an alarming scale (10).

These facts revolt the conscience of all mankind and recall the worst memories of the great barbarian invasions. They underline the necessity of proclaiming that women must be treated with special consideration. That is the object of this paragraph, which is based on a provision introduced into the Prisoners of War Convention in 1929, and on a proposal submitted to the International Committee by the International Women's Congress and the International Federation of Abolitionists (11).

The provision is founded on the principles set forth in paragraph 1 on the notion of "respect for the person", "honour" and "family rights".

A woman should have an acknowledged right to special protection, the special regard owed to women being, of course, in addition to the safeguards laid down in paragraph 1, which they enjoy equally with men.

[p.206] The Conference listed as examples certain acts constituting an attack on women's honour, and expressly mentioned rape, enforced prostitution, i.e. the forcing of a woman into immorality by violence or threats, and any form of indecent assault. These acts are and remain prohibited in all places and in all circumstances, and women, whatever their nationality, race, religious beliefs, age, marital status or social condition have an absolute right to respect for their honour and their modesty, in short, for their dignity as women.

PARAGRAPH 3. -- EQUALITY OF TREATMENT; NON-DISCRIMINATION

Paragraph 3 contains a statement of the principle that all protected persons are to receive the same standard of treatment, with a further clause concerning non-discrimination. That means that any protected person is entitled to all the rights and liberties proclaimed by the Convention under a general principle common to all the Geneva Conventions (12).

It is clear from the wording of the provision that the list of various criteria on which discrimination might be based -- race, religion and political opinion -- is only given by way of example. The criteria of language, colour, social position, financial circumstances and birth might be added. In a word, any discriminatory measure whatsoever is banned, unless it results from the application of the Convention.

Nationality is not among the various criteria mentioned (it was mentioned in Article 13) and the discussions at the Diplomatic Conference make it clear that it cannot be regarded as implicitly included (13).

A prohibition of discrimination does not mean that all differentiation is forbidden. That is clear from the qualified character of the wording, which only excludes differences when they are of an adverse nature. Equality might easily become injustice if it was applied to situations which were essentially unequal, without taking into account such circumstances as the state of health, age and sex of the protected persons concerned. It is in this way that the principle of equality is understood in the Convention.

[p.207] It should be noted too that the prohibition of all adverse distinctions in the treatment given to protected persons is not merely a negative duty. It implies an active role. An occupying Power is, for example, bound to abrogate any discriminatory laws it may find in occupied territory, if they place difficulties in the way of the application of the Convention. That follows also from the first paragraph of Article 64 .

PARAGRAPH 4. -- RESERVATION IN REGARD TO SECURITY MEASURES

The various security measures which States might take are not specified; the Article merely lays down a general provision. There are a great many measures, ranging from comparatively mild restrictions such as the duty of registering with and reporting periodically to the police authorities, the carrying of identity cards or special papers, or a ban on the carrying of arms, to harsher provisions such as a prohibition on any change in place of residence without permission, prohibition of access to certain areas, restrictions of movement, or even assigned residence and internment (which, according to Article 41 , are the two most severe measures a belligerent may inflict on protected persons).

A great deal is thus left to the discretion of the Parties to the conflict as regards the choice of means. What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned. As has been seen, those rights must be respected even when measures of constraint are justified.

Although these supreme rights are not, generally speaking, in any danger as a result of the first administrative measures we mentioned, that is not so in the case of assigned residence or internment. The experience of the Second World War has shown in tragic fashion that under such conditions there is a particularly great danger of offences against the human person. That is why the Convention, conscious of the danger, only accepts internment and assigned residence as measures to be adopted in the last extremity, and makes them subject to strict rules (Articles 41 to 43 and Article 78); and why, furthermore, it lays down in great detail (Articles 79 to 135 -- treatment of internees) standards of treatment designed to ensure that the human person is respected under the circumstances where it appears to be in greatest danger.

Notes: (1) [(1) p.200] See Max HUBER: ' Le Droit des Gens et l'Humanité, ' Revue internationale de la Croix-Rouge, 1952, pp. 646 ff. For points common to the Convention and the Declaration of Human Rights, see C. PILLOUP: ' La Déclaration universelle des Droits de l'Homme et les Conventions internationales protégeant les victimes de la guerre, ' *ibid*, 1949, pp. 252-258;

(2) [(2) p.200] For comments on the question as a whole see LAUTERPACHT: ' International Law and Human Rights, ' London, 1950. With special reference to Humanitarian Law, see H. COURSIER: ' Etudes sur la formation du droit humanitaire, ' Geneva, 1952;

(3) [(3) p.200] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. I, p. 113;

(4) [(4) p.200] The reservation in regard to State security matters was added by the 1949 Conference at the suggestion of the Delegation of the United States of America;

(5) [(1) p.201] This Article, in which the provisions under discussion had their origin, reads as follows: "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.";

(6) [(1) p.202] See ' Universal Declaration of Human Rights ' of December 10, 1948, Article 16, para. 3;

(7) [(1) p.204] See ' Commentary I, ' p. 53;

(8) [(2) p.204] See Article 13, para. 2, of that Convention;

(9) [(3) p.204] The Diplomatic Conference rejected a proposal that the expression "protected against" should be replaced by the words "shall not be exposed to" which would have greatly reduced the scope of the Clause. See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, pp. 712-713;

(10) [(1) p.205] See ' Commission of Government Experts for the Study of the Convention for the Protection of War Victims (Geneva, Apr. 14-26, 1947). Preliminary Documents, ' Vol. III, p. 47;

(11) [(2) p.205] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, p. 821;

(12) [(1) p.206] ... It will be noted, for example, that the three other Geneva Conventions of 1949 also contain a clause prohibiting discrimination; see Article 12, para. 2, of the First and Second Conventions and Article 16 of the Third Convention;

(13) [(2) p.206] See ' Final Record of the Diplomatic

Conference of Geneva of 1949, ' Vol. II-A, pp. 640-642;

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[Article 47 - Inviolability of rights](#)

ARTICLE [47](#) -- INVIOABILITY OF RIGHTS (1)

[p.273] 1. ' General '

The position of Article 47 at the beginning of the Section dealing with occupied territories underlines the cardinal importance of the safeguards it proclaims. During the Second World War whole populations were excluded from the application of the laws governing occupation and were thus denied the safeguards provided by those laws and left at the mercy of the Occupying Power. In order to avoid a repetition of this state of affairs, the authors of the Convention made a point of giving these rules an absolute character. They will be considered in the following pages in the order in which they occur in the Convention.

2. ' Changes in the institutions or the government of the occupied territory '

During the Second World War Occupying Powers intervened in the occupied countries on numerous occasions and in a great variety of ways, depending on the political aim pursued; examples are changes in constitutional forms or in the form of government, the establishment of new military or political organizations, the dissolution of the State, or the formation of new political entities.

International law prohibits such actions, which are based solely on the military strength of the Occupying Power and not on a sovereign decision by the occupied State. Of course the Occupying Power usually tried to give some colour of legality and independence to the new organizations, which were formed in the majority of cases with the co-operation of certain elements among the population of the occupied country, but it was obvious that they were in fact always subservient to the will of the Occupying Power. Such practices were incompatible with the traditional concept of occupation (as defined in Article 43 of the Hague Regulations of 1907) according to which the occupying authority was to be considered as merely being a de facto administrator (2).

This provision of the Hague Regulations is not applicable only to the inhabitants of the occupied territory; it also protects the separate existence of the State, its institutions and its laws. This provision does not become in any way less valid because of the existence [p.274] of the new Convention, which merely amplifies it so far as the question of the protection of civilians is concerned.

Interference by the Protecting Power with the institutions or government of an occupied country has the effect of transforming the country's structure and organizations more or less radically. Such a transformation may make the position of the inhabitants worse, and the present Article is intended to prevent from harming protected persons measures taken by the Occupying Power with a view to restoring and maintaining law and order. It does not expressly prohibit the Occupying Power from modifying the institutions or government of the occupied territory (3). Certain changes might conceivably be necessary and even an improvement; besides, the text in question is of an essentially humanitarian character; its object is to safeguard human beings and not to protect the political institutions and government machinery of the State as such. The main point, according to the Convention, is that changes made in the internal organization of the State must not lead to protected persons being deprived of the rights and safeguards provided

for them. Consequently it must be possible for the Convention to be applied to them in its entirety, even if the Occupying Power has introduced changes in the institutions or government of the occupied territory.

3. ' Agreement concluded between the authorities of the occupied territory and the Occupying Power '

Agreements concluded with the authorities of the occupied territory represent a more subtle means by which the Occupying Power may try to free itself from the obligations

incumbent on it under occupation law; the possibility of concluding such agreements is therefore strictly limited by Article 7, paragraph 1, and the general rule expressed there is reaffirmed by the present provision. It may thus be regarded as a provision applying the safeguards embodied in Article 7, which are valid for the whole Convention; reference should therefore be made to the comments on that Article.

It should be noted, however, that the Diplomatic Conference wished to reaffirm that general rule by re-stating it at the beginning of the chapter dealing with occupied territory for a particular reason; because there is in this case a particularly great danger of the Occupying Power forcing the Power whose territory is occupied to conclude [p.275] agreements prejudicial to protected persons. Cases have in fact occurred where the authorities of an occupied territory have, under pressure from the Occupying Power, refused to accept supervision by a Protecting Power, banned the activities of humanitarian organizations and tolerated the forcible enlistment or deportation of protected persons by the occupying authorities. Such stipulations are in flagrant contradiction with Articles 9, 39 and 51 of the Convention and are consequently strictly forbidden.

Lastly it will be noted that the same clause applies both to cases where the lawful authorities in the occupied territory have concluded a derogatory agreement with the Occupying Power and to cases where that Power has installed and maintained a government in power.

4. 'Annexation'

As was emphasized in the commentary on Article 4, the occupation of territory in wartime is essentially a temporary, de facto situation, which deprives the occupied Power of neither its statehood nor its sovereignty; it merely interferes with its power to exercise its rights. That is what distinguishes occupation from annexation, whereby the Occupying Power acquires all or part of the occupied territory and incorporates it in its own territory (4).

Consequently occupation as a result of war, while representing actual possession to all appearances, cannot imply any right whatsoever to dispose of territory. As long as hostilities continue the Occupying Power cannot therefore annex the occupied territory, even if it occupies the whole of the territory concerned. A decision on that point can only be reached in the peace treaty. That is a universally recognized rule which is endorsed by jurists and confirmed by numerous rulings of international and national courts.

And yet the Second World War provides us with several examples of "anticipated annexation", as a result of unilateral action on the part of the victor to dispose of territory he had occupied. The population of such territories, which often covered a wide area, did not enjoy the benefit of the rules governing occupation, were without the rights and safeguards to which they were legitimately entitled, and were thus subjected to whatever laws or regulations the annexing State wished to promulgate.

Aware of the extremely dangerous nature of such proceedings, which leave the way open to arbitrary actions and decisions, the Diplomatic Conference felt it necessary to stipulate that actions of this [p.276] nature would have no effect on the rights of protected persons, who would, in spite of them, continue to be entitled to the benefits conferred by the Convention.

It will be well to note that the reference to annexation in this Article cannot be considered as implying recognition of this manner of acquiring sovereignty. The preliminary work on the subject confirms this. In order to bring out more clearly the unlawful character of annexation in wartime, the government experts of 1947 proposed adding the adjective "alleged" before the word "annexation" (5). Several delegates at the Diplomatic Conference, concerned about the same point, went as far as to propose cutting out the reference to a hypothetical annexation in this Article. The Conference eventually decided to keep it because they considered that these fears were unfounded and also felt that it was wiser to mention such a situation in the text of the Article, in order to be better armed to meet it (6).

A fundamental principle emerges from the foregoing considerations; an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory.

Notes: (1) [(1) p.272] For the discussions leading up to Article 47, see ' Final Record ', Vol, I, p. 120; Vol. II-A, pp. 673, 773; Vol. II-B, p. 415;

(2) [(1) p.273] The provision in question reads as follows:
"The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force

in the country";

(3) [(1) p.274] Article 43 of the Hague Regulations only contains a qualified prohibition stipulating as it does that the occupant is to respect, "unless absolutely prevented", the laws in force in the country;

(4) [(1) p.275] The annexing State "succeeds" to all the sovereign rights of the dismembered State in the territory annexed;

(5) [(1) p.276] See ' Report on the Work of the Conference of Government Experts for the Study of the Conventions for the Protection of War Victims ' (Geneva, April 14-26, 1947), p. 274;

(6) [(2) p.276] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, pp. 663 and 773-774;

[← Back to Geneva Convention \(IV\) on Civilians, 1949](#)

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Commentary of 1958

Article 49 - Deportations, transfers, evacuations

ARTICLE 49 -- DEPORTATIONS, TRANSFERS, EVACUATIONS (1)

[p.278] Article 49 is derived from the Tokyo Draft which prohibited the deportation of the inhabitants of an occupied country (2). As a result of the experience of the Second World War, the International Committee of the Red Cross submitted this important question to the government experts who met in 1947. On the basis of the text prepared by the experts the Committee drafted detailed provisions which were adopted in all their essentials by the Diplomatic Conference of 1949.

PARAGRAPH 1. -- FORCIBLE TRANSFERS AND DEPORTATIONS

The first of the six paragraphs in Article 49 is by far the most important, in that it prohibits the forcible transfer or deportation from occupied territory of protected persons.

There is doubtless no need to give an account here of the painful recollections called forth by the "deportations" of the Second World War, for they are still present in everyone's memory. It will suffice to mention that millions of human beings were torn from their homes, separated from their families and deported from their country, usually under inhumane conditions. These mass transfers took place for the greatest possible variety of reasons, mainly as a consequence of the formation of a forced labour service. The thought of the physical and mental suffering endured by these "displaced [p.279] persons", among whom there were a great many women, children, old people

and sick, can only lead to thankfulness for the prohibition embodied in this paragraph, which is intended to forbid such hateful practices for all time.

The authors of the Convention voted unanimously in favour of this prohibition, but there was some discussion on the wording. The draft submitted by the International Committee of the Red Cross reads: "Deportations or transfers of protected persons out of occupied territory are prohibited..." (3); the Diplomatic Conference preferred not to place an absolute prohibition on transfers of all kinds, as some might up to a certain point have the consent of those being transferred. The Conference had particularly in mind the case of protected persons belonging to ethnic or political minorities who might have suffered discrimination or persecution on that account and might therefore wish to leave the country. In order to make due allowances for that legitimate desire the Conference decided to authorize voluntary transfers by implication, and only to prohibit "forcible" transfers (4).

The prohibition is absolute and allows of no exceptions, apart from those stipulated in paragraph 2. It is, moreover, strengthened by other Articles in the cases in which its observance appeared to be least certain: in this connection mention may be made of Article 51, paragraph 2, dealing with compulsory labour, Article 76, paragraph 1, concerning the treatment of protected persons accused of offences or serving sentences and also under certain circumstances Article 70, paragraph 2, which deals with refugees.

The Hague Regulations do not refer to the question of deportation; this was probably because the practice of deporting persons was regarded at the beginning of this century as having fallen into abeyance. The events of the last few years have, however, made it necessary to make more detailed provisions on this point which may be regarded today as having been embodied in international law (5). Consequently, [p.280] "unlawful deportation or transfer" was introduced among the grave breaches, defined in Article 147 of the Convention as calling for the most severe penal sanctions.

PARAGRAPH 2. -- EVACUATION

As an exception to the rule contained in paragraph 1, paragraph 2 authorizes the Occupying Power to evacuate an occupied territory wholly or partly.

Unlike deportation and forcible transfers, evacuation is a provisional measure entirely negative in character, and is, moreover, often taken in the interests of the protected persons themselves. The clause may be compared with other provisions already commented upon, where the aim in view is similar, such as Articles 14, 15 and 17, which deal with hospital and safety zones, neutralized zones, and the evacuation of

besieged or encircled areas. These provisions which apply to the whole population of countries engaged in a conflict are, of course, fully valid in occupied territory.

In order to protect the interests of the populations concerned, a number of safeguards are laid down with regard to evacuation, some of them in this paragraph and some in the next.

The first stipulation is that evacuation may only be ordered in two cases which are defined in great detail, namely when the safety of the population or imperative military reasons so demand. If therefore an area is in danger as a result of military operations or is liable to be subjected to intense bombing, the Occupying Power has the right and, subject to the provisions of Article 5, the duty of evacuating it partially or wholly, by placing the inhabitants in places of refuge. The same applies when the presence of protected persons in an area hampers military operations. Evacuation is only permitted in such cases, however, when overriding military considerations make it imperative; if it is not imperative, evacuation ceases to be legitimate.

It is stipulated that evacuation must not involve the movement of protected persons to places outside the occupied territory, unless it is physically impossible to do otherwise (6). Thus, as a rule evacuation must be to reception centres inside the territory.

The last sentence of the paragraph was added by the Diplomatic Conference (7); it stipulates that protected persons who have been evacuated are to be brought back to their homes as soon as the [p.281] hostilities in the area have ended. This clause naturally applies both to evacuation inside the territory and to cases where circumstances have made it necessary to evacuate the protected persons to a place outside the occupied territory.

PARAGRAPH 3. -- PRACTICAL ARRANGEMENTS

Evacuation with all it implies -- leaving home, moving into an unknown environment, etc. -- represents a radical change in the position of those concerned. The unfortunate consequences of evacuation should therefore be mitigated as far as possible by adding to the measure a minimum of humanitarian safeguards.

That is what this paragraph is intended to do. It represents a very strong recommendation to the Occupying Power. In the corresponding provision of the draft text put forward by the International Committee of the Red Cross the safeguards were expressed in the form of an absolute obligation (8); but the Diplomatic Conference made the clause rather less rigid by inserting the words "to the greatest practicable extent" (9).

It must not be forgotten, however, that this wording is intended to cover the contingency of an improvised evacuation of a temporary character when urgent action is absolutely necessary in order to protect the population effectively against an imminent and unforeseen danger. If the evacuation has to be prolonged as a result of military operations and it is not possible to return the evacuated persons to their homes within a comparatively short period, it will be the duty of the Occupying Power to provide them with suitable accommodation and make proper feeding and sanitary arrangements.

Attention should finally be drawn to the last clause in the paragraph which stipulates that members of the same family are not to be separated from one another. This provision represents a very appropriate addition to those of Article 27 under which the Parties to the conflict are in general obliged to respect family rights. Like Articles 25, 26 and 82 it is essentially intended to keep the family united or to re-unite it if it becomes separated.

PARAGRAPH 4. -- NOTIFICATION OF THE PROTECTING POWER

The importance attached in the Convention to evacuation taking place under the conditions defined above is underlined by the fact [p.282] that the Protecting Power is given the right to be informed of them.

The text proposed by the International Committee of the Red Cross read: "The Protecting Power shall be informed of any proposed transfers and evacuations. It may supervise the preparations and the conditions in which such operations are carried out." (10)

The Diplomatic Conference did not wish to make the prior notification of evacuation compulsory, as that would have made it more difficult to keep military operations secret. It therefore confined itself to providing that the information was to be given a posteriori (11).

The Protecting Power cannot therefore exercise its right of supervision during the preparations or when the moves themselves are taking place; it can, however, verify whether the Occupying Power fulfils the conditions which the Convention lays down with regard to the accommodation and other arrangements for the evacuees. The Protecting Power will take action to ensure that they are treated as humanely as possible and will help to improve their lot by co-operating with the competent authorities. The rights of supervision and check of the Protecting Power in regard to evacuation will, of course, apply not only inside the occupied territory but also outside it, in particular if the transfer is to a place within the territory of the Occupying Power.

PARAGRAPH 5. -- RIGHT OF PROTECTED PERSONS TO MOVE
FROM PLACE TO PLACE

This paragraph is based on a clause proposed by the International Committee of the Red Cross. The Conference decided to include it in each of the first 4 sections of Part III (Articles [28](#) , [38 \(4\)](#) , [49](#), paragraph [5](#) , and [83](#), paragraph [1](#)).

It was pointed out in the commentary on Article [27](#) that the rule whereby individuals are free to move from place to place is subject to certain restrictions in wartime. Two such restrictions are mentioned here: the Occupying Power is entitled to prevent protected persons from moving, even if they are in an area particularly exposed to the dangers of war, if the security of the population or imperative military reasons so demand.

This clause is the result of the lessons drawn from the Second World War.

[p.283] It will be enough to remember the disastrous consequences of the exodus of the civilian population during the invasion of Belgium and Northern France. Thousands of people died a ghastly death on the roads and these mass flights seriously impeded military operations by blocking lines of communication and disorganizing transport (12). Thus, two considerations -- the security of the population and "imperative military reasons" -- may, according to the circumstances, justify either the evacuation of protected persons (paragraph 2) or their retention (paragraph 5). In each case real necessity must exist; the measures taken must not be merely an arbitrary infliction or intended simply to serve in some way the interests of the Occupying Power.

PARAGRAPH 6. -- DEPORTATION AND TRANSFER OF PERSONS INTO
OCCUPIED TERRITORY

This clause was adopted after some hesitation, by the XVIIth International Red Cross Conference (13). It is intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.

The paragraph provides protected persons with a valuable safeguard. It should be noted, however, that in this paragraph the meaning of the words "transfer" and "deport" is rather different from that in which they are used in the other paragraphs of

Article 49, since they do not refer to the movement of protected persons but to that of nationals of the occupying Power.

It would therefore appear to have been more logical -- and this was pointed out at the Diplomatic Conference (14) -- to have made the clause in question into a separate provision distinct from Article 49, so that the concepts of "deportations" and "transfers" in that Article could have kept throughout the meaning given them in paragraph 1, i.e. the compulsory movement of protected persons from occupied territory.

Notes: (1) [(4) p.277] For the discussions concerning this Article, see ' Final Record, ' Vol. II-A, pp. 664, 759, 809; Vol. II-B, p. 415;

(2) [(1) p.278] See p. 4 above;

(3) [(1) p.279] See ' XVIIth International Red Cross Conference, Draft Revised or New Conventions for the protection of War Victims, ' Document 4a, p.173;

(4) [(2) p.279] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, pp. 759-760;

(5) [(3) p.279] This view is not expressed in the Convention alone. The Charter of the Nuremberg International Military Tribunal laid down in its Article 6 (b) that "deportation to slave-labour or for any other purpose" was a "war crime"; sub-paragraph (c) of the same Article includes "deportations and other inhuman acts done against any civilian population" among "the crimes against humanity". In its judgment delivered on September 30, 1946, the Tribunal agreed that deportation was illegal. A great many other decisions by other courts which have had to deal with this question have also stated that the deportation of inhabitants of occupied territory is contrary to the laws and customs of war;

(6) [(1) p.280] See in this connection ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, pp. 664, 759-760;

(7) [(2) p.280] See *ibid.*, Vol. II-A, pp. 759-760;

(8) [(1) p.281] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. I, pp. 120-121;

(9) [(2) p.281] See *ibid.*, Vol. II-A, pp. 759-760; Vol. II-B, p. 415;

(10) [(1) p.282] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. I, p. 120;

(11) [(2) p.282] See *ibid.*, Vol. II-A, pp. 759-760;

(12) [(1) p.283] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, pp. 759-760;

(13) [(2) p.283] See ' XVIIth International Red Cross Conference, Legal Commission, Summary of the Debates of the Sub-Commissions, ' pp. 61-62 and 77-78;

(14) [(3) p.283] See ' Final Record of the Diplomatic Conference of Geneva of 1949, ' Vol. II-A, p. 664;

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Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Commentary of 1958

[Article 53 - Prohibited destruction](#)

ARTICLE 53. -- PROHIBITED DESTRUCTION (1)

1. ' Object of the protection afforded '

The intention in the Stockholm Draft had been to cover only private property and to protect civilians by ensuring that the property in their possession as individuals and necessary for their existence (houses, clothing, food, tools and instruments needed in their work, means of transport, etc.) should be saved from destruction unnecessary for the pursuit of the war. Certain delegations at the Diplomatic Conference, having drawn attention to new conceptions concerning property, pointed out that the Hague Regulations, Article 23 [p.301] (g) when referring to the destruction of "the enemy's property", did not specify that the reference was to the property of enemy "nationals". The Conference agreed with their view and consequently agreed to refer in this Article to property owned collectively or belonging to the State; it must be agreed, however, that this extension gives the provision a character which does not altogether fit in with the general scope of the Convention.

In the very wide sense in which the Article must be understood, the prohibition covers the destruction of all property (real or personal), whether it is the private property of protected persons (owned individually or collectively), State property, that of the public authorities (districts, municipalities, provinces, etc.) or of co-operative organizations. The extension of protection to public property and to goods owned collectively, reinforces the rule already laid down in the Hague Regulations, Articles [46](#)

and 56 according to which private property and the property of municipalities and of institutions dedicated to religion, charity and education, the arts and sciences must be respected.

It should be noted that the prohibition only refers to "destruction". Under international law the occupying authorities have a recognized right, under certain circumstances, to dispose of property within the occupied territory -- namely the right to requisition private property, the right to confiscate any movable property belonging to the State which may be used for military operations and the right to administer and enjoy the use of real property belonging to the occupied State.

The prohibition of destruction contained in the present Article may be compared with the prohibition of pillage and reprisals in Article 33.

2. ' Scope of the provision '

In order to dissipate any misconception in regard to the scope of Article 53, it must be pointed out that the property referred to is not accorded general protection; the Convention merely provides here for its protection in occupied territory. The scope of the Article is therefore limited to destruction resulting from action by the Occupying Power. It will be remembered that Article 23 (g) of the Hague Regulations forbids the unnecessary destruction of enemy property; since that rule is placed in the section entitled "hostilities", it covers all property in the territory involved in a war; its scope is therefore much wider than that of the provision under discussion, which is only concerned with property situated in occupied territory.

[p.302] 3. ' Reservation '

The prohibition of destruction of property situated in occupied territory is subject to an important reservation: it does not apply in cases "where such destruction is rendered absolutely necessary by military operations". The occupying forces may therefore undertake the total or partial destruction of certain private or public property in the occupied territory when imperative military requirements so demand.

Furthermore, it will be for the Occupying Power to judge the importance of such military requirements. It is therefore to be feared that bad faith in the application of the reservation may render the proposed safeguard valueless; for unscrupulous recourse to the clause concerning military necessity would allow the Occupying Power to circumvent the prohibition set forth in the Convention. The Occupying Power must therefore try to interpret the clause in a reasonable manner: whenever it is felt

essential to resort to destruction, the occupying authorities must try to keep a sense of proportion in comparing the military advantages to be gained with the damage done. A word should be said here about operations in which military considerations require recourse to a "scorched earth" policy, i.e. the systematic destruction of whole areas by occupying forces withdrawing before the enemy. Various rulings of the courts after the Second World War held that such tactics were in practice admissible in certain cases, when carried out in exceptional circumstances purely for legitimate military reasons. On the other hand the same rulings severely condemned recourse to measures of general devastation whenever they were wanton, excessive or not warranted by military operations. Article 6 (b) of the Charter of the International Military Tribunal describes "the wanton destruction of cities, towns or villages or devastation not justified by military necessity" as a war crime. Moreover, Article [14.7](#) of the Fourth Convention includes among the "grave breaches" liable to penal sanctions under Article [14.6](#) , "extensive destruction... of property, not justified by military necessity and carried out unlawfully and wantonly."

Notes: (1) [(1) p.300] See ' Final Record, ' Vol. I, p. 118; Vol. II-A, pp. 719-721, 829, 856; Vol. II-B, pp. 417-418; Vol. III, p. 134;

Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention

The Hague, 14 May 1954

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

Chapter I. General provisions regarding protection

Article 1 – Definition of cultural property

For the purposes of the present Convention, the term 'cultural property' shall cover, irrespective of origin or ownership:

- (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
- (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);
- (c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centers containing monuments'.

Article 2 – Protection of cultural property

For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.

Article 3 – Safeguarding of cultural property

The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

Article 4 – Respect for cultural property

1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility, directed against such property.

2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.
3. The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.
4. They shall refrain from any act directed by way of reprisals against cultural property.
5. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.

Article 5 – Occupation

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.
2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.
3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

Article 6 – Distinctive marking of cultural property

In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

Article 7 – Military measures

1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.

2. The High Contracting Parties undertake to plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.

Chapter II. Special protection

Article 8 – Granting of special protection

1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centers containing monuments and other immovable cultural property of very great importance, provided that they:
 - (a) are situated at an adequate distance from any large industrial center or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication;
 - (b) are not used for military purposes.
2. A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.
3. A center containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whenever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the center.
4. The guarding of cultural property mentioned in paragraph 1 above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order shall not be deemed to be used for military purposes.
5. If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic there from. In that event, such diversion shall be prepared in time of peace.

6. Special protection is granted to cultural property by its entry in the 'International Register of Cultural Property under Special Protection'. This entry shall only be made, in accordance with the provisions of the present Convention and under the conditions provided for in the Regulations for the execution of the Convention.

Article 9 – Immunity of cultural property under special protection

The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

Article 10 – Identification and control

During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

Article 11 – Withdrawal of immunity

1. If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.
2. Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.
3. The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention, in writing, stating the reasons.

Chapter III. Transport of cultural property

Article 12 – Transport under special protection

1. Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.
2. Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.
3. The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

Article 13 – Transport in urgent cases

1. If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedure laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made to the opposing Parties. Nevertheless, transport conveying cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.
2. The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

Article 14 – Immunity from seizure, capture and prize

1. Immunity from seizure, placing in prize, or capture shall be granted to:
 - (a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13;
 - (b) the means of transport exclusively engaged in the transfer of such cultural property.
2. Nothing in the present Article shall limit the right of visit and search.

Chapter IV. Personnel

Article 15 – Personnel

As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

Chapter V. The distinctive emblem

Article 16 – Emblem of the convention

1. The distinctive emblem of the Convention shall take the form of a shield, pointed below, persaltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).
2. The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

Article 17 – Use of the emblem

1. The distinctive emblem repeated three times may be used only as a means of identification of:
 - (a) immovable cultural property under special protection;
 - (b) the transport of cultural property under the conditions provided for in Articles 12 and 13;
 - (c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention.
2. The distinctive emblem may be used alone only as a means of identification of:
 - (a) cultural property not under special protection;
 - (b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention;

- (c) the personnel engaged in the protection of cultural property;
 - (d) the identity cards mentioned in the Regulations for the execution of the Convention.
3. During an armed conflict, the use of the distinctive emblem in any other cases than those mentioned in the preceding paragraphs of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.
4. The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

Chapter VI. Scope of application of the Convention

Article 18 – Application of the Convention

1. Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by, one or more of them.
2. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.
3. If one of the Powers in conflict is not a Party to the present Convention, the Powers which are Parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation to the said Power, if the latter has declared, that it accepts the provisions thereof and so long as it applies them.

Article 19 – Conflicts not of an international character

1. In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as, a minimum, the provisions of the present Convention which relate to respect for cultural property.
2. The parties to the conflict shall endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

3. The United Nations Educational, Scientific and Cultural Organization may offer its services to the parties to the conflict.
4. The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

Chapter VII. Execution of the Convention

Article 20 – Regulations for the execution of the Convention

The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

Article 21 – Protecting powers

The present Convention and the Regulations for its execution shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 22 – Conciliation procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention or the Regulations for its execution.
2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organization, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director General of the United Nations Educational, Scientific and Cultural Organization, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Article 23 – Assistance of UNESCO

1. The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.
2. The Organization is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

Article 24 – Special agreements

1. The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.
2. No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.

Article 25 – Dissemination of the Convention

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

Article 26 – Translations reports

1. The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution.
2. Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfillment of the present Convention and of the Regulations for its execution.

Article 27 – Meetings

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.
2. Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of the Regulations for its execution, and to formulate recommendations in respect thereof.
3. The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

Article 28 – Sanctions

The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

Final provisions

Article 29 – Languages

1. The present Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.
2. The United Nations Educational, Scientific and Cultural Organization shall arrange for translations of the Convention into the other official languages of its General Conference.

Article 30 – Signature

The present Convention shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.

Article 31 – Ratification

1. The present Convention shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32 – Accession

From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33 – Entry into force

1. The present Convention shall enter into force three months after five instruments of ratification have been deposited.
2. Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.
3. The situations referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in Article 38 by the speediest method.

Article 34 – Effective application

1. Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.
2. This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention.

Article 35 – Territorial extension of the Convention

Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

Article 36 – Relation to previous conventions

1. In the relations between Powers which are bound by the Conventions of The Hague concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July, 1899 or those of 18 October, 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IX) and to the Regulations annexed to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.
2. In the relations between Powers which are bound by the Washington Pact of 15 April, 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the Roerich Pact and shall substitute for the distinguishing flag described in Article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

Article 37 – Denunciation

1. Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Article 38 – Notifications

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in Articles 30 and 32, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in Articles 31, 32 and 39 and of the notifications and denunciations provided for respectively in Articles 35, 37 and 39.

Article 39 – Revision of the Convention and of the Regulations for its execution

1. Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organization who shall transmit it to each High Contracting Party with the request that such Party reply within four months stating whether it:
 - (a) desires that a Conference be convened to consider the proposed amendment;
 - (b) favours the acceptance of the proposed amendment without a Conference; or
 - (c) favours the rejection of the proposed amendment without a Conference.
2. The Director-General shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.
3. If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director-General of the United Nations Educational, Scientific and Cultural Organization, pursuant to paragraph 1(b) of this Article, inform him that they favour acceptance of the amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.
4. The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment if requested to do so by more than one-third of the High Contracting Parties.
5. Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.
6. Acceptance by the High Contracting Parties of amendments to, the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal

instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

7. After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

Article 40 – Registration

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Convention.

Done at The Hague, this fourteenth day of May, 1954, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 32 as well as to the United Nations.

Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict

Chapter I. Control

Article 1 – International list of persons

On the entry into force of the Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property. On the initiative of the Director-General of the United Nations Educational, Scientific and Cultural Organization, this list shall be periodically revised on the basis of requests formulated by the High Contracting Parties.

Article 2 – Organization of control

As soon as any High Contracting Party is engaged in an armed conflict to which Article 18 of the Convention applies:

- (a) It shall appoint a representative for cultural property situated in its territory; if it is in occupation of another territory, it shall appoint a special representative for cultural property situated in that territory;
- (b) The Protecting Power acting for each of the Parties in conflict with such High Contracting Party shall appoint delegates accredited to the latter in conformity with Article 3 below;
- (c) A Commissioner-General for Cultural Property shall be appointed to such High Contracting Party in accordance with Article 4.

Article 3 – Appointment of delegates of Protecting Powers

The Protecting Power shall appoint its delegates from among the members of its diplomatic or consular staff or, with the approval of the Party to which they will be accredited, from among other persons.

Article 4 – Appointment of Commissioner-General

1. The Commissioner-General for Cultural Property shall be chosen from the international list of persons by joint agreement between the Party to which he will be accredited and the Protecting Powers acting on behalf of the opposing Parties.
2. Should the Parties fail to reach agreement within three weeks from the beginning of their discussions on this point, they shall request the President of the International Court of Justice to appoint the Commissioner-General, who shall not take up his duties until the Party to which he is accredited has approved his appointment.

Article 5 – Functions of delegates

The delegates of the Protecting Powers shall take note of violations of the Convention, investigate, with the approval of the Party to which they are accredited, the circumstances in which they have occurred, make representations locally to secure their cessation and, if necessary, notify the Commissioner-General of such violations. They shall keep him informed of their activities.

Article 6 – Functions of the Commissioner-General

1. The Commissioner-General for Cultural Property shall deal with all matters referred to him in connexion with the application of the Convention, in conjunction with the representative of the Party to which he is accredited and with the delegates concerned.
2. He shall have powers of decision and appointment in the cases specified in the present Regulations.
3. With the agreement of the Party to which he is accredited, he shall have the right to order an investigation or to, conduct it himself.
4. He shall make any representations to the Parties to the conflict or to their Protecting Powers which he deems useful for the application of the Convention.
5. He shall draw up such reports as may be necessary on the application of the Convention and communicate them to the Parties concerned and to their Protecting Powers. He shall send copies to the Director-General of the United Nations Educational, Scientific and Cultural Organization, who may make use only of their technical contents.
6. If there is no Protecting Power, the Commissioner-General shall exercise the functions of the Protecting Power as laid down in Articles 21 and 22 of the Convention.

Article 7 – Inspectors and experts

1. Whenever the Commissioner-General for Cultural Property considers it necessary, either at the request of the delegates concerned or after consultation with them, he shall propose, for the approval of the Party to which he is accredited, an inspector of cultural property to be charged with a specific mission. An inspector shall be responsible only to the Commissioner-General.
2. The Commissioner-General, delegates and inspectors may have recourse to the services of experts, who will also be proposed for the approval of the Party mentioned in the preceding paragraph.

Article 8 – Discharge of the mission of control

The Commissioners-General for Cultural Property, delegates of the Protecting Powers, inspectors and experts shall in no case exceed their mandates. In particular, they shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all circumstances act in accordance with the requirements of the military situation as communicated to them by that High Contracting Party.

Article 9 – Substitutes for Protecting Powers

If a Party to the conflict does not benefit or ceases to benefit from the activities of a Protecting Power, a neutral State may be asked to undertake those functions of a Protecting Power which concern the appointment of a Commissioner-General for Cultural Property in accordance with the procedure laid down in Article 4 above. The Commissioner-General thus appointed shall, if need be, entrust to inspectors the functions of delegates of Protecting Powers as specified in the present Regulations.

Article 10 – Expenses

The remuneration and expenses of the Commissioner-General for Cultural Property, inspectors and experts shall be met by the Party to which they are accredited. Remuneration and expenses of delegates of the Protecting Powers shall be subject to agreement between those Powers and the States whose interests they are safeguarding.

Chapter II. Special protection

Article 11 – Improvised refuges

1. If, during an armed conflict, any High Contracting Party is induced by unforeseen circumstances to set up an improvised refuge and desires that it should be placed under special protection, it shall communicate this fact forthwith to the Commissioner-General accredited to that Party.
2. If the Commissioner-General considers that such a measure is justified by the circumstances and by the importance of the cultural property sheltered in' this improvised refuge, he may authorize the High Contracting Party to display on such refuge the distinctive emblem defined in Article 16 of the Convention. He shall communicate his decision without delay to the delegates of the Protecting Powers who are concerned, each of whom may, within a time limit of 30 days, order the immediate withdrawal of the emblem.
3. As soon as such delegates have signified their agreement or if the time limit of 30 days has passed without any of the delegates concerned having made an objection, and if, in the view of the Commissioner-General, the refuge fulfils the conditions laid down in Article 8 of the Convention, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the Register of Cultural Property under Special Protection.

Article 12 – International Register of Cultural Property under Special Protection

1. An 'International Register of Cultural Property under Special Protection' shall be prepared.
2. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall maintain this Register. He shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties.
3. The Register shall be divided into sections, each in the name of a High Contracting Party. Each section shall be subdivided into three paragraphs, headed: Refuges, Centers containing Monuments, Other Immovable Cultural Property. The Director-General shall determine what details each section shall contain.

Article 13 – Requests for registration

1. Any High Contracting Party may submit to the Director-General of the United Nations Educational, Scientific and Cultural Organization an application for the entry in the Register of certain refuges, centers containing monuments or other immovable cultural property situated within its territory. Such application shall contain a description of the location of such property and shall certify that the property complies with the provisions of Article 8 of the Convention.
2. In the event of occupation, the Occupying Power shall be competent to make such application.
3. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall, without delay, send copies of applications for registration to each of the High Contracting Parties.

Article 14 – Objections

1. Any High Contracting Party may, by letter addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, lodge an objection to the registration of cultural property. This letter must be received by him within four months of the day on which he sent a copy of the application for registration.
2. Such objection shall state the reasons giving rise to it, the only, valid grounds being that:
 - (a) the property is not cultural property;
 - (b) the property does not comply with the conditions mentioned in Article 8 of the Convention.
3. The Director-General shall send a copy of the letter of objection to the High Contracting Parties without delay. He shall, if necessary, seek the advice of the International Committee on Monuments, Artistic and Historical Sites and Archaeological Excavations and also, if he thinks fit, of any other competent organization or person.
4. The Director-General, or the High Contracting Party requesting registration, may make whatever representations they deem necessary to the High Contracting Parties which lodged the objection, with a view to causing the objection to be withdrawn.
5. If a High Contracting Party which has made an application for registration in time of peace becomes involved in an armed conflict before the entry has been made, the cultural property concerned shall at once be provisionally entered in the Register, by the Director-General, pending the confirmation, withdrawal or cancellation of any objection that may be, or may have been, made.

6. If, within a period of six months from the date of receipt of the letter of objection, the Director-General has not received from the High Contracting Party lodging the objection a communication stating that it has been withdrawn, the High Contracting Party applying for registration may request arbitration in accordance with the procedure in the following paragraph.
7. The request for arbitration shall not be made more than one year after the date of receipt by the Director-General of the letter of objection. Each of the two Parties to the dispute shall appoint an arbitrator. When more than one objection has been lodged against an application for registration, the High Contracting Parties which have lodged the objections shall, by common consent, appoint a single arbitrator. These two arbitrators shall select a chief arbitrator from the international list mentioned in Article 1 of the present Regulations. If such arbitrators cannot agree upon their choice, they shall ask the President of the International Court of Justice to appoint a chief arbitrator who need not necessarily be chosen from the international list. The arbitral tribunal thus constituted shall fix its own procedure. There shall be no appeal from its decisions.
8. Each of the High Contracting Parties may declare, whenever a dispute to which it is a Party arises, that it does not wish to apply the arbitration procedure provided for in the preceding paragraph. In such cases, the objection to an application for registration shall be submitted by the Director-General to the High Contracting Parties. The objection will be confirmed only if the High Contracting Parties so decide by a two-third majority of the High Contracting Parties voting. The vote shall be taken by correspondence, unless the Director-General of the United Nations Educational, Scientific and Cultural Organization deems it essential to convene a meeting under the powers conferred upon him by Article 27 of the Convention. If the Director-General decides to proceed with the vote by correspondence, he shall invite the High Contracting Parties to transmit their votes by sealed letter within six months from the day on which they were invited to do so.

Article 15 – Registration

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection within the time-limit prescribed in paragraph 1 of Article 14.
2. If an objection has been lodged, and without prejudice to the provision of paragraph 5 of Article 14, the Director-General shall enter property in the Register only if the objection has been withdrawn or has failed to be confirmed following the procedures laid down in either paragraph 7 or paragraph 8 of Article 14.
3. Whenever paragraph 3 of Article 11 applies, the Director-General shall enter property in the Register if so requested by the Commissioner-General for Cultural Property.

4. The Director-General shall send without delay to the Secretary-General of the United Nations, to the High Contracting Parties, and, at the request of the Party applying for registration, to all other States referred to in Articles 30 and 32 of the Convention, a certified copy of each entry in the Register. Entries shall become effective thirty days after dispatch of such copies.

Article 16 – Cancellation

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause the registration of any property to be cancelled:
 - (a) at the request of the High Contracting Party within whose territory the cultural property is situated;
 - (b) if the High Contracting Party which requested registration has denounced the Convention, and when that denunciation has taken effect;
 - (c) in the special case provided for in Article 14, paragraph 5, when an objection has been confirmed following the procedures mentioned either in paragraph 7 or in paragraph 8 or Article 14.
2. The Director-General shall send without delay, to the Secretary-General of the United Nations and to all States which received a copy of the entry in the Register, a certified copy of its cancellation. Cancellation shall take effect thirty days after the dispatch of such copies.

Chapter III. Transport of cultural property

Article 17 – Procedure to obtain immunity

1. The request mentioned in paragraph 1 of Article 12 of the Convention shall be addressed to the Commissioner-General for Cultural Property. It shall mention the reasons on which it is based and specify the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information.
2. If the Commissioner-General, after taking such opinions as he deems fit, considers that such transfer is justified, he shall consult those delegates of the Protecting Powers who are concerned, on the measures proposed for carrying it out. Following such consultation, he shall notify the Parties to the conflict concerned of the transfer, including in such notification all useful information.

3. The Commissioner-General shall appoint one or more inspectors, who shall satisfy themselves that only the property stated in the request is to be transferred and that the transport is to be by the approved methods and bears the distinctive emblem. The inspector or inspectors shall accompany the property to its destination.

Article 18 – Transport abroad

Where the transfer under special protection is to the territory of another country, it shall be governed not only by Article 12 of the Convention and by Article 17 of the present Regulations, but by the following further provisions:

- (a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;
- (b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;
- (c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the territory of a third country, under the conditions laid down in the present article;
- (d) the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.

Article 19 – Occupied territory

Whenever a High Contracting Party occupying territory of another High Contracting Party transfers cultural property to a refuge situated elsewhere in that territory, without being able to follow the procedure provided for in Article 17 of the Regulations, the transfer in question shall not be regarded as misappropriation within the meaning of Article 4 of the Convention, provided that the Commissioner-General for Cultural Property certifies in writing, after having consulted the usual custodians, that such transfer was rendered necessary by circumstances.

Chapter IV. The distinctive emblem

Article 20 – Affixing of the emblem

1. The placing of the distinctive emblem and its degree of visibility shall be left to the discretion of the competent authorities of each High Contracting Party. It may be displayed on flags or armlets; it may be painted on an object or represented in any other appropriate form.
2. However, without prejudice to any possible fuller markings, the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground. The emblem shall be visible from the ground:
 - (a) at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;
 - (b) at the entrance to other immovable cultural property under special protection.

Article 21 – Identification of persons

1. The persons mentioned in Article 17, paragraph 2(b) and (c) of the Convention may wear an armlet bearing the distinctive emblem, issued and stamped by the competent authorities.
2. Such persons shall carry a special identity card bearing the distinctive emblem. This card shall mention at least the surname and first names, the date of birth, the title or rank, and the function of the holder. The card shall bear the photograph of the holder as well as his signature or his fingerprints, or both. It shall bear the embossed stamp of the competent authorities.
3. Each High Contracting Party shall make out its own type of identity card,, guided by the model annexed, by way of example, to the present Regulations. The High Contracting Parties shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing Power.
4. The said persons may not, without legitimate reason, be deprived of their identity card or of the right to wear the armlet.

Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict

The High Contracting Parties are agreed as follows :

I.

1. Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article I of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954.
2. Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.
3. Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.
4. The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.

II

5. Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.

III

6. The present Protocol shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.
7. (a) The present Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
(b) The instruments of ratification shall be deposited with the Director General of the United Nations Educational, Scientific and Cultural Organization.
8. From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
9. The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.
10. (a) The present Protocol shall enter into force three months after five instruments of ratification have been deposited.
(b) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.
(c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications' referred to in paragraph 14 by the speediest method.
11. (a) Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.
(b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.
12. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director General of the

United Nations Educational, Scientific and Cultural Organization, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

13. (a) Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible.
 - (b) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
 - (c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.
14. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in paragraphs 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.
15. (a) The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties.
- (b) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene a Conference for this purpose.
- (c) Amendments to the present Protocol shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.
- (d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in subparagraphs (b) and (c), shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
- (e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

HP EXHIBIT 329

In faith whereof the undersigned, duly authorized, have signed the present Protocol.

Done at The Hague, this fourteenth day of May, 1954, in English, French, Russian and Spanish, the four texts being equally authoritative, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in paragraphs 6 and 8 as well as to the United Nations.



International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation. Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1 . No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all

persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4. 2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The

election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - (a) Twelve members shall constitute a quorum;

 - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - (b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

International Covenant on Economic, Social and Cultural Rights

**Adopted and opened for signature, ratification and accession by General Assembly
resolution 2200A (XXI)
of 16 December 1966**

entry into force 3 January 1976, in accordance with article 27

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

THE LEGAL EFFECTS OF WAR

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THE LEGAL EFFECTS OF WAR

Article 43 of the 'Hague Regulations' (that is, the Regulations annexed to Hague Convention IV), which were very widely signed and ratified and in this respect may be regarded as declaratory of existing law,¹ obliges the occupant to 'take all steps in his power to re-establish and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country'.

The provisions of the Hague Regulations are now supplemented by Articles 27 to 34 and 47 to 78² of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War.³ While these Articles regulate in considerable detail some of the matters covered by the Hague Regulations, as well as some additional matters, they are based upon the same general view of the nature of belligerent occupation, and 'reflect the following general principles:—(a) the limited and temporary nature of occupation, (b) that sovereignty is not vested in the Occupant, (c) that the prime duty is the establishment of order in the occupied area, (d) that the minimum alteration should be made to the existing administration, economy, legal system, and general life of the occupied community, and (e) that that minimum is to be determined by the restrictions and changes properly imposed for the security of the Occupant's armed forces and civil administration'.⁴ It is to be noted that the Convention applies from the outset of any total or partial occupation of the territory of a Contracting Party, even if the occupation meets with no armed resistance; and it ceases to apply in the case of occupied territory one year after the general close of military operations, although the occupant is bound, for the duration of the occupation and to the extent that he exercises the functions of government in the territory, by certain Articles.⁵

In so far as the occupant acts within the scope of the authority permitted to him by international law, it is customary for the legiti-

the Allied Occupation Authorities in Germany, in their first law, prohibited the application of some of the laws of Nazi Germany which were based upon principles contrary to basic notions of humanity and the rule of law (see Oppenheim, II, pp. 446-7, where this action is justified on the grounds that in the circumstances the Allies were 'absolutely prevented' from respecting such laws).

¹ It should be noted that, by Article 2 of the Convention, the Regulations only apply if all the belligerents are parties to the Convention; but the effect this has in making the Regulations inapplicable as soon as a non-party to the Convention enters the war (see, e.g. *Anciens Etablissements Graf Frères v. Société La Mure* (France, Cour de Cassation)) is mitigated to the extent that the rules embodied in the Regulations form part of customary international law (see Oppenheim, II, pp. 234-6). The 1949 Geneva Civilian Convention does not require all the belligerents to be parties to the Convention: Article 2.

² See also Articles 2, 4, 5 and 6.

³ T.S. no. 39 (1958).

⁴ Draper, *The Red Cross Conventions*, p. 39.

⁵ Article 6.

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965

entry into force 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems. 2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5.

(a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and

(b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure. 2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State. 2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the

case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention; (b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention. 3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute. 2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. 2. Any State Party which makes a declaration as provided for in paragraph I of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6.

(a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7.

(a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations. 9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph I of this article.

Article 15

1 . Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies. 2.

(a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports. 4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention. 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession. 2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it. 2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. 2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations. 2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.



UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANISATION

CONVENTION CONCERNING THE
PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

Adopted by the General Conference at its seventeenth session
Paris, 16 november 1972



English Text

**CONVENTION CONCERNING THE PROTECTION
OF THE WORLD CULTURAL AND NATURAL HERITAGE**

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase, and diffuse knowledge by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITION OF THE CULTURAL AND NATURAL HERITAGE

Article 1

For the purpose of this Convention, the following shall be considered as "cultural heritage":

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

- (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.
3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.
3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.
2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.
3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.
2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.
3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.
2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.
3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.
4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "list of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.
5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.
6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.
2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.
3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.
4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.
5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.
7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.
8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.
2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.
3. The resources of the Fund shall consist of:
 - (a) compulsory and voluntary contributions made by States Parties to this Convention,
 - (b) Contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;
 - (iii) public or private bodies or individuals;
 - (c) any interest due on the resources of the Fund;
 - (d) funds raised by collections and receipts from events organized for the benefit of the fund; and
 - (e) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.
4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.
2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.
3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.
4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.
5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.
3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Fund may take the following forms:

- (a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;
- (b) provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
- (c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
- (d) supply of equipment which the State concerned does not possess or is not in a position to acquire;
- (e) low-interest or interest-free loans which might be repayable on a long-term basis;
- (f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.
2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.
2. These reports shall be brought to the attention of the World Heritage Committee.
3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;
- (b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Entry into force: 7 December 1978, in accordance with Article 23

Preamble

The High Contracting Parties ,

Recalling that the humanitarian principles enshrined in Article 3 common to the Geneva Conventions of 12 August 1949 constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of those armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

Part I

SCOPE OF THIS PROTOCOL

Article 1.-Material field of application

1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2.-Personal field of application

1. This Protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria (hereinafter referred to as "adverse distinction") to all persons affected by an armed conflict as defined in Article 1.

2. At the end of the armed conflict, all the persons who have been deprived of their liberty or whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty

or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.

Article 3.-Non-intervention

1. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

Part II

HUMANE TREATMENT

Article 4.-Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

(a) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Slavery and the slave trade in all their forms;

(g) Pillage;

(h) Threats to commit any of the foregoing acts.

3. Children shall be provided with the care and aid they require, and in particular:

(a) They shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;

(b) All appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

(c) Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;

(d) The special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph (c) and are captured;

(e) Measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Article 5.-Persons whose liberty has been restricted

1. In addition to the provisions of Article 4, the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:

(a) The wounded and the sick shall be treated in accordance with Article 7;

(b) The persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;

(c) They shall be allowed to receive individual or collective relief;

(d) They shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;

(e) They shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons:

(a) Except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;

(b) They shall be allowed to send and receive letters and cards, the number of which may be limited by the competent authority if it deems necessary;

(c) Places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out under adequate conditions of safety;

(d) They shall have the benefit of medical examinations;

(e) Their physical or mental health and integrity shall not be endangered by an unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.

3. Persons who are not covered by paragraph 1 but whose liberty has been restricted in any way whatsoever for reasons related to the armed conflict shall be treated humanely in accordance with Article 4 and with paragraphs 1 (a), (c) and (d), and 2 (b) of this Article.

4. If it is decided to release persons deprived of their liberty, necessary measures to ensure their safety shall be taken by those so deciding.

Article 6.-Penal prosecutions

1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.
2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:
 - (a) The procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
 - (b) No one shall be convicted of an offence except on the basis of individual penal responsibility;
 - (c) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
 - (d) Anyone charged with an offence is presumed innocent until proved guilty according to law;
 - (e) Anyone charged with an offence shall have the right to be tried in his presence;
 - (f) No one shall be compelled to testify against himself or to confess guilt.
3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.
4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.
5. At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

Part III

WOUNDED, SICK AND SHIPWRECKED

Article 7.-Protection and care

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.
2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 8.-Search

Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

Article 9.-Protection of medical and religious personnel

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

Article 10.-General protection of medical duties

1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.
3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.
4. Subject to national law, no person engaged in medical activities may be penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

Article 11.-Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.
2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

Article 12.-The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

Part IV

CIVILIAN POPULATION

Article 13.-Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

Article 14.-Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Article 15.-Protection of works and installations containing dangerous forces

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

Article 16.-Protection of cultural objects and of places of worship

Without prejudice to the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Article 17.-Prohibition of forced movement of civilians

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Article 18.-Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

Part V

FINAL PROVISIONS

Article 19.-Dissemination

This Protocol shall be disseminated as widely as possible.

Article 20.-Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 21.-Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 22.-Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 23.-Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 24.-Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 25.-Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect six months after receipt of the instrument of denunciation. If, however, on the expiry of six months, the denouncing Party is engaged in the situation referred to in Article I, the denunciation shall not take effect before the end of the armed conflict. Persons who have been deprived of liberty, or whose liberty has been restricted, for reasons related to the conflict shall nevertheless continue to benefit from the provisions of this Protocol until their final release.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

Article 26.-Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- (a) Signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 21 and 22;
- (b) The date of entry into force of this Protocol under Article 23; and
- (c) Communications and declarations received under Article 24.

Article 27.-Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications and accessions received by it with respect to this Protocol.

Article 28.-Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

**Declaration on the Elimination of All Forms of Intolerance and of Discrimination
Based on Religion or Belief**

Proclaimed by General Assembly resolution 36/55 of 25 November 1981

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Article 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article 3

Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Article 6

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia , the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.