



**Division for
Palestinian Rights**

International Conference on the Question of Jerusalem

**Convened by the
Committee on the Exercise of the Inalienable Rights of the Palestinian People in
collaboration with the Organization of Islamic Cooperation**

Preserving the cultural and religious character of Jerusalem

Geneva, 27 and 28 June 2019

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Executive summary

The International Conference on the Question of Jerusalem, on the theme “Preserving the cultural and religious character of Jerusalem”, was held in Geneva on 27 and 28 June 2019 in order to review recent developments regarding the city and discuss ways to preserve its cultural and religious character. The Conference brought together Palestinian, Israeli and international speakers to report on current developments regarding Jerusalem and highlight opportunities for Member States and civil society to engage with decision makers and stakeholders. The aim of the Conference was to stem efforts to alter the demography and character of the city while providing viable alternatives that would preserve its religious and cultural character and ensure that all of its Palestinian inhabitants enjoyed their inalienable rights.

In the aftermath of the economic workshop held in Bahrain as part of the peace plan proposed by the United States of America, the Conference served to reiterate the position of the Committee on the Exercise of the Inalienable Rights of the Palestinian People that any proposal falling short of the parameters set out in relevant United Nations resolutions would stand no chance of success. The political track remained the foundation of resolution of the conflict, and it was underlined that the Palestinians did not need an economic solution that would perpetuate occupation, but rather to have their right to self-determination fulfilled. Palestinian representatives reaffirmed the validity of the Arab Peace Initiative, which encompassed the fundamental rights of the Palestinian people to sovereignty, independence and return, and called for the revival of the Middle East Quartet to prevent further unilateral Member State decisions.

Israel’s ongoing policies of destroying homes, deleting residency maps, eradicating land ownership and outlawing family reunification were discussed as contributing to altering the demographic character and establishing a discriminatory regime in Jerusalem. Participants touched on the municipality of Jerusalem’s tourist colonial policies in the Old City, in occupied East Jerusalem, as part of Israel’s comprehensive settlement policy. Touristic settlement sites, including archaeological sites, were implemented in collaboration with settler organizations to fracture Palestinian neighbourhoods and further isolate them in smaller enclaves, thereby strengthening the Israeli presence in and around the Old City. In that context, Israel’s decisions on which monuments should be preserved and which should not, allowing for the history of the city to be rewritten and its cultural landscape to be transformed, were in contravention of international laws regulating world heritage sites, including the many in Jerusalem.

Participants said that, in order to preserve the status quo at the holy sites, Jerusalem could not be the exclusive possession of one faith over others or of one people at the expense of others. Jerusalem was, and must continue to be, a city of three religions and two peoples. No country could define the status of Jerusalem unilaterally; that could only be done through negotiations. In the meantime, the responsibilities of Israel, the occupying Power, vis-à-vis the cultural and religious sites in Jerusalem and international access for purposes of monitoring needed to be addressed and could not be dissociated from a political settlement. Despite all of the obstacles placed by Israel, Palestinians were being proactive in the protection of their cultural heritage.

I. Introduction

1. The International Conference on the Question of Jerusalem, on the theme “Preserving the cultural and religious character of Jerusalem”, was held in Geneva on 27 and 28 June 2019 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The Conference was organized in collaboration with the Organization of Islamic Cooperation (OIC) and in accordance with General Assembly resolutions 73/18 and 73/21.
2. The Conference consisted of an opening session, four plenary sessions and a closing session, all held at the United Nations Office at Geneva. The opening session was followed by a press conference and consisted of statements delivered by the Chair of the Committee and representatives of the State of Palestine, OIC and the United Nations. The themes of the plenary sessions were “The legal status of Jerusalem under international law and in the context of a final peace settlement”, “Challenges to safeguarding the cultural heritage of Jerusalem”, “Jerusalem: Holy to the three monotheistic religions” and “Ways forward to preserve the character of the Sacred City”.
3. The participants included representatives of 20 Member States, 6 non-member observer States, 2 intergovernmental organizations, United Nations bodies and 40 representatives of civil society organizations, as well as 2 accredited media representatives covering the event (see annex I).
4. The Committee delegation comprised the Permanent Representative of Senegal to the United Nations and Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cheikh Niang; the Permanent Representative of Namibia to the United Nations and Vice-Chair of the Committee, Neville Melvin Gertze; the Permanent Representative of Bolivia (Plurinational State of) to the United Nations, Sacha Sergio Llorenty Solíz; the First Secretary of the Permanent Mission of Indonesia to the United Nations, Ahmad Bawazir; and the Permanent Observer of the State of Palestine to the United Nations, Riyad Mansour.
5. The Chair’s summary, statements and presentations (where provided), videos and other conference materials are available on the [website](#) of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Day 1

II. Opening session

6. The Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and Permanent Representative of Senegal to the United Nations, Cheikh Niang, chaired the opening session.
7. The Chief of the Political Affairs and Partnerships Section in the Office of the Director-General of the United Nations Office at Geneva, Philippe Baudin-Auliac, delivering a statement on behalf of the Director-General and Representative of the Secretary-General, Michaël Møller, reiterated that any idea falling short of the parameters set out in relevant United Nations resolutions would stand no chance of success and, quoting the Secretary-General, there was no plan B. He reminded participants that Jerusalem was a key final status issue and that, without resolution of its status, no Israeli-Palestinian agreement was possible. He called upon Member States to not engage in unilateral moves with regard to the status of Jerusalem, which would jeopardize the peace process, and to continue to support peaceful resolution of the question of Palestine through the United Nations and the Middle East Quartet.
8. Mr. Niang, in his opening statement and in reference to the United States-led economic workshop in Bahrain, emphasized that economic commitments could not replace political solutions and that resolution of the conflict could not be imposed by external parties and should reflect the aspirations of both peoples. He reminded participants that any proposal should be based on the parameters endorsed by the international community, that is, a two-State solution based on the 1967 borders, with East Jerusalem as the capital of an independent State of Palestine and negotiated outcomes for all final status issues. He called for the status quo of holy sites to be respected because Jerusalem was a monument in the global heritage, and its preservation was a collective responsibility. Mr. Niang urged all Member States to refrain from establishing or maintaining diplomatic missions in Jerusalem and to respect [Security Council resolution 476 \(1980\)](#).
9. The Minister of Social Development of the State of Palestine and senior member of the Executive Committee of the Palestine Liberation Organization (PLO), Ahmad Majdalani, delivered a statement on behalf of the State of Palestine and its President, Mahmoud Abbas. Referring to the Bahrain workshop, he highlighted that there had not been legitimate Palestinian representation and called it a resounding failure. Such efforts were to be considered stillborn because the State of Palestine believed that the political track was the foundation for resolution of the conflict, while the economic track would only play a supporting role.
10. Mr. Majdalani cautioned against the application of a double standard with regard to implementing international law because Israel seemed to enjoy immunity from rules applying to other States, including Palestine. He called upon the international community to hold Israel accountable for its violations, even against the backdrop of the United States providing diplomatic and political protection on the Security Council. To protect peace and security and to shoulder their legal and historical responsibility to protect of the two-State solution, Member

States would benefit from implementing measures, foremost among them recognition of the State of Palestine by Member States that had not already done so. He warned that the collapse of the two-State solution would have consequences not only for the Middle East but also for the entire world.

11. The Assistant Secretary-General for Palestine Affairs of OIC, Samir Bakr, delivered a message on behalf of the Secretary-General of that organization, Yousef al-Othaimen, in which he underlined the continuing attempts of Israel at the isolation, Judaization, colonization and subjugation of East Jerusalem. Flagrant violations of United Nations resolutions and Geneva Conventions included military aggression, apartheid, the wall, ethnic cleansing, colonial settlements, a blockade on Gaza, displacement and the exploitation of Palestinian land and natural resources. Such policies were only contributing to eroding the two-State solution. In addition, violations by Israel of Christian and Muslim holy sites were deliberately undermining peaceful cohabitation and coexistence among diverse civilizations; they could transform a solvable political conflict into a religious one with unpredictable repercussions on peace and security in an already volatile region. OIC called upon the international community to assume its historical, legal and humanitarian responsibilities towards the Palestinian refugees and find a just and durable solution in accordance with international law, United Nations resolutions and the Arab Peace Initiative.

12. The Programme Executive for the Middle East at the World Council of Churches, Carla Khijoyan, recalled the long-term commitment of the Council to a just peace between Palestine and Israel. She underlined that the global Christian fellowship shared a profound concern for indigenous Christian Jerusalemites, whose future in their own city was impaired by the prevailing occupation, creeping annexation and the unfulfilled promises of the international community. The position of the Council was that Jerusalem could not be the exclusive possession of one faith, or of one people over another. Jerusalem was, and must continue to be, a city of three religions and two peoples, she said. Furthermore, no country could define the status of Jerusalem unilaterally. That had to be done through negotiations between the Palestinian and Israeli authorities. The status of Jerusalem had to be part of a wider peace agreement that included a two-State solution for Israel and Palestine based on the 1967 borders, an end to all forms of violence, respect for human rights and United Nations resolutions, an end to illegal Israeli settlements, the right of return of refugees and an end to occupation.

III. Plenary sessions

A. Session I

The legal status of Jerusalem under international law and in the context of a final peace settlement

13. The panel, which focused on the theme “The legal status of Jerusalem under international law and in the context of a final peace settlement”, was chaired and moderated by the Permanent Representative of Namibia to the United Nations and Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Neville Melvin Gertze. The panel comprised three speakers: the Minister of Social Development of the State of Palestine and senior member of the Executive Committee of PLO, Ahmad Majdalani; an assistant professor at Hebrew University of Jerusalem, Yael Berda; and a Palestinian lawyer and activist from East Jerusalem, Mohannad Gbara.

14. Mr. Majdalani, speaking about recent political developments and prospects for a peace plan from the United States, stressed the importance of the Conference because of Jerusalem’s role in the political, economic and cultural life of the Palestinian people. Israel had attempted to impose *faits accomplis* and abolish the Palestinian presence in the Holy City. The measures by Israel – including the revocation of the authentic Palestinian Jerusalemites’ residency and expropriation of their properties – were a continuation of the 1948 Nakbah, he said. The implementation of such measures had been supported by the unilateral actions of the United States Administration, including the transfer of its embassy and proclaiming Jerusalem as the capital of Israel. The transfer and proclamation, which undermined the legal status of the city, were to be considered as null and void by international law and needed to be reversed. Those developments represented a message from the United States and Israel to the Palestinian people that it did not constitute an independent entity, but rather a minority whose rights were subordinate to those of the Jewish Israeli people.

15. Measures contributing to altering the demographic character of the city included the destruction of homes, the deletion of residency maps, the eradication of land ownership and the outlawing of family reunification. Another recent example was the decision of Israel to construct a tramway connecting the main train station in West Jerusalem with the Palestinian neighbourhood of Silwan, south of the Old City in occupied East Jerusalem, to obtain access to the Jewish settler-aligned City of David archaeological site. That project was part of the tourist colonial policies of Israel in and around the Old City, which were aimed at distorting the historical nature of Jerusalem.

16. Mr. Majdalani highlighted measures by Israel to prevent Palestinians from gaining access to Al-Aqsa Mosque, as well as increased attacks targeting the mosque, with the alleged support of Members of Parliament of Israel. Furthermore, the rights of Palestinian Christians had been undermined through the confiscation of church property, which had contributed to turning a political conflict into a religious one, with potential serious ramifications.

17. Mr. Majdalani reaffirmed, on behalf of the State of Palestine, that the status of Jerusalem remained unchanged and that any unilateral attempt to modify it, in contravention of international law, had to be opposed. Jerusalem's status should be subject to negotiations in order to achieve a solution. He condemned the United States for failing to recognize the fundamental rights of the Palestinian people, including the right to an independent State based on the 1967 borders, and for supporting Israel in its colonialist activities while providing diplomatic cover with a so-called economic peace plan.

18. Ms. Berda spoke about Israel's legislative, tax-related and judiciary powers over the Palestinian population under annexation and occupation in East Jerusalem. She focused on city taxes as an important political issue in the lives of Palestinian Jerusalemites. The municipality of Jerusalem, while collecting a significant amount of taxes from Palestinian residents, spent less than 10 per cent of its revenue on them. That underfunding was reflected in the state of the schools, which lacked supplies and teachers, and the unrepaired sewage system.

19. Ms. Berda underlined that the collection of taxes was not a function of legitimacy because East Jerusalem Palestinians were an occupied population, even if Israel had annexed their area, nor was it a function of implacably good and efficient governance, but rather a part of Israel's bureaucracy of occupation. Palestinian Jerusalemites did not have the option of withholding taxes until they received adequate services because the payment of city taxes was a sine qua non through which Palestinian Jerusalemites proved and maintained their residency status. That proof permitted them more freedom of movement than West Bank residents, making it extremely important to Palestinians in all aspects of their life. Without it, they would lose their right to live in their own hometown.

20. As a way forward, Ms. Berda proposed that a colonial bureaucracy that had turned into a racial hierarchy within the city be overcome by finding ways to correlate the level of taxes that Palestinians paid to – and the services that they received from – the municipality of Jerusalem with the low level of sovereignty that they enjoyed and the oppressive dominance exerted on them by the Israeli authorities in East Jerusalem.

21. Mr. Gbara, who represented Palestinian plaintiffs in courts of Israel, including the High Court of Justice, spoke about a series of laws and regulations in Israel aimed at the geographical and demographic domination of Jerusalem. For example, Israel had used laws against Palestinians in East Jerusalem for the purpose of land expropriation. Thus far, under the guise of public necessity, the State of Israel had expropriated 24,193 km² of Palestinian lands in the city, representing more than 80 per cent of territory within the city limits before 1948. In addition, the municipality of Jerusalem had recently approved a budget for the construction of a tramway line going through various areas of occupied East Jerusalem, for which more Palestinian land was to be expropriated. When a claim was lodged against the Ministry of Finance, the High Court of Justice of Israel had ruled that the expropriation was legitimate, although the ruling was based on the Absentees' Property Law, adopted in 1950, under which Israel considered all Palestinians who had fled their homes in the war of 1948 to 1949 and had been prevented from returning to have become absentees, thus forfeiting their property rights.

22. Another example was the inconsistent implementation of the Planning and Building Law, adopted in 1965, to allow construction by Israel in East Jerusalem and justify the denial to grant Palestinians construction permits. Another example of the discriminatory use of legislation was the rulings by Israeli courts that allowed the demolition of the houses of Palestinian perpetrators of attacks on Israelis as a measure of collective punishment and deterrence, yet prevented the demolition of the houses of Israeli extremists who had murdered Palestinians.

Discussion

23. In the ensuing discussion, a civil society representative of Bethlehem voiced the frustrations of Palestinian families receiving demolition orders in Al-Walaja, part of which had been annexed to Jerusalem, and suggested that demolition orders could be stopped by international political pressure and active opposition. With regard to effective tools that Palestinians could count on to resist demolition and expropriation, a participant pointed out the fatigue generated by the unsuccessful lodging of court cases. It was acknowledged that the weight of the High Court of Justice of Israel in averting oppressive State policies had decreased over the years owing to increased right-wing representation in the Government. Still, lawyers needed to continue to knock on all possible doors. Furthermore, although Palestinian legal experts might not obtain the judgment that they had wished for, those efforts could still contribute to exposing the contradictions and irregularities of the judiciary in Israel.

24. Some participants argued that, because the judiciary in Israel was part of the system of occupation, one should not seek to only embarrass it and expose its double standards but also to remember that Palestinians in East Jerusalem did not recognize, on principle, any legal mandate of Israel over them other than as an occupying Power, which had to act on the basis, and within the framework, of United Nations resolutions and the Geneva Conventions.

25. Representatives of the Government of Palestine highlighted their people's steadfastness vis-à-vis Israel's decisions in East Jerusalem. They noted that peaceful resistance against the occupation was on the rise. Palestinians' suffering and sacrifices were no justification for extremist acts, even if extremist Palestinian groups had used popular resistance to advance their own agenda.

26. A participant who identified herself as a Christian recalled the recent decision of Israel to increase taxes on Palestinian churches, endangering the churches' important role in providing various services to the Palestinian public, which often included filling the gaps left by an uncaring occupying Power. While the Israeli authorities had tried to use that direct method of coercion through taxation, churches had already successfully staged peaceful protests.

27. On the broader issue of municipal taxes, the municipality of Jerusalem and the Government of Israel were aligned in imposing a financial burden on Palestinians while depriving them of basic services, in addition to causing their constant struggle to maintain their residency status through the permit regime. However, an Israeli legal expert underlined that an increase in the number of Palestinian residents in East Jerusalem inside the separation wall who maintained valid residency status had increased health and education needs, with which the

municipality of Jerusalem could not cope. In that context, the recent increase in taxes on churches was even more egregious because they provided free education to Palestinian Jerusalemites, substituting for the municipality's lack of assistance to Palestinians in many areas. While the Israeli authorities had intended to use a harsher taxation policy as a tool against the Government of the State of Palestine in the battle for sovereignty over East Jerusalem, the battle was becoming an Israeli battle against itself.

B. Session II

Challenges to safeguarding the cultural heritage of Jerusalem

28. The panel, which focused on the theme “Challenges to safeguarding the cultural heritage of Jerusalem”, was chaired and moderated by the Assistant Secretary-General for Palestine and Al-Quds Affairs of OIC, Samir Bakr. It comprised four experts: a professor of history and archaeology at Birzeit University, Nazmi Al Jubeh; the Executive Director of Ir Amim, Yudith Oppenheimer; the Director of the Royal Hashemite Fund for the Restoration of Al-Aqsa, Wasfi Kailani; and the Director of the Arab Regional Centre for World Heritage, Shadia Touqan.

29. Mr. Al Jubeh, speaking about the protection of cultural sites under occupation, raised the issue of archaeological excavations carried out by the Israeli authorities underneath the Old City and their decisions regarding which monuments should be preserved, both of which were contributing to the transformation of the city’s cultural landscape and the rewriting of its historical narrative. Although the United Nations Educational, Scientific and Cultural Organization (UNESCO) had established an international committee to monitor those activities on the basis of established rules and regulations, Israel had not granted it permission to work in Jerusalem.

30. Mr. Al Jubeh highlighted the planned construction of tramways into East Jerusalem and of a cable car line over the walls of the Old City, as well as the destruction of old buildings. In addition, the increase in surveillance cameras and the presence of Israeli soldiers and flags had increased the feeling among Palestinian inhabitants of East Jerusalem of being foreigners in their own town.

31. Palestinians in East Jerusalem, in particular in the Old City, where 36,000 inhabitants lived in an area sufficient for just 20,000, were suffering from a severe housing crisis. That had led, inter alia, to the conversion of key historical monuments dating back to the Mamluk period into housing units, harming the city’s cultural heritage. The fact that 80 per cent of East Jerusalem's population currently lived beneath the poverty threshold, although the majority of its inhabitants used to be middle-class Palestinians, only exacerbated the crisis. However, despite that complex situation, since 1992 Palestinian organizations had managed to restore more than 4,000 architectural monuments to preserve the cultural history of their city and safeguard its facade.

32. Ms. Oppenheimer spoke of the settlement policy of Israel in the Old City and its environs, including Silwan, Shaykh Jarrah and the Mount of Olives. Jerusalem was home to major sites holy to three global monotheistic religions. Any future political arrangements regarding the Old City, therefore, had to acknowledge those multireligious and multicultural linkages and secure the access of all faithful persons to their respective holy sites. Such a permanent political status for the Old City could only be determined through a comprehensive negotiated agreement between the two political entities involved: Israel and the State of Palestine.

33. Israel was currently moving towards the official annexation of those three main Palestinian neighbourhoods around the Old City. Ms. Oppenheimer mentioned the expansion of tourism sites implemented and managed by Jewish settlement organizations, in addition to State-sponsored settlements, as part of measures to consolidate its control of the Old City in particular, while separating them from most of the Palestinian population. They included promenades, archaeological sites, national parks and visitor centres, along with the newly approved cable car. Their purpose was to connect relatively small settlement compounds isolated inside Palestinian neighbourhoods; fracture the Palestinian space; break large neighbourhoods into smaller enclaves, which were easier to police; and bring tens of thousands of non-ideological Israeli and international tourists to visit those sites, thereby strengthening the Israeli presence in and around the area. Those settlement projects were thus contributing to the imposition of a nationalist Jewish narrative on East Jerusalem in lieu of celebrating the cultural diversity of the sites.

34. Ms. Oppenheimer referred to the specific cases of the Palestinian neighbourhoods of Batan al-Hawa in Silwan and Shaykh Jarrah. Batan al-Hawa was anticipated to become the largest neighbourhood settlement in and around the Old City. Noting the focus of the international community on the attempt by Israel to evict the Palestinian Bedouin community in Khan al-Ahmar, she warned that it would be a great error to not also support the Palestinian families in Batan al-Hawa and Shaykh Jarrah, considering that those two neighbourhoods contained twice as many Palestinian inhabitants as Khan al-Ahmar.

35. Mr. Kailani, speaking about restoration of Islamic cultural sites and Hashemite custodianship over Jerusalem Muslim and Christian holy sites, outlined that, from 1917 to the present, through restoration and preservation programmes, the custodianship of the Kings of Jordan had contributed to the cultural character and heritage of the city. He provided details on major commitments and endeavours, focusing on five restoration phases of Al-Aqsa Mosque and the gilding of the Dome of the Rock.

36. Mr. Kailani detailed how Jordan, through its participation in political agreements, had contributed to preserving the legal status of Jerusalem. For example, during the disengagement of Jordan from the West Bank and East Jerusalem in 1988, it had aimed to ensure that, while political negotiations between PLO and Israel were continuing, no vacuum or protection gap would result from the process and Israel could not alter the religious character and status of East Jerusalem as an occupied city. It was stated in the Washington Declaration and the Wadi Araba peace treaty, both of 1994, that Israel would continue to respect the role of Jordan in Islamic holy sites in Jerusalem, while in the agreement on holy sites of 2013 between Mr. Abbas and the King of Jordan, Abdullah II, it was reaffirmed that Jordan and Palestine shared the common goal of preserving Jerusalem at critical times.

37. In the dealings of the Government of Jordan with Christian communities in Jerusalem, the Council of Church Leaders, composed of representatives of Christian denominations in the Holy Land in both Jerusalem and Jordan, served as a counterpart. While the churches in Jerusalem exercised religious authority over all of their Jordanian denominations, the King of Jordan was their political custodian and had authority over the accreditation and protection of Jerusalem churches.

38. Ms. Touqan reminded participants that, while the 1994 peace agreement between Israel and Jordan had emphasized Jordanian custodianship over the holy sites and the status quo thereof, Israel had repeatedly violated it. In connection with Mr. Al Jubeh's argument regarding excavations by Israel, she mentioned the Convention for the Protection of Cultural Property in the Event of Armed Conflict, whose rules Israel, the occupying Power, continued to ignore. The same convention should be the main reference with regard to questions on the legality of excavations, the expropriation of homes, the acquisition of land and the forcible transfer of the Palestinian population.

39. In the light of those instruments, Ms. Touqan praised the central role of international law in protecting cultures and humanity and recommended the instruments' enforcement to decide on the right to grant sites to one authority and not another, as well as on the ownership of cultural heritage. In that regard, the continued monitoring of Israel's unilateral excavations and the surveying of its negligence of Jerusalem's cultural heritage, in particular by the World Heritage Committee, were needed.

40. In the context of conservation work in the city, the local community was swimming against the tide with heroic attempts to keep the city alive and continue to preserve its heritage. Following the remarks by Mr. Al Jubeh on the housing crisis in East Jerusalem, she said that Palestinians had deliberately left good housing units outside the wall and moved to basements in dire condition in the Old City in order to protect the identity of Jerusalem and remain citizens of their own city.

Discussion

41. A representative of Morocco stated that Jerusalem was a main point of disagreement in the Israel-Palestine conflict and that the two-State solution remained the only viable solution to that conflict. Furthermore, it was important to preserve the freedom of access to holy sites of all three monotheistic religions. He announced his country's decision to establish a grant for the renovation of certain parts of Al-Aqsa Mosque, thus contributing to the efforts of the Palestinian people to preserve their cultural and religious heritage.

42. The ensuing discussion was focused on the following issues: whether adequate information on excavations in Jerusalem was available, given Israel's ban on access by international monitoring organizations; reasons for the excavations currently carried out by Israel in the city and the extent of damage that they would cause to the cultural heritage of Jerusalem; Israel's lack of accountability for its violations of rules regarding preservation; how realistic it was to address the protection of cultural heritage without a political settlement; measures that could be taken to monitor violations of the city's heritage in the light of Israel's denial of access to UNESCO, and institutions that should be responsible for such monitoring. Lastly, clarification was sought on the meaning of the phrase "free access for three religions" with regard to the city's holy sites.

43. Speakers acknowledged that efforts were being undertaken by local Palestinians to document Israel's violations in Jerusalem. Some organizations monitored the situation on the

ground, in particular with the help of social media and other communication networks. However, it would be more effective if the United Nations could seek the assistance of a group of Member States to exercise oversight of the excavations conducted by Israel in the Old City, given that UNESCO was barred from such access, resulting in its having been unable to implement a single mission to Jerusalem on the issue of cultural heritage in the previous 30 years.

44. In the context of protecting cultural sites under occupation, a speaker referred to an annual report on Jerusalem of archaeological experts who had carefully documented excavations in the city. The focus should be on creating a political tool using that information and ensuring leverage with Israel, the occupying Power.

45. Answering a question on the meaning of “free access for three religions”, an Israeli speaker said that the Prime Minister of Israel, Benjamin Netanyahu, had coined the clearest agreeable definition when, after his return from Jordan in 2015 following an escalation in violence on the Holy Esplanade, he had said with regard to Al-Haram al-Sharif that Muslims had praying rights and everyone else had visiting rights. That should be applied to all holy sites, with priorities given on the basis of the holidays and celebrations of each faith throughout the year and for the purpose of respecting the status quo of the respective site.

46. Speakers underlined that, with respect to differentiation between cultural heritage and political settlement, cultural heritage could not be preserved without political tools. A representative of Jordan reiterated the long-standing role of the Hashemite kings in protecting the holy sites in Jerusalem and their facilities. She reaffirmed Jordan’s unwavering support for the steadfastness of Palestinian Jerusalemites in defending their legitimate right to protect their Christian and Islamic cultural heritage, schools, libraries and markets. She urged that all legal and diplomatic tools be used to counter attempts by Israel to change the Christian and Muslim character of the city.

Day 2

C. Session III Jerusalem: Holy to the three monotheistic religions

47. The plenary, which focused on the theme “Jerusalem: Holy to the three monotheistic religions”, was chaired and moderated by the Permanent Representative of the Plurinational State of Bolivia to the United Nations in New York and member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Sacha Sergio Llorenty Solíz. It comprised four experts: a former member of the Palestinian Legislative Council and Executive Secretary of the Department of Service to Palestinian Refugees, Bernard Sabella; a professor of Islamic studies at Al-Quds University and member of the Islamic Waqf Council of Jerusalem, Mustafa Abu Sway; a representative of Oz V’Shalom and Rabbis for Human Rights, Leah Shakdiel; and the Executive Secretary for Human Rights and Racial Justice on the General Board of Global Ministries of the United Methodist Church, David Wildman.

48. Mr. Sabella spoke about the challenges for Christians of freely obtaining access to their holy sites in Jerusalem. He highlighted the historic development of the status quo, as well as the day-to-day obstacles resulting from archaeological excavations. A lack of both freedom of worship and freedom of movement was a violation of the basic rights of Palestinians. That included the obstacles that Muslims and Christians faced in obtaining access to certain sites because of the restrictions on movement that Palestinians faced throughout Israel. That was why the Palestinian organization Open Bethlehem advocated that Bethlehem be connected to Jerusalem by removing the barriers between them so that Palestinian Christians could worship freely in their holy places and not be hindered by the separation wall. Open Bethlehem also addressed the problem of renovating Christian and Islamic holy sites. Since the occupation had begun, in 1967, all renovations required the prior approval of the Israeli authorities, who were not forthcoming with permits.

49. Mr. Sabella explained that Israel was using archaeological excavations to change the character of the city. Excavations of Jewish historic sites, including tunnels under the Old City, resulted in a loss of access to those areas for Christians and Muslims. That also included underground excavations that affected the structural safety of the Muslim and Christian quarters. Expropriation and public planning were also used to change the demographic balance of the city. The sale of Greek Orthodox Church properties near Jaffa Gate, which had recently been upheld by the High Court of Israel, and the Jerusalem cable car project, which had been approved on 3 June, were examples of those practices. Mr. Sabella urged the international community to appeal to the Government of Israel to reverse both projects.

50. Mr. Abu Sway discussed the custodianship of Muslim holy sites and explained that the Hashemite royal family, by protecting the Arab and Islamic cultural heritage in the city, was preserving the cultural heritage of humankind. Unfortunately, Israel continued to violate the agreed upon status quo. Using quotations from the Qur’an and other Islamic religious texts, he explained to the audience the religious and symbolic meaning of Haram al-Sharif in Islam and the unique position of Al-Aqsa Mosque, which was one of the most holy places for Muslims.

51. Mr. Abu Sway showed, through examples, how violations of the status quo affected worshippers on a daily basis. For example, the permits granted by the Israeli authorities to Christians from the West Bank and Gaza to pray in Jerusalem during Easter showcased the usual difficulty of obtaining permits to exercise their freedom of worship throughout the rest of the year. Similarly, the recent arrest by Israel of a Palestinian engineer for trying to restore one tile in Al-Aqsa Mosque compound had violated the custodianship of the King of Jordan over the site. Mr. Abu Sway stressed the important historical and religious relationship of the royal family of Jordan with the site, exemplified by the financing of four major renovations of Al-Aqsa Mosque. The appreciation of the Palestinian people for that custodianship was codified in the agreement signed in 2013 between Jordan and the Palestinian Authority by King Abdallah II and Mr. Abbas.

52. Ms. Shakdiel spoke from a unique understanding of Zionism, which required Jews in the Holy Land to respect the rights of all religions and accommodate the sovereignty of the Palestinian people. She rejected focusing by any side on ideology or religion solely, without looking at the reality of people's lives. That was especially true if a focus on religion or ideology led to the expulsion of people from their homes, the destruction of buildings and the use of laws to give one religion power over another.

53. Despite her upbringing in, and her strict adherence to, Orthodox Judaism, Ms. Shakdiel believed that the Torah taught Jews to believe in God having an infinite presence in the universe, which meant that the Temple, which had great value in Judaism, could also be conceived of as a symbolic place rather than a physical space, thus allowing Jews, Muslims and Christians to coexist in the Holy Land without needing to compete over soil. She expressed her disappointment regarding the absence of any representative of her Government at the Conference to present the policies of Israel and engage in discussion on those issues.

54. Mr. Wildman spoke of the role of Christian lobbies in the United States and abroad in preserving the status quo at the holy sites. He believed that they had helped to shape support for Israel as a domestic issue in the United States, tying it to political campaign donations and voter support. He contrasted that with discussion of the question of Palestine in the United States, which was considered separately from domestic concerns and strictly in terms of foreign policy implications. Within American Christianity, two different approaches existed: Christian Zionists were absolute in their support of all policies of Israel, whereas many other churches, such as the United Methodist Church, were not afraid to criticize the policies of Israel and the United States towards the Palestinian people. The United Methodist Church had come to realize the potential impact of its advocacy on public discourse and had become more vocal as a result. For example, it had condemned the unilateral move of the United States Embassy to Jerusalem as detrimental to peace.

55. Mr. Wildman spoke about the role of churches in promoting ethical tourism, and in particular their engagement with several large corporations, such as Airbnb, Expedia, Booking.com and TripAdvisor, within the context of business practices in illegal Israeli settlements and their impact on the occupied Palestinian population. He provided examples of the ways in which churches had joined forces to challenge certain policies that undermined

fundamental freedoms, such as the freedom of expression, guaranteed by the First Amendment of the United States Constitution. An important example was the condemnation of anti-boycott, divestment and sanctions legislation. He called upon all Christians travelling to the Holy Land to interact with Palestinians and support them in endeavouring to attain the same access to holy sites and freedom of worship that international visitors had. He recommended setting up a database of international companies involved in tourism in the occupied Palestinian territory as a concrete measure to increase accountability in tourism.

Discussion

56. During the ensuing discussion, speakers focused on the role of civil society in influencing national positions, ways in which different religious groups could coexist and co-worship in Jerusalem and the notion that preservation did not apply only to buildings and historic sites but also to the communities that inhabited them, which could be described as living stones. A representative of OIC acknowledged the important role of civil society and churches in correcting the course of national policy in the United States.

57. Discussing freedom of worship in relation to various religious groups, several speakers underscored the mutual respect of Christians and Muslims for their respective holy sites from a religious and human rights perspective. Speakers felt that extremist Jewish groups were attempting to appropriate religious sites for Judaism at the expense of Christianity and Islam. They said that the Government of Israel was not doing enough to prevent those acts. A speaker recommended that followers of the three religions come together and pray in Jerusalem, but others said that that might play into the agenda of extremist elements.

58. Speakers cited precedents dating back to the time of Caliph Umar for adhering to the adage “My place is mine, and your place is yours, and we should not be praying at each other’s places”. That principle was considered by most participants to be the key to peaceful interreligious coexistence in Jerusalem. Religious considerations had to be resolved through a political solution that must include both the status quo and the right to free access and worship.

59. Speakers recalled their experiences of growing up and living in Jerusalem amid historic places and holy sites that were interwoven with their own family histories and those of their communities. Those living stones were proof of the historically multicultural and multireligious character of the city, one example of which was the many Christian churches in the Muslim Quarter. It was stressed that buildings and structures should be considered within a broader context, including that of tourism. Christian pilgrims were called upon to engage in ethical tourism and visit Palestinian families to learn about their circumstances.

60. A speaker referred to the dangerous wedding of religion and nationalism that had led to Israeli policies violating the long-held status quo of the holy sites, devastating many Palestinian families in the process. Following a religious paradigm was problematic because the Holy Land did not end at the border with Jordan.

61. Discussing the current global political climate, some participants spoke of pervasive anti-democratic sentiments and the rise of certain populist leaders who were diminishing the

importance of multilateral institutions such as the United Nations. Others cautioned against simplistic criticism of world leaders, pointing out that they had been elected by voters who supported those policies and attitudes. It was therefore important to find political solutions instead of focusing on criticism of leadership alone.

D. Session IV
Ways forward to preserve the character of the Sacred City

62. The fourth plenary, which focused on the theme “Ways forward to preserve the character of the Sacred City”, was chaired and moderated by the First Secretary of the Permanent Mission of Indonesia to the United Nations in New York, Ahmad Bawazir. It comprised four experts: the Assistant Foreign Minister for Multilateral Affairs of the State of Palestine, Ammar Hijazi; the Director of Riwaq, a centre for architectural conservation, Khaldun Bshara; the Director of Emek Shaveh, Yonathan Mizrahi; and a fellow at the Middle East Institute, Geoffrey Aronson.

63. Mr. Hijazi detailed the actions taken by the State of Palestine before international organizations and organs, including the General Assembly, the Human Rights Council, the International Court of Justice and the International Criminal Court, to promote the rights of the Palestinian people and establish the State of Palestine. Referring to the legal status of Jerusalem as *corpus separatum* established through Assembly resolution 181 (II) of 1947, he pointed out that the international community did not recognize Jerusalem as a unified city under Israeli rule, which had been reaffirmed over time through numerous other resolutions. Israel, however, did not respect resolution 181 (II) and, since 1967, had carried out a systematic assault on the demographic composition of the city, including East Jerusalem. It had also taken legal steps to alter the city’s status, including the annexation of East Jerusalem in 1980, an action immediately condemned by the Security Council. However, Israel continued to reject international law, encouraged illegal settlements, redefined the borders of the city and instituted discriminatory measures to condemn Palestinians in Jerusalem to a life of poverty with the aim of making them accept the illegal annexation or live without the same rights as citizens.

64. Mr. Hijazi explained the multilayered strategy of Palestinians to ensure self-determination and protect Jerusalem from violations by Israel. Because Israel had criminalized the work of Palestinian officials in Jerusalem, Palestinians had to work through international partners to provide services. For legal recourse, Palestine had engaged with all United Nations bodies, most importantly the General Assembly, which had passed hundreds of resolutions recognizing, inter alia, the applicability of the Fourth Geneva Convention to the occupied Palestinian territory. In addition, Palestine had worked with special procedures of the Human Rights Council to address human rights violations. It had also successfully defended item 7 of the agenda of the Human Rights Council, “Human rights situation in Palestine and other occupied Arab territories”, against attempts by the United States to have it abolished. Outreach by Palestine to third States on the applicability of relevant Security Council resolutions had deterred others from moving their embassies to Jerusalem.

65. Mr. Hijazi informed participants that the State of Palestine was, for the second time, seeking a ruling from the International Court of Justice, that time on violations of the Vienna Convention by the United States through the decision to move the United States Embassy from Tel Aviv to Jerusalem. His country was also engaging with the International Criminal Court and had submitted the first-ever inter-State complaint against Israel to the Committee on the Elimination of Racial Discrimination.

66. Mr. Bshara gave a presentation on preserving the character of Jerusalem through education and community projects. He explained that the definition of what constituted antiquities had changed throughout the years and that, first after 1948 and subsequently after 1967, the Israeli authorities had demolished parts of the city, including the Moroccan Quarter, which had been destroyed to create more space for Jewish worshippers at the Western Wall. Such actions had displaced many Palestinians from their homes and exiled them within Jerusalem. The Israeli authorities had turned beautiful Jerusalem into a ghost city, while informal villages, often lacking even the most basic services, had sprung up in its surroundings. That prompted questions about the nature of restoration and preservation; on the one hand, it was important to preserve historic sites, while on the other, a city was meant to be lived in, not to be turned into a museum.

67. Mr. Bshara explained that, despite the impediments imposed by the Israeli authorities, Palestinian Jerusalemites were taking care of Jerusalem, preserving and restoring what they could. Riwaq was training people in restoration and educating them in traditional arts and crafts. The goal was not only to reinstate value in buildings but also to work with communities to enlist their help, including through cultural activities. Through that work, Riwaq was seeking to reverse the effect of occupation and to decolonize the city and the surrounding countryside. That was much needed, given that Israeli policies had turned parts of the city into slums. Although the budget was small, it did show that meaningful and affordable restoration was possible.

68. Mr. Mizrahi, highlighting another side of cultural preservation in the city, illustrated the enormous amount of resources that the Israeli authorities had poured into archaeological tourism projects, which were also used to transform the physical, cultural and religious identity of the historic city for political reasons. On the other hand, he said, on the Palestinian side, the entrenchment of an exclusivist narrative, which could be called “Temple denial”, was also evident. In the end, it was impossible to imagine a solution to the conflict over Jerusalem that did not take into account the deep cultural and national attachments of both sides.

69. Mr. Mizrahi suggested, in the absence of meaningful political progress, organizing a round table comprising Palestinian, Israeli and international experts to articulate principles for the protection and preservation of Jerusalem’s historic and sacred sites. The premise would be that any major decision on the development and preservation of the city would have to be subject to joint approval by the Israeli and Palestinian authorities, as well as other relevant stakeholders, until a political agreement could be reached. Given that Jerusalem was a world heritage site, tourism, transportation and development should be based on relevant guidelines for safeguarding such locations. Moreover, they should be managed according to the highest possible professional standards. Importantly, any such measures should contribute to a comprehensive solution to the challenges of historic Jerusalem, rather than detract from it.

70. Mr. Aronson spoke about current United States foreign policy towards Israel and the question of Palestine, contrasting it with the approach of the previous administration. He said that there was a lot to be criticized in United States policy over past decades, but that the current administration seemed to embrace with enthusiasm what previous administrations had merely accommodated as a fact of life. Tellingly, the Obama Administration had been very concerned with being on the right side of history. It had approached the issue with the assumption that the

parameters of a solution were predefined through international consensus and established legal principles, such as the two-State solution. Israel's approach had long been to create facts on the ground in the hope that the international community would eventually come to accept them as irreversible. The current United States administration had recognized the effectiveness of that approach and was adopting it; it sought to make history rather than just be on any side of it. By issuing unilateral statements that departed from the long-held international consensus on the peace process, the United States was now helping Israel to have its facts accepted and create new realities.

71. Mr. Aronson said that he considered that approach to be highly problematic, in particular because he expected that it would lead the United States to expand the parameters of the discussion to the point of full recognition of the annexation by Israel of the occupied Palestinian territory. That was already foreshadowed by United States officials stating that future unilateral recognition of annexation could not be ruled out. Mr. Aronson identified three issues that would be key to the future of the question of Palestine. First was the question of greater Jerusalem, including all measures that affected the settlements surrounding the city. Second, was the role that the United Nations could play in the city, an issue that would be affected by the outcome of the legislative elections in Israel in the fall. Third and last was the fact that primary education in the Palestinian sectors of Jerusalem was being threatened by attempts by Israel to encroach on the funding of the United Nations Relief and Works Agency for Palestine Refugees in the Near East as part of an ideological motivation to influence the curriculum of Palestinian children.

Discussion

72. During the ensuing discussion, a representative of the Islamic Republic of Iran spoke against the subjugation by Israel of the Palestinian people and insisted that the land of Palestine be restored to them. Referring to the Bahrain workshop, he stated that economic reform could never be a reason to forget crimes and atrocities against people, launder subjugation and normalize systemic apartheid.

73. The representative of the Plurinational State of Bolivia reiterated his country's support for the right of the Palestinian people to self-determination. It was important to keep the eyes of the world trained on the question of Palestine. He proposed that the General Assembly declare an international day for the preservation of the cultural and religious character of Jerusalem as a concrete measure to preserve the Holy City.

74. A participant shared with the Conference a letter from Orthodox Christian leaders in Jerusalem in which they requested support to preserve properties near Jaffa Gate, in occupied East Jerusalem, which Israeli settlers had worked to take over.

75. Participants affirmed their support for the Palestinian cause. It was widely recognized that Christians and Muslims had to carry out preservation activities in Jerusalem under extremely challenging circumstances. A lack of cooperation from the Israeli authorities had led to the need to smuggle building materials into the city and secretly renovate sites, evading the close scrutiny of the Israeli police and military.

76. Some participants embraced the idea of organizing a preservation round table as a means to fight against a deteriorating political climate, as exemplified by the intention of the Ambassador of the United States to Israel to attend the opening of a tunnel, newly excavated beneath Silwan, in East Jerusalem, in a bid to assert historical rights in Jerusalem. Other speakers pointed out that, in the past, similar initiatives to work on preservation had failed because of the refusal by Israel to cooperate, although earlier proposals had only called for the monitoring of preservation activities and did not attempt to make decisions on types of interventions. Another group took the stance that, before it would consider participating in a round table, Palestinians needed to be recognized as equal to Israelis.

77. Participants advocated several ways to preserve the legal status of Jerusalem. First, all initiatives that called for an end to the occupation should be supported, regardless of their provenance. Second, States Members of the United Nations had a moral duty to recognize the State of Palestine, given in particular that many had voted for General Assembly resolution 181 (II) of 1947 and had already recognized Israel, one of the two States to have been established. Third, accountability for breaking international law was long overdue, and the perpetrators had to be punished. Lastly, participants agreed that a religious narrative was not the key to solving the issue of Jerusalem; for it to be sustainable, any agreement would have to be a political solution based on international law and United Nations resolutions.

IV. Closing session

78. The Permanent Representative of Senegal and Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cheikh Niang, delivered the closing remarks on behalf of the Committee. He underlined that, during the Conference, the experts had outlined challenges to, and put forward recommendations for, the preservation of the Holy City's rich heritage. The recommendations could contribute to safeguarding hope for a two-State solution, given that preservation was a political issue that could be separated from the other final status issues.

79. The Permanent Observer of the State of Palestine to the United Nations, Riyad Mansour, underscored Palestinians' appreciation for the support of their partners in achieving self-determination for the Palestinian people. He underlined the strategic alliance with the Organization of Islamic Cooperation and invited all those present to join the Palestinian cause. He thanked in particular the Israelis who had supported the rights of the Palestinian people, emphasizing that the conflict was over the occupation by Israel and its extremist supporters, not with the Israeli people.

80. Mr. Mansour asked the countries that had not yet recognized the State of Palestine to come forward with proposals to achieve a two-State solution. Statements by the Committee on the Exercise of the Inalienable Rights of the Palestinian People had sent a strong message to the world, including when the United States decided to move its embassy to Jerusalem.

81. Mr. Mansour said that the Palestinian people had shown remarkable resilience in the face of occupation and deserved that international support. Their daily heroism complemented the conferences and events at which their situation was discussed. He concluded that, while the United States was pushing an initiative of economic ideas, conferences such as the present one supported the Palestinian people by showing that political solutions could not be bypassed. Recalling when Palestinians in the occupied territory demonstrating for their rights had been joined by Israelis and others, he said that that had advanced their cause and achieved results. He ended his remarks by calling upon everyone to visit Palestine and show support on the ground.

V. Key themes and recommendations

82. The following key themes and recommendations emerged during the Conference deliberations:

- Jerusalem is a city of two peoples and three monotheistic religions; resolution of its legal status will only be possible through a negotiated political settlement between the two political entities of Palestine and Israel.
- Israel's "bureaucracy of occupation" has created a racial hierarchy among Jerusalemites. There should be ways to balance sovereignty, authority and population in order to ensure that Palestinian residents are included in their city and receive an adequate level of services in return for the taxes that they pay to the municipality of Jerusalem.
- Palestinian legal experts need to continue to expose the double standard applied by the courts in Israel. That, in "occupation law", is part of the efforts of the State of Israel to legalize settlements and practices such as forcible transfer, the demolition of homes and structures and the expropriation of Palestinian land.
- The international community needs to continue to pressure the Israeli authorities to stop the forcible displacement of Palestinians from neighbourhoods around the Old City, such as Silwan and Shaykh Jarrah. Pressure from the international community has contributed to delaying the demolition of homes in other communities, such as Khan al-Ahmar.
- The State of Palestine should continue to pursue all legal avenues to ensure self-determination for the Palestinian people and preserve the cultural and religious status of Jerusalem. That includes engagement with all international legal bodies, human rights treaty bodies and United Nations entities that can contribute to fulfilling and protecting the rights of the Palestinian people.
- The World Heritage Committee should first address the challenges posed by the Israeli authorities' denial of access to UNESCO to monitor the sites and document violations by Israel of their status quo through unilateral digs and excavations.
- The international community should address, for example through the World Heritage Committee, the issue of decisions on excavations that contribute to modifying the historical narrative of the city and the prioritization of some monuments over others for the purpose of conservation or demolition in the context of tourism projects connected to the illegal Israeli settlement enterprise.
- Jerusalem's historic and religious sites should be managed according to the highest possible professional standards and in compliance with rules governing world heritage sites. Such management should contribute to a comprehensive solution to the challenges of preserving historic Jerusalem.

- The wealth of available data, documented by independent parties and international organizations, should be used to develop political tools for the preservation of the sites.
- Civil society should play a major role in advocating the maintenance of the status quo in Jerusalem and its inclusion in final status negotiations.
- Respecting one another's holy sites, in accordance with historical precedent, has proven to be an effective way to ensure interreligious, peaceful coexistence in Jerusalem and should be continued in the future.
- Freedom of movement and of worship are enshrined in articles 13 and 18 of the Universal Declaration of Human Rights. Those freedoms must not be limited.
- Churches and other civil society organizations should engage with tourist companies operating in Israeli settlements to ensure ethical business practices.
- Until a political agreement can be reached, a round table consisting of Palestinian, Israeli and international experts should be convened to articulate principles regarding the protection and preservation of Jerusalem's historic and sacred sites.
- The General Assembly should seek to declare an international day for the preservation of the cultural and religious character of Jerusalem.

Annex I Programme

27 June 2019

10–11 a.m.

Opening session

Statements by:

Michaël Møller

Director-General of the United Nations Office at Geneva
Representative of the Secretary-General

Cheikh Niang

Chair of the Committee on the Exercise of the Inalienable Rights
of the Palestinian People
Permanent Representative of Senegal
to the United Nations

Samir Bakr

Assistant Secretary-General for Palestine and Al-Quds Affairs of
the Organization of Islamic Cooperation

Carla Khijoyan

Programme Executive for the Middle East of the World Council of
Churches

Ahmad Majdalani

Minister of Social Development of the State of Palestine

Recess

11 a.m.–1 p.m.

Plenary session I

*The legal status of Jerusalem under international law and in the context of
a final peace settlement*

Ahmad Majdalani

Minister of Social Development of the State of Palestine

Recent political developments and prospects of a United States peace plan

Yael Berda

Assistant professor at Hebrew University of Jerusalem

Israel's powers of legislation, taxation and judiciary under international law

Mohannad Gbara

Palestinian lawyer based in Jerusalem

Expropriations and demolitions and major Israeli infrastructure projects

1.15 p.m. **Press conference**

3–6 p.m. **Plenary session II**

Challenges to safeguarding the cultural heritage of Jerusalem

Nazmi Al Jubeh

Associate professor of history and archaeology, Birzeit University

The protection of cultural sites under occupation

Yudith Oppenheimer

Executive Director of Ir Amim

Israeli settlement policy in the Old City and its environs

Wasfi Kailani

Director of the Royal Hashemite Fund for the Restoration of Al-Aqsa

Restoration of Islamic cultural sites and the Hashemite custodianship in Jerusalem

Shadia Touqan

Director of the Arab Regional Centre for World Heritage

Needs assessment for the conservation and protection of architectural heritage and the UNESCO action plan

6.30–8 p.m. **Reception with the Chair of the Committee**

28 June 2019

10 a.m.–1 p.m. **Plenary session III**

Jerusalem: Holy to the three monotheistic religions

Bernard Sabella

Former member of the Palestinian Legislative Council, sociologist and Executive Secretary of the Department of Service to Palestinian Refugees, Middle East Council of Churches

Challenges in the free access to holy sites

Mustafa Abu Sway

Professor of Islamic studies at Al-Quds University and member of the Islamic Waqf Council of Jerusalem
Custodianship of Muslim holy sites

Leah Shakdiel

Representative of Oz V'Shalom and Rabbis for Human Rights
A Jewish perspective on the holy sites in Jerusalem

David Wildman

Executive Secretary for Human Rights and Racial Justice, General Board of Global Ministries, United Methodist Church
The role of Christian lobbies in the United States and abroad in preserving the status quo of the holy sites

3–5 p.m.

Plenary session IV

Ways forward to preserve the character of the Sacred City

Ammar Hijazi

Assistant Foreign Minister for Multilateral Affairs, State of Palestine
Review of existing Palestinian protection measures

Khaldun Bshara

Director, Riwaq, centre for architectural conservation
Preserving the city through education and community projects

Yonathan Mizrahi

Founder and Director of Emek Shaveh
Concrete suggestions on the protection and preservation of holy and historic sites for the benefit of all cultures and faiths

Geoffrey Aronson

Fellow, Middle East Institute
United States policy and ways forward

5.15–6 p.m.

Closing session

Chaired by:

Cheikh Niang

Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People
Permanent Representative of Senegal

to the United Nations

Statement by:

Riyad Mansour

Permanent Observer of the State of Palestine
to the United Nations

Annex II

Summary of the Chair

The International Conference on the Question of Jerusalem, on the theme “Preserving the cultural and religious character of Jerusalem”, was convened in Geneva on 27 and 28 June 2019 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in collaboration with the Organization of Islamic Cooperation (OIC). Before of the conference, on 26 June, the Committee held bilateral meetings with the President of the Human Rights Council and Permanent Representative of Senegal to the United Nations at Geneva, Coly Seck; the United Nations High Commissioner for Human Rights, Michelle Bachelet; and the President of the International Committee of the Red Cross, Peter Maurer.

The Conference brought together Palestinian, Israeli and international experts, as well as representatives of the diplomatic community and civil society, to address the issue of Israel’s policies and measures aimed at changing the cultural and religious character of Jerusalem, which have significant political, legal and socioeconomic ramifications, including the threat of derailing prospects for a peaceful solution to the question of Palestine. Participants sought to discuss viable strategies for stemming efforts to alter the demography and character of the city and ensuring that all of its Palestinian inhabitants enjoyed their inalienable rights.

At the opening, session the Chief of the Political Affairs and Partnerships Section in the Office of the Director-General of the United Nations Office at Geneva, Philippe Baudin-Auliac, delivered a statement on behalf of the Director-General and Representative of the Secretary-General, Michaël Møller. He recalled that the question of Palestine had lost none of its urgency and that any idea falling short of the parameters set out in relevant United Nations resolutions would stand no chance of success. In his statement, he quoted the Secretary-General, who had reiterated that there was no plan B for a two-State solution. Accordingly, Jerusalem was a key final status issue and, without resolution of its status, no Israeli-Palestinian agreement was possible. Both parties were called upon to implement their bilateral agreements and to avoid taking unilateral action that undermined the two-State solution. Measures aimed at changing East Jerusalem’s demographic composition, character and status were a violation of international law and of United Nations resolutions. In his statement, Mr. Baudin-Auliac called for an immediate halt to the destruction by the Israeli authorities of Palestinian-owned property in East Jerusalem and called upon the Israeli authorities to refrain from passing legislation that would redraw the municipal boundaries of East Jerusalem.

In his opening statement, the Chair of the Committee, Cheikh Niang (Senegal), said that the international community’s pledges to the Palestinian people must be respected in reference to the two-State solution based on the 1967 borders, East Jerusalem as the capital of the State of Palestine and negotiated outcomes for all final status issues. He warned against the expansion of settlements throughout the occupied Palestinian territory, which was slowly eating away at the land of the State of Palestine, and against formal annexation, in contravention of Security Council resolution 2334 (2016). He called upon all Member States to comply with Council resolution 476 (1980) and to refrain from establishing diplomatic missions in Jerusalem. He warned that the legislation redrawing the municipal boundaries of East Jerusalem risked excluding an estimated 120,000 Palestinians from the city and absorbing some 140,000 Jewish

settlers into it. Most important, the status quo of the holy sites in Jerusalem must be respected, and their preservation was the shared responsibility of the international community. The Chair welcomed recent statements made in that regard by world leaders, including the King of Morocco, the King of Jordan and Pope Francis.

The representative of the State of Palestine, Minister of Social Development and senior member of the Executive Committee of the Palestine Liberation Organization, Ahmad Majdalani, stated, in reference to the so-called economic workshop held in Bahrain on 26 June, that Palestinians did not need an economic solution that would perpetuate occupation, but rather their right to self-determination. He said that the Palestinian cause was not for sale and that the workshop had been a resounding failure owing to the absence of legitimate representation by Palestinians. The political track should be the foundation of a solution, while the economic track would be its support. The State of Palestine believed, in his view, that the security needs of both sides should be addressed. Moreover, the security needs of the occupying party should not be equated with those of the occupied one. Mr. Majdalani spoke about applying international law without double standards. The State of Palestine believed that the protection of the peace process and the stability of the region required speedy measures, including, and foremost, the recognition of the State of Palestine, on the premise of saving the two-State solution. The collapse of the two-State solution would have grave consequences for the entire region.

The Assistant Secretary-General of the Organization of Islamic Cooperation, Samir Bakr, delivered a message from the Secretary-General of that organization reaffirming that all measures by any party aimed at forcibly altering the legal, historical, cultural and political status of occupied Jerusalem, including attempts to relocate diplomatic missions, were blatant violations of international law. OIC believed that violations by Israel of Christian and Muslim holy places in East Jerusalem were deliberate attempts to undermine the efforts of the international community to foster interreligious and intercultural tolerance, peaceful cohabitation and coexistence among diverse civilizations. OIC warned that such violations would engulf a solvable political conflict in a global religious one with unpredictable repercussions for peace and security in an already volatile region. He referred to the collective punishment imposed by Israel through the holding of tax revenues and the exacerbation of the financial and economic crisis endured by the Palestinian people. He underlined that addressing the dire economic situation of Palestinians should not overshadow the core political issue, which remained the Israeli occupation and its ramifications.

The representative of the World Council of Churches and Programme Executive for the Middle East, Carla Khijoyan, spoke of that organization's commitment to the cause of Jerusalem. She underlined that the global Christian fellowship shared a profound concern for the people living in Jerusalem, in particular the indigenous Christian Jerusalemites, whose future in their own city was impaired by the prevailing occupation, creeping annexation and the unfulfilled promises of the international community. The position of the Council was that Jerusalem could not be the exclusive possession of one faith or people over and against another. Jerusalem had to be the city of three religions and two peoples for it to be the city of peace. Those two peoples were the guardians of its sanctity and had the responsibility to organize their lives in the city and welcome all pilgrims from throughout the world. No country could define unilaterally the status

of Jerusalem, and the solution should come through dialogue and negotiations between the Palestinian and Israeli authorities.

During the first panel, on the theme “The legal status of Jerusalem under international law and in the context of a final peace settlement”, speakers described practices by Israel in East Jerusalem that were aimed at weakening the Palestinian presence in the city. An Israeli lawyer discussed the dichotomy between the taxes imposed by the municipality of Jerusalem on Palestinian residents and the quality of services that they received in return. Tax collection was presented as part of a very effective bureaucracy occupation. The system of residency permits and impediments to freedom of movement were a means of separating East Jerusalem from the rest of the occupied territory, she added. Speaking about Israeli infrastructure projects and the expropriation and demolition of Palestinian-owned land and structures, a Palestinian lawyer explained the evolving Israeli jurisprudence and that the High Court of Justice had ruled increasingly in favour of expropriation. The Court of Israel based its rulings on laws dating back to the pre-1967 era, such as the Absentees’ Property Law (1950) and the Planning and Building Law (1965).

During the second panel, on the theme “Challenges to safeguarding the cultural heritage of Jerusalem”, both Israeli and Palestinian experts in the preservation of holy sites in Jerusalem explained that Israel was consolidating its control over the city and its surroundings and described Israel’s determination to alter the character of Jerusalem through the destruction of old buildings and the construction of railroads and cable car projects. Most important, since 1997, Israel had systematically denied access to the United Nations Educational, Scientific and Cultural Organization, which was mandated to inspect the conservation of Jerusalem. In addition, Israel continued to ignore the Convention for the Protection of Cultural Property in the Event of Armed Conflict. Despite the complex and challenging situation, Palestinian residents continued to preserve the cultural history of their city through the restoration of more than 4,000 architectural structures. In addition, they continued to represent more than 40 per cent of the Old City’s population after 50 years of Israeli occupation. A result of the housing crisis in the Old City was that 80 per cent of Palestinian inhabitants, who had been part of the middle class, were currently living below the poverty line; they refused to relocate as a means of resisting Israel’s attempts to alter the identity of the city. A representative of Jordan spoke about the main restoration phases of Islamic cultural sites as part of Hashemite custodianship responsibilities.

The third panel, on the theme “Jerusalem: Holy to the three monotheistic religions”, discussed the fact that a lack of freedom of worship and of freedom of movement violated the basic rights of most Palestinians. Archaeological excavations affected the Christian and Muslim quarters, changing the character of the city. One speaker presented an understanding of Zionism, which required Jews in the Holy Land to respect the rights of all religions and accommodate the sovereignty of the Palestinian people. Another speaker explained the difficulty of there being a pro-Israel lobby in the United States of America, which had elevated Israel to a domestic issue, while the question of Palestine was considered to be part of the foreign affairs agenda. During the discussion, a majority of those present agreed on the adage “My place is mine, and your place is yours, and we should not be praying at each other’s places” as the underlying principle according to which the different religions should coexist peacefully in Jerusalem.

During the fourth panel, the theme “Ways forward to preserve the character of the Sacred City”, a representative of Palestine detailed the actions taken by the State of Palestine before international organizations and organs, including the General Assembly, the Human Rights Council, the International Court of Justice and the International Criminal Court. One speaker explained that Palestinians were trying to maintain and restore the city, and another suggested that a round table composed of Palestinian, Israeli and international experts be organized to articulate principles regarding the protection and preservation of Jerusalem’s historic and sacred sites. During the ensuing discussion, it was recommended that the legal status of Jerusalem be preserved by supporting initiatives that called for an end to occupation, ensuring accountability for breaking international law and entrenching the status of Jerusalem in international law, but not through religious narratives.

At the closing session, Mr. Niang thanked the Palestinian, Israeli and international experts for having outlined, during the two-day event, the challenges of preserving the cultural and religious heritage of Jerusalem and for having put forward suggestions for the preservation thereof as an important step towards securing a two-State solution. He said that the Conference was the sixth consecutive one on Jerusalem organized by the Committee in collaboration with the Organization of Islamic Cooperation and highlighted its opportune timing. The Permanent Observer of the State of Palestine to the United Nations, Riyad Mansour, spoke of the strategic partnership with the Organization of Islamic Cooperation and the World Council of Churches with regard to the event and encouraged more partners to rally to the cause of Jerusalem. He recalled the message sent by the Committee during the previous year’s Conference, held in Rabat, and according to which unilateral decisions to move embassies to Jerusalem were considered null and void. That Conference had served to send a message on the Bahrain economic workshop, held the previous day, which had sought to push forward a dead initiative of economic ideas.
