

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 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;

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,