

Executive Board
Hundred and eighty-fourth session

184 EX/42 Add.

PARIS, 14 April 2010
Original: English

**DRAFT DECISIONS RECOMMENDED BY
THE PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)
ADDENDUM**

1. The Programme and External Relations Commission (PX) held one meeting on 15 April 2010, with Ms. Shahnaz Wazir Ali (Pakistan) in the Chair, to examine the items listed below which had been referred to it by the Board at its plenary meeting on 6 April 2010.

Item - Title and documents

5 - Report by the Director-General on the follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions (184 EX/5 Part IV)

12 - Jerusalem and the implementation of 35 C/Resolution 49 and 182 EX/Decision 15 (184 EX/12 and 184 EX/INF. 12)

30 - Implementation of 35 C/Resolution 75 and 182 EX/Decision 54 concerning educational and cultural institutions in the occupied Arab territories (184 EX/30)

31 - Report by the Director-General on the reconstruction and development of Gaza: Implementation of 182 EX/Decision 55 (184 EX/31 and Corr.)

37 - The two Palestinian sites of al-Haram al-Ibrahimi/Tomb of the Patriarchs in al-Khalil/Hebron and the Bilal bin Rabah Mosque/Rachel's Tomb in Bethlehem (184 EX/37)

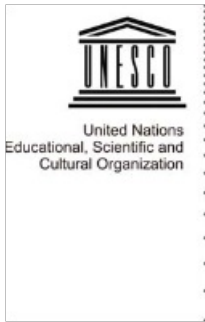
5 - Report by the Director-General on the follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions (184 EX/5 Part IV)

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

Part IV-Implementation of 35 C/Resolution 49 and 182 EX/Decision 5 (II) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

The Executive Board,

1. Having examined item 5(IV) of its agenda as well as 184 EX/PX/DR 1 (text attached),
2. Requests the Director-General to report to it at its 185th session on this matter;
3. Also expresses its commitment to exert its utmost efforts to resolve this issue at its 185th session;
4. Decides to inscribe this item on the agenda of its forthcoming 185th session.



Executive Board

Hundred and eighty-fourth session

184 EX/PX/DR.1
PARIS, 2 April 2010
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 5 - Sub-item IV: Implementation of 35 C/Resolution 49 and 182 EX/Decision 5 (II) relating to the ascent to the Mughrabi Gate in the old city of Jerusalem (184 EX/5)

DRAFT DECISION

submitted by*: ALGERIA, BURKINA FASO, CÔTE D'IVOIRE, CUBA, DJIBOUTI, EGYPT, KUWAIT, MALAYSIA, MOROCCO, PAKISTAN, SAUDI ARABIA, SENEGAL, TUNISIA and VENEZUELA (BOLIVARIAN REPUBLIC OF)

The Executive Board,

1. Having examined document 184 EX/5 (IV) and Add.,
2. Recalling document 182 EX/5 (V),
3. Recalling 176 EX/Special Plenary Meeting/Decision, 177 EX/Decision 20, and 179 EX/Decisions 9 and 52,
4. Further recalling Decisions 31 COM 7A.18, 32 COM 7A.18 and 33 COM 7A.18 adopted by the World Heritage Committee at its 31st (Christchurch, 2007), 32nd (Quebec City, 2008) and 33rd (Seville, 2009) sessions respectively,
5. Also recalling the relevant provisions on the protection of cultural heritage including: the four Geneva Conventions (1949), the relevant provisions of the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO,
6. Recalling the Advisory Opinion of the International Court of Justice in the case concerning "the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" regarding the applicability of the four Geneva Conventions (1949) in the Occupied Palestinian Territory and the related duties of the United Nations and its specialized agencies thereon,
7. Reaffirming the purpose and spirit of the professional encounter at the technical level of 13 January 2008, as well as the follow-up meeting of 24 February 2008,
8. Noting the Sixth Reinforced Monitoring Reports (February 2009) prepared by the World Heritage Centre,
9. Deeply regretting in this regard, the postponement of the follow-up meeting of experts which was scheduled on 12 November 2008, as called for in Decision 33 COM 7A.18 adopted by the World Heritage Committee in Seville and reiterated in UNESCO Executive Board 182 EX/Decision 5 (II), as well as of the planned visit of Jordanian technical experts to the Mughrabi Ascent site on 27 July 2009, and requested visits of 17 December 2009 and 9 March 2010 due to the repeated denial of access by Israeli authorities, to Jordanian technical experts to the Mughrabi Ascent site, to enable them to conduct the required measurements to finalize the Jordanian Design in accordance with the World Heritage Committee decision (33 COM 7A.18) adopted in Seville and reiterated in UNESCO Executive Board 182 EX/Decision 5 (II),
10. Recognizing the deep concerns regarding the decision taken by the Jerusalem District Planning and Construction Commission on the town planning scheme for the Mughrabi Ascent,
11. Requests that, despite the decision mentioned in paragraph 10, 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;
12. 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;
13. Notes the request made by the World Heritage Committee at its 33rd session in Decision 33 COM 7A.18 and asks, in this regard, that the Israeli authorities resume cooperation with all concerned parties, in particular with Jordanian and Waqf experts;
14. Deeply regrets that Israel continues to act unilaterally in disregard to the relevant provisions of the instruments mentioned in paragraph 5 and

decision 33 COM 7 A.18 adopted by the World Heritage Committee at its 33rd session (Seville 2009), and UNESCO Executive Board 182 EX/Decision 15, and contrary to the purpose and spirit of the technical professional encounter of 13 January 2008, as well as the follow-up meeting of 24 February 2008, which aimed at finding an accepted coordinated and monitored solution concerning the Mughrabi Ascent among all parties concerned;

15. Reaffirms the necessity of Israel's cooperation in order to arrange for access to the Mughrabi Ascent site for Jordanian and Waqf experts, and reiterates its call on the Director-General to organize a follow-up meeting of experts as soon as possible, once the parties concerned have reached an understanding;

16. Reaffirms that the UNESCO mandated process for designing of the Mughrabi Ascent, which allows for the taking into consideration of the designs submitted during the aforementioned professional encounter, is still under way, and that the World Heritage Centre is following closely the developments associated with this process through its Reinforced Monitoring Mechanism;

17. Calls upon Israel to enable the necessary access to the site to Jordanian and Waqf experts, most notably, in order to take the necessary measurements for the concept design proposed by Jordan, as evaluated by ICOMOS and ICCROM; and enable Jordan as a concerned party to present its final design for the restoration and preservation of the Mughrabi Ascent;

18. Expresses its thanks to the Director-General for the actions she is taking to facilitate the dialogue and professional exchanges between all the parties concerned;

19. Invites the Director-General to submit to it a progress report thereon at its 185th session;

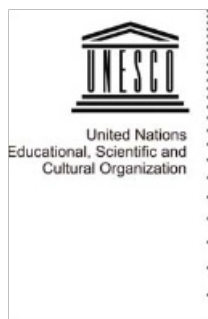
*After the publication of the draft decision, the following Board Members added their signatures: Bangladesh, Congo, Democratic Republic of the Congo, Nger, Viet Nam and Zimbabwe.

12 Jerusalem and the implementation of 35 C/Resolution 49 and 182 EX/Decision 15 (184 EX/12 and 184 EX/INF.12)

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

The Executive Board,

1. Having examined item 12 of its agenda as well as 184 EX/PX/DR.2 (text attached),
2. Requests the Director-General to report to it at its 185th session on this matter;
3. Also expresses its commitment to exert its utmost efforts to resolve this issue at its 185th session;
4. Decides to inscribe this item on the agenda of its forthcoming 185th session.



Executive Board **Hundred and eighty-fourth session**

184 EX/PX/DR.2
PARIS, 2 April 2010
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 12 - Jerusalem and the implementation of 35 C/Resolution 49 and 182 EX/Decision 15 (184 EX/12 and 184 EX/INF.12)

DRAFT DECISION

submitted by*: ALGERIA, BURKINA FASO, CÔTE D'IVOIRE, CUBA, DJIBOUTI, EGYPT, KUWAIT, MALAYSIA, MOROCCO, PAKISTAN, SAUDI ARABIA, SENEGAL, TUNISIA, VENEZUELA (BOLIVARIAN REPUBLIC OF) and VIET NAM

The Executive Board,

1. Having examined document 184 EX/12 and Add.,
2. Recalling resolutions and decisions of UNESCO on Jerusalem, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Also recalling General Conference and Executive Board decisions regarding the appointment of a permanent representative of the Director-General of UNESCO on the issue of Jerusalem,
4. Affirming that nothing in the present decision, which is aimed at the safeguarding of the Cultural Heritage of East Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. Expresses its deep concern over the ongoing Israeli excavations and archaeological works on Al-Aqsa Mosque compound and in the Old City of Jerusalem, which contradict with UNESCO decisions and conventions and United Nations and Security Council resolutions;
6. Also expresses its concern about the ongoing Israeli practices in East Jerusalem, that dangerously affect the city's distinctive character, both religious and cultural, historical and demographical;
7. Reaffirms the religious significance of the Old City of Jerusalem for Muslims, Christians and Jews;
8. Invites the Director-General to appoint, as soon as possible, 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;
9. Invites the Israeli authorities to facilitate the work of the expert(s) in conformity with its adherence to UNESCO decisions and conventions;
10. Also invites Member States to provide the necessary assistance to finance the work of the expert(s) from extrabudgetary resources;
11. Thanks the international donors for their generous contributions for the implementation of projects within the framework of the UNESCO Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem;
12. Expresses its sincere thanks to the Director-General for her commitment to pursue the efforts for the safeguarding of the unique heritage of the City of Jerusalem, in compliance with the relevant resolutions and decisions of the General Conference and the Executive Board;
13. Decides to include this item on the agenda of its 185th session and invites the Director-General to submit a follow-up report on this matter.

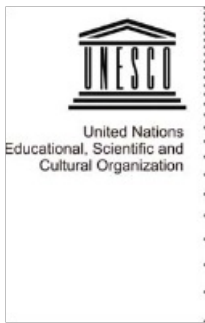
30 Implementation of 35 C/Resolution 75 and 182 EX/Decision 54 concerning educational and cultural institutions in the occupied Arab territories (184 EX/30)

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

The Executive Board,

1. Having examined item 30 of its agenda as well as 184 EX/PX/DR.3 (text attached),
2. Requests the Director-General to report to it at its 185th session on this matter;
3. Also expresses its commitment to exert its utmost efforts to resolve this issue at its 185th session;
4. Decides to inscribe this item on the agenda of its forthcoming 185th session.

*After the publication of the draft decision, the following Board Members added their signatures: Bangladesh, Congo, Democratic Republic of the Congo, Niger and Zimbabwe.



PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 30 - Implementation of 35 C/Resolution 75 and 182 EX/Decision 54 concerning educational and cultural institutions in the Occupied Arab Territories (184 EX/30)

DRAFT DECISION

submitted by*: ALGERIA, BURKINA FASO, CÔTE D'IVOIRE, CUBA, DJIBOUTI, EGYPT, KUWAIT, MALAYSIA, MOROCCO, PAKISTAN, SAUDI ARABIA, SENEGAL, TUNISIA, VENEZUELA (BOLIVARIAN REPUBLIC OF) and VIET NAM

The Executive Board,

I

1. Recalling 35 C/Resolution 75 and 182 EX/Decision 54, 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 UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972) and the Hague Convention (1954) and its Additional Protocols,
2. Having examined documents 184 EX/30 and Add.,
3. Further recalling the role that UNESCO is called upon to play in order to satisfy the right to education for all, and to meet the need for Palestinians to have safe access to the education system,
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,
5. Deeply convinced that the continuous strengthening of the reconstruction and development process in the Palestinian territories should be carried out in a context of non-violence and of mutual respect and recognition, as promoted by the objectives of the Road Map;
6. Supports the efforts made by the Director-General with a view to the implementation of 35C/Resolution 75 and 182 EX/Decision 54, and requests her to do everything possible to ensure that they are fully implemented in the framework of the Programme and Budget for 2010-2011 (35 C/5 Approved);
7. Expresses its appreciation for the substantial contributions of all concerned Member States and intergovernmental organizations and non-governmental organizations to UNESCO's action in the Palestinian territories, and appeals to them to continue assisting UNESCO in this endeavour;
8. Thanks the Director-General for the results that have been obtained in relation to the implementation of a number of current educational and cultural activities, and invites her to strengthen UNESCO's financial and technical assistance to the Palestinian educational and cultural institutions in order to address new needs and problems resulting from recent developments;
9. Expresses its continuing concern about the harmful impact of the Separation Wall and other practices on the activities of cultural and educational institutions, as well as obstacles that result which prevent Palestinian schoolchildren and students from being an integral part of their social fabric and from exercising fully their right to education, and calls for the observance of the provisions of 35 C/Resolution 75 and 182 EX/Decision 54;
10. Shares, in this regard, the call by the Quartet on 17 March 2010 upon Israel "to freeze all settlement building, including natural growth, dismantle outposts erected since March 2001 and halt demolitions and evictions in East Jerusalem" and hopes for the resumption of Israeli-Palestinian negotiations;
11. Encourages the Director-General to continue to reinforce her action in favour of the reconstruction, rehabilitation and restoration of the Palestinian archaeological sites and cultural heritage;
12. Invites the Director-General to address the needs for capacity-building in all UNESCO's fields of competence by expanding the financial assistance programme for Palestinian students both from the regular budget and from extrabudgetary resources;
13. Requests the Director-General to organize, as soon as possible, the ninth meeting of the Joint UNESCO-Palestinian Authority Committee;

II

14. Also invites the Director-General:

- (a) to continue the efforts she is making to preserve the human, social and cultural fabric of the occupied Syrian Golan, in accordance with the relevant provisions of this decision;
- (b) to undertake efforts to offer appropriate curricula, and to provide more grants and adequate assistance to the educational and cultural institutions of the occupied Syrian Golan;
- (c) to dispatch an expert to assess and evaluate the needs of the educational and cultural institutions in the occupied Syrian Golan, who would report to the Director-General before the 185th session of the Executive Board;

III

15. Decides to include this item in the agenda of the Executive Board at its 185th session, and invites the Director-General to submit to it a progress report thereon.

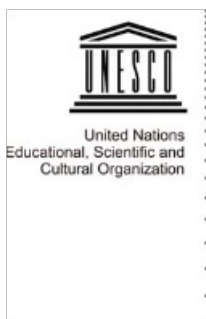
31 Report by the Director-General on the reconstruction and development of Gaza: Implementation of 182 EX/Decision 55 (184 EX/31 and Corr.)

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

The Executive Board,

1. Having examined item 31 of its agenda as well as 184 EX/PX/DR.4 (text attached),
2. Requests the Director-General to report to it at its 185th session on this matter;
3. Also expresses its commitment to exert its utmost efforts to resolve this issue at its 185th session;
4. Decides to inscribe this item on the agenda of its forthcoming 185th session.

*After the publication of the draft decision, the following Board Members added their signatures: Bangladesh, Congo, Democratic Republic of the Congo, Niger, Syrian Arab Republic and Zimbabwe.



Executive Board
Hundred and eighty-fourth session

184 EX/PX/DR.4
PARIS, 2 April 2010
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 31 - Report by the Director-General on the reconstruction and development of Gaza: Implementation of 182 EX/Decision 55 (184 EX/31)

DRAFT DECISION

submitted by*: ALGERIA, BURKINA FASO, CÔTE D'IVOIRE, CUBA, DJIBOUTI, EGYPT, KUWAIT, MALAYSIA, MOROCCO, PAKISTAN, SAUDI

The Executive Board,

1. Recalling the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and the Convention for the Protection of the World Cultural and Natural Heritage (1972), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage,
2. Having examined documents 184 EX/31 and Add.,
3. Having also examined documents 184 EX/30 and Add.,
4. Noting with deep concern the very heavy toll suffered by Palestinian civilians, the deaths and injuries inflicted on Israeli civilians during the escalation of violence and hostilities in December 2008 and January 2009,
5. Also noting with deep concern the destruction of infrastructure, the significant deterioration of basic services, and the damages to schools, universities and cultural heritage sites in the Gaza Strip caused by the escalation of violence and hostilities in December 2008 and January 2009, and recognizing that schools, universities and cultural heritage sites should not be involved in military conflicts,
6. Recalling the strong commitment made by the international community in favour of the Gaza Early Recovery and Reconstruction Plan presented at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza (2 March 2009, Sharm el-Sheikh, Egypt),
7. Thanks the Director-General for strengthening the UNESCO project antenna in Gaza City and the initiatives that have already been implemented in the field of education, and for the safety of media professionals, as reflected in the six UNESCO projects retained in the United Nations Flash Appeal for Gaza;
8. Calls upon the Director-General to continue contributing to the United Nations humanitarian response in Gaza within the Organizations fields of competence;
9. Deplores in this regard the continuous blockade on the Gaza Strip which harmfully affects the free and sustained movement of personnel and humanitarian relief items for the successful implementation of the above-mentioned projects;
10. Calls upon the Director-General to continue her participation actively in the integrated United Nations response to the Gaza Early Recovery and Reconstruction Plan developed by the Palestinian Authority, by focusing on UNESCO's contribution to its educational and cultural heritage protection components;
11. Invites the Director-General to organize an information meeting to provide Member States with an update on the outcome of the projects conducted in the Gaza Strip;
12. Thanks Member States and donors for their generous financial contributions to the UNESCO projects retained in the United Nations Flash Appeal for Gaza, and invites them to further assist in this regard through extrabudgetary funding;
13. Decides to include this item in the agenda of the Executive Board at its 185th session, and invites the Director-General to submit to it a progress report thereon.

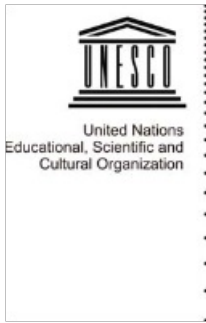
37 The two Palestinian sites of al-Haram al-Ibrahimi/Tomb of the Patriarchs in al-Khalil/Hebron and the Bilal bin Rabah Mosque/Rachel's Tomb in Bethlehem (184 EX/37)

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

The Executive Board,

1. Having examined item 37 of its agenda as well as 184 EX/PX/DR.5 (text attached),
2. Requests the Director-General to report to it at its 185th session on this matter;
3. Also expresses its commitment to exert its utmost efforts to resolve this issue at its 185th session;
4. Decides to inscribe this item on the agenda of its forthcoming 185th session

*After the publication of the draft decision, the following Board Members added their signatures: Bangladesh, Congo, Democratic Republic of the Congo, Niger and Zimbabwe.



Executive Board

Hundred and eighty-fourth session

184 EX/PX/DR.5

PARIS, 2 April 2010

Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 37 - The two Palestinian sites of al-Haram al-Ibrahimi/Tomb of the Patriarchs in al-Khalil/Hebron and the Bilal bin Rabah Mosque/Rachel's Tomb in Bethlehem (184 EX/37)

DRAFT DECISION

submitted by*: ALGERIA, BURKINA FASO, CÔTE D'IVOIRE, CUBA, DJIBOUTI, EGYPT, KUWAIT, MALAYSIA, MOROCCO, PAKISTAN, SAUDI ARABIA, SENEGAL, TUNISIA, VENEZUELA (BOLIVARIAN REPUBLIC OF) and VIET NAM

The Executive Board,

1. Having examined document 184 EX/37 and Add.,
2. Recalling resolutions and decisions of UNESCO on the protection of the cultural heritage in the occupied Arab territories, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols and the Convention for the Protection of the World Cultural and Natural Heritage (1972),
3. Also recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970),
4. Affirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage located in the occupied Arab territories, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions,
5. Sharing the concern expressed by the Director-General regarding the announcement made by the Israeli authorities that two sites, namely al-Haram al-Ibrahimi/Tomb of the Patriarchs in the city of al-Khalil/Hebron and the Mosque of Bilal bin Rabah (Tomb of Rachel), in Bethlehem, both located in the occupied Palestinian territories, are to be included in the Israeli national heritage list,
6. Sharing as well the conviction affirmed by the international community that the two sites are of religious significance for Judaism, Christianity and Islam,
7. Reaffirms that the two sites are an integral part of the occupied Palestinian territories and that any unilateral action by the Israeli authorities is to be considered a violation of international law, the UNESCO conventions and the United Nations and Security Council resolutions;
8. Regrets the Israeli authorities' decision to include the two sites on its national heritage list;
9. Urges the Israeli authorities to abide by international law and the relevant international conventions and decisions;
10. Also urges the Israeli authorities to remove the two sites from its national heritage list;
11. Thanks the Director-General for her commitment to strengthening UNESCO's financial and technical assistance to the Palestinian educational and cultural institutions in compliance with the UNESCO General Conference resolution at its 35th session;
12. Invites the Director-General to submit to it a follow-up report at its 185th session and decides to include this item on the agenda of the 185th session of the Executive Board.

* After the publication of the draft decision, the following Board Members added their signatures: Bangladesh, Congo, Democratic Republic of the Congo, Niger and Zimbabwe.