



Executive Board

Hundred and eighty-fifth session

(Paris, 5-21 October 2010)*

185 EX/Decisions

PARIS, 19 November 2010

Implementation of 35 C/Resolution 49 and 184 EX/Decision 5 (IV) relating to the Ascent to the Mughrabi Gate in the Old City of Jerusalem

N.B. After considering this item and following a vote taken by roll-call, with 31 votes in favour, 5 votes against and 17 abstentions, the United States of America having voted against, the Programme and External Relations Commission recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Having examined document 185 EX/5 Add.,
2. Recalling document 182 EX/5 (V),
3. Recalling 176 EX/Special Plenary Meeting/Decision, 177 EX/Decision 20, 179 EX/Decisions 9 and 52 and 184 EX/Decision 5 (IV),
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), 33rd (Seville, 2009) and 34th (Brasilia, 2010) 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 of 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 for 12 November 2008, as called for in Decision 33 COM 7A.18 adopted by the World Heritage Committee in Seville and reiterated in 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 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 of the relevant provisions of the instruments mentioned in paragraph 5 and Decision 33 COM 7A.18 adopted by the World Heritage Committee at its 33rd session (Seville, 2009), and 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 taking into consideration 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 to 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 dialogue and professional exchanges between all parties concerned;

19. Invites the Director-General to submit to it a progress report thereon at its 186th session.