UNESCO and Jerusalem: Constraints, Challenges and Opportunities

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Introduction

In Jerusalem's Old City, religious sites and excavation projects have become increasingly significant scenes for political confrontation, as Israelis and Palestinians contest historical narratives, legal authority and territorial rights. Although much academic attention has been given to the politicization of Jerusalem's heritage[1], less interest has been directed at the role and impact of the international community, particularly in the shape of work of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in safeguarding Jerusalem's unique cultural legacy. This article, seeks to address this empirical lacuna, examining how UNESCO interventions have been affected by the ongoing Israeli-Palestinian conflict and how it has dealt with competing attempts to use heritage to legitimate national discourses and justify hegemonic control? How has UNESCO attempted to protect some of Judaism, Christianity and Islam's most sacred and controversial sites?

The article comprises three sections. The first examines the historic context and dynamic role of UNESCO, as guardians of cultural heritage, in Jerusalem's divided and contested city. The second examines UNESCO's scope and specific involvement in Jerusalem's Old City through the lens of its recently proposed 'Action Plan' (2008) and its mediation work concerning the reconstruction of the Mughrabi Gate Ascent. Finally, the third section considers future challenges and possibilities for UNESCO projects within Jerusalem, as well as the wider implications for the World Heritage program.

Historical Overview: Unesco in Jerusalem

Since its inception in 1945, UNESCO has played a central role in encouraging the protection and preservation of cultural and natural heritage from around the world considered to be of 'outstanding universal value'.[2] UNESCO's 'Hague Convention for the Protection of Cultural Property in the event of Armed Conflict' (1954) and 'World Heritage Convention'[3] (1972) provide the legal framework and basis for international cooperation and coordination on the protection of heritage sites, while empowering the World Heritage Committee (WHC) with the role of implementing its overarching objectives. Initial involvement by UNESCO in Jerusalem's Old City, dates back to 1967 [4] amidst growing Arab concern over the Israeli demolition of the Mughrabi quarter and the commencement of large scale excavations or 'mythological digs'[5] in the Jewish quarter and the southern edge of the Haram al-Sharif. The fifteenth session of the UNESCO General Conference (1968) issued a strong condemnation of Israeli archaeological excavations in the Old City, along with any attempt to alter its 'features or its cultural and historical character, particularly with regard to Christian and Islamic religious sites'.[6] The significance of this censure was not only that it affirmed Jerusalem's status as 'an occupied city', but it also acted as a reminder of the illegality of archaeological excavations in the Occupied Territories. [7] This public warning was followed up by a controversial reprimand in 1974, in which UNESCO suspended all forms of assistance to Israel due to its 'persistent non-compliance' and blatant disregard towards preserving 'the historical features of the City of Jerusalem'.[8] These 'Israel Resolutions' provoked strong Western reaction, with criticism aimed at UNESCO's politicisation[9] and heavy handed application of the 'Hague Convention', which lacks binding enforceability and indeed the status of customary international law. This failed attempt to assert pressure on Israel's heritage policy in Jerusalem, instead rather exposed UNESCO's legal frailties and vulnerable dependence on member states financial support and goodwill.[10]

A further important milestone in UNESCO's involvement took place in 1981 when Jerusalem's Old City and walls were officially added to the UNESCO World Heritage List (WHL). It was listed as an example of 'a masterpiece of human creative genius', which bear 'a unique or at least exceptional testimony to a cultural tradition or a civilization which is living or which has disappeared'.[11] Although this was a positive attempt to bring the Old City under the remit of UNESCO's conservation guidelines and legal framework, Israel refused to endorse the WHC[12], instead protesting Jordan's (an external state) entitlement to nominate the Old City to the WHL, given that it was not the responsible power. This dispute further politicised the whole process and led to the growing alienation between UNESCO and its main funder, the United States.

Despite Israel's subsequent acceptance of the World Heritage Convention in 1999, commentators remain sceptical of its willingness to submit to international guidelines and regulatory authorities which conflict with their national agenda.[13] For some researchers[14], the fundamental issue is less to do with Israel's failure to comply with UNESCO's legal provisions, but rather the inherent weakness of international law

which offers oversight and guidance but lacks any substantive means of enforcement.

Simone Ricca identifies three main phases in UNESCO's engagement with Jerusalem since 1967. The first phase, 1967-71, saw a breakdown in relations between UNESCO and the Israeli government after the Israeli refusal to cooperate with UNESCO on the management of the heritage of the city. The second phase, 1971-90, involved rapprochement, with a new Special Representative, Professor Raymond Lemaire re-building relations with the Israeli government but possibly to the extent that the UNESCO mission to safeguard the Old City of Jerusalem was compromised. In the third phase, 1990-1999, the views of the Special Representative was circumvented as the UNESCO Executive Board tried to play a more active role in protecting the cultural heritage of the city. It is possible to delineate a fourth phase, since the start of the second Intifada, in which UNESCO is attempting to involve all the parties in the resolution of disputes but is nevertheless determined to maintain good relations with the Israeli state.[15] This was most recently demonstrated with the signing of a 'Memorandum of Understanding on Cooperation between UNESCO and Israel' recognising and acknowledging existing partnerships and heritage commitments.[16] To Israelis this is a proper recognition of their role in the city; from the Palestinian perspective, UNESCO has been co-opted into the political normalisation process and thereby is legitimizing the Israeli occupation of the city. Amidst these conflicting and competing discourses and positions, it is valuable to analyse UNESCO's engagement with Jerusalem through the lenses of its two most recent heritage initiatives. One a visionary wide-ranging 'Action Plan' to safeguard the Old City of Jerusalem's cultural heritage[17]; the other a desperate bid to mediate and create consensus over the restoration of the Mughrabi Gate Ascent.

Practical Interventions

1. Action Plan

The two phase 'Action Plan' began in January 2005 with a consultation of a Committee of Experts [18] and the compilation of a conservation database and an Old City inventory. The recently emerging proposals[19] include nineteen conservation projects, involving Churches (*St John the Baptist*) Yeshivas (*Etz Hayim*), Islamic schools (*Madrasa al-Kilaniyya*) and Souks (*Suq al-Qattanin*); rehabilitation manuals for residential housing; training of local crafts; micro-financing schemes and cultural activities (Fig.1). While such plans outline desperately needed interventions, it remains to be seen whether these projects will receive adequate support from the Israeli municipal authorities or the Waqf Administration, or indeed the financial backing from the international community. The current status of the Action Plan is that of abeyance, largely due to recent political conditions on the ground and in the region. Although phase one (Inventory and Priority map, Project Profiles and the Rehabilitation Manual) has been completed, and Italian funding (February 2008) has supported the

commencement of an 'Apprenticeship Programme' aimed at training local craftsmen and a 'World Heritage Education Programme' targeting Jerusalem students; still no restoration projects have officially begun. The 32nd Session of the WHC in Quebec City, July 2008 reported the first project sponsorship of the restoration of the Church of St. John the Baptist by the A.G. Leventis Foundation from Cyprus, yet they also highlighted the need for 'a fund raising campaign to generate financial support for carrying out the identified projects.' (WHC-08/32.COM/3B, 18/II).

Beyond, the concerns raised over the 'Action Plan's' future implementation, are more serious dilemmas and criticisms levelled against UNESCO's vague and unsubstantial objectives. Indeed, in certain places, the 'Action Plan' remains a programme without reference to the political context, outlining, for example the need to rejuvenate spaces such as the Muslim *Burj al-LuqLuq* neighbourhood but ignoring recent Israeli settler appropriations and plans for a synagogue in the same area.[20] Likewise, although the issue of rehabilitating residential housing is meticulously addressed in a hundred and fifty-three page manual detailing 'pathologies of structures, roofing, facades, joinery, ironworks, installations'[21] ; the sensitive aspect of legal ownership, building permission, and political control is not taken into account. The rehabilitation of the *Suq al- Qattanin*, 'The Cotton Merchant Market' (Project 13: 118-125) highlights a crucial conservation intervention, but fails to adequately deal with the practical challenges of security blocks, closure of the Haram al-Sharif entrance, and the restrictive laws governing commercial licenses (Fig.2). Perhaps most significantly the 'Action Plan' chooses feasibility over exigency, offering pragmatic schemes but few solutions or even attempts to address controversial ongoing heritage issues, such as the construction at the Mughrabi Gate ascent, the excavations and tunnels at the *Ohel Yitzhak* synagogue, off *al-Wad* Street[22], Israeli Settler expansion in the Muslim and other quarters[23], access to the Temple Mount/Haram al-Sharif, and the contentious archaeological digs just outside the city walls in Silwan. In choosing to sideline these underlying sources of confrontation, the 'Action Plan' delineates a programme of civic revitalization and cultural renewal in the Old City, which fails to confront the structural impediments to such activities. Thus the Plan makes little reference to the city's social division, security presence (checkpoints and closures), economic regulations and the impact of the Separation Wall. WHC officials argue that these strictly political issues are not within its remit to solve and expectations that it should do so are ill-grounded. In the words of UNESCO Director General Koichiro Matsuura, UNESCO 'doesn't want to deal with political issues – we are duty-bound to preserve the authenticity of Jerusalem.'[24]

Questions however are also being raised, as to whether the Plan can quantifiably impact the daily life and urban and social environment of the city's inhabitants. Problems such as overcrowding, limited electricity provision, inadequate water supplies and sewage networks have not been comprehensively addressed by municipal authorities or NGO agencies. Instead, as a 2005 report for the Canadian 'Jerusalem Old City Initiative' indicates, dampness, dirty water and leaks continue to blight the health of local residents (particularly those living in the densely populated Muslim
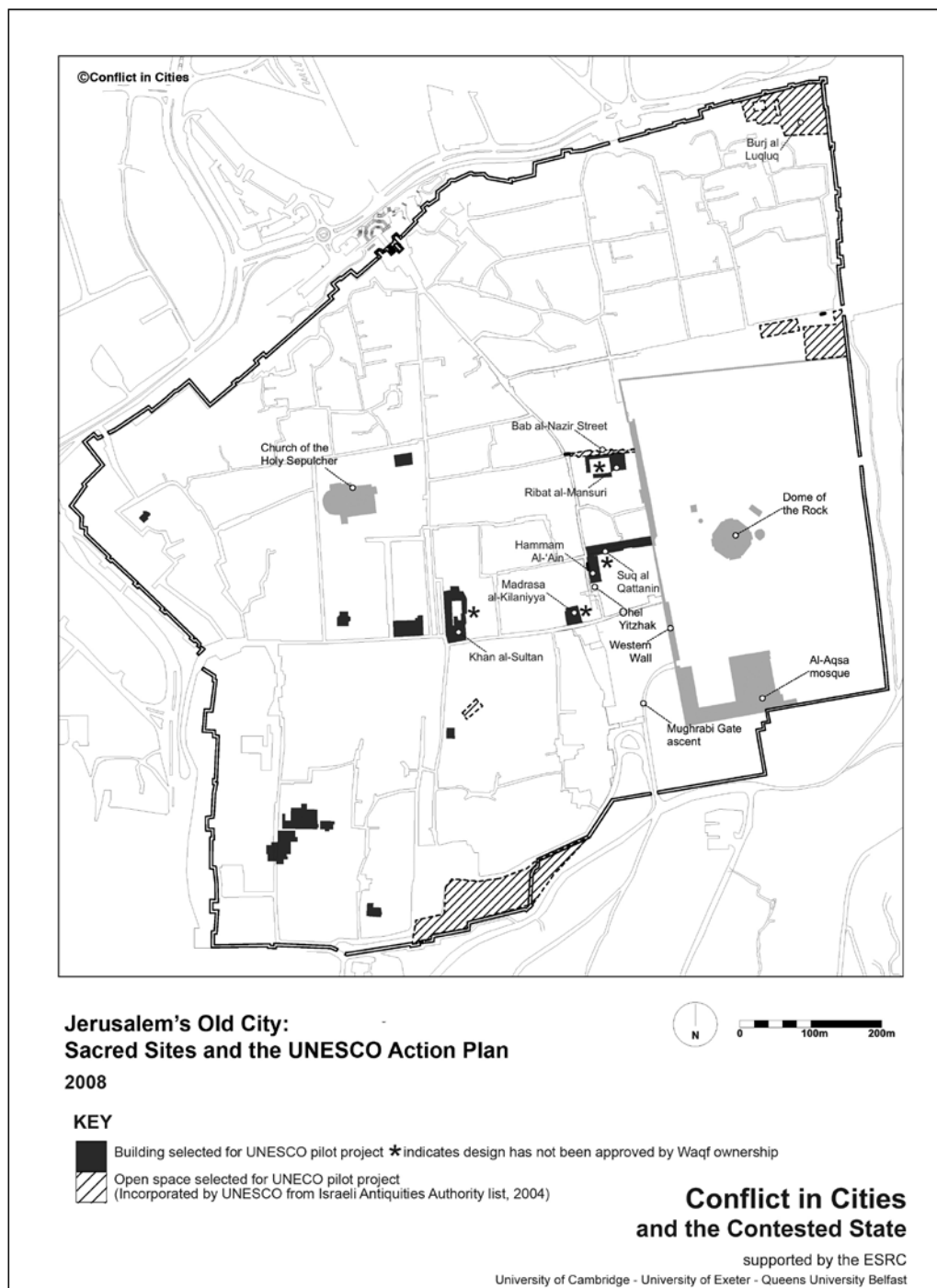
Fig. 1: A map of Jerusalem's Old City showing major sacred sites and the pilot projects of the UNESCO action plan. *Source: Conflict in Cities*

quarter) and threaten the structural integrity of many older buildings and walls.[25] Beyond the preservation of monuments and religious sites, heritage conservation must be linked to urban revitalization, with the improvement of social amenities such as housing, sanitation and water supply.

It should be noted however, that the Action Plan was initiated at a time in the post-1967 period when the most detailed discussion over the future of the city was taking place, with pressures on the Israeli government to withdraw from significant parts of the city and with similar pressures on the Palestinian Authority to make concessions over sovereignty and security over the Holy sites. Despite its obvious shortcomings, the Action Plan offers important contributions in two key areas. First it has assembled an invaluable database and archival repository upon which all future conservation work can be based. Drawing on comparative UNESCO conservation experience, in ancient cities such as Fez (1989), Aleppo (1992) and Mostar (2004), the Jerusalem 'Action Plan' synthesizes local knowledge and international expertise to create a unified heritage database based on a digital inventory and mapping of historic buildings, monuments, sites and spaces. Secondly, through discussion, dialogue and engagement with the main parties and leading stakeholders in the Old City, the Action Plan has positioned UNESCO and the WHC to be able to take more effective action at a more politically propitious occasion.[26]

2. The Mughrabi Gate Ascent

While it may be too early to judge the success of UNESCO's 'Action Plan', the recent dispute over the construction of a new ascent to the Mughrabi Gate, illustrates well both the opportunities and limitations of the organisation's role in Jerusalem's Old City. Israel's renovation of the Mughrabi pathway in February 2007 provoked much local opposition and international concern. Claiming remedial action was urgently required to restore a collapsed pathway [27] to the Mughrabi gate; one of the main access points to the Haram al-Sharif, Israel began a detailed archaeological exploration, with plans to build a larger ramp structure (Fig.3).[28] These moves were met with fierce criticism in both the Arab world[29] and most notably from inside Israel. Eighteen of Israel's most prominent archaeologists wrote a critical letter to the Antiquities Authority (IAA) condemning the illegality and lack of transparency of the scheme[30]. However, it is noteworthy for this study that the most significant external intervention was led by UNESCO. In the 30th session of the World Heritage Committee, UNESCO not only reiterated its objections and concerns over the plans for reconstruction[31], but also in February 2007, commissioned a technical team to assess and report on the work. The subsequent report[32], while acknowledging the professionalism of the IAA, nonetheless called on Israel to cease the excavations and to approve a modest plan for the restoration of the pathway after consultation with the relevant stakeholders (the Waqf Administration and the Jordanian government). UNESCO further recommended that excavations should only resume after the plan was finalised and under the

Fig. 2: The *Suq al-Qattanin*, 'The Cotton Merchant Market' looking towards the entrance to the Haram al-Sharif. *Source: Conflict in Cities*

supervision of international experts co-ordinated by UNESCO. Beyond these responses, UNESCO has developed a two track approach to handling this controversy. Firstly, they have initiated a 'Reinforced Monitoring Mechanism' which establishes periodic (bi-monthly) updated reports by the WHC on the endangered site.[33] Secondly, they have encouraged consultation events or 'Professional encounters' to facilitate engagement, 'at the technical level between Israeli, Jordanian and Waqf experts to discuss the detailed proposals for the proposed final design of the Mughrabi ascent, prior to any final decision.'[34] Two encounters took place on 13th January and the 24th February 2008, in an attempt to achieve a consensual solution, in line with WHC recommendations. It remains difficult to gauge the success of such events, given Israeli's continuation of excavations at the site up until early May, and indeed their ongoing determination to unilaterally process the planning scheme through their own municipal authorities. The original plan, despite 14 public objections was approved by the Jerusalem District Planning and Construction Commission, on August 2008, albeit subject to a few amendments. A further appeal to the National Council for Planning and Construction is still pending, although there is growing pressure from the Israeli security forces, to complete the project and strengthen the main access route to the Haram al-Sharif compound.[35]

For Palestinians the inability of UNESCO, despite the close attention paid to Israeli actions through the reinforced monitoring mechanism, to materially affect the excavations and the proposals for the design of the ramp illustrate the weakness and limitations of UNESCO in Jerusalem and its cooptation by Israel. However this controversy suggests at least three conflicting observations on UNESCO's role in the Old City. Firstly, it underlines the importance and potential of UNESCO's role as an international and independent mediator in issues of heritage preservation. This position is all the more crucial given the increasing polarisation of both Israeli and Palestinian heritage authorities. Each accuse the other of radical agendas whether it be through the influence and collusion of settler groups, such as those linked to Western Wall Heritage Foundation or the rise of Sheikh Ra'ad Salah of Israel's Northern Wing Islamic Movement, and his mobilisation of public protests and involvement in *Waqf* excavations.[36] Secondly, it demonstrates that despite UNESCO's attempts to cooperate with the responsible power, Israel, the inherent weaknesses of UNESCO's involvement in Old City is its limited powers of enforcement. The World Heritage List may provide an international platform for 'naming and shaming' states who have failed to fulfil their responsibilities, yet it does not provide the necessary legal provisions or penal measures to compel compliance or prevent the deliberate destruction of cultural heritage.[37] UNESCO therefore exists as a form of international oversight, an agency which can provide assistance, but one that is limited by the fact that 'world heritage' remains subject to the power of the State and subservient to nationalist discourses and cultural agendas. Thirdly, these events, again illustrate the divided nature of Jerusalem and the continuing struggle for power, which places UNESCO in untenable position, undermining its objectives of safeguarding the cultural heritage of the city. Perhaps these failings could be addressed by a stronger

Fig. 3: Entry to the Haram al-Sharif through the Mughrabi Gate with timber ramp and Israeli archaeological excavation in the foreground. *Source: Conflict in Cities*

and permanent UNESCO presence in Jerusalem which could promote a more proactive co-ordinated strategy rather than the current reactive approach to preserving sites. The perception by the Israeli government that such a presence would undermine its claims to the city make this unlikely at this stage.

UNESCO therefore must chart a difficult course between being bypassed or assimilated by Israeli authorities keen to bolster a predominantly Jewish historical tradition; and being rejected or manipulated by Palestinian groups, who seek to redress the power imbalances in the city, with the protection of heritage becoming another form and means of political resistance. Within this context, without a broad agreement between the parties over a comprehensive approach and strategy in dealing with Jerusalem's cultural heritage, UNESCO's approach will remain fragmented, reactive and unbalanced.

Conclusions and Future Challenges

In evaluating UNESCO's role as global guardians of cultural heritage in perhaps the world's most religiously sensitive historic city, Jerusalem, it is crucial to firstly recognize that it operates in a situation of unresolved conflict, not post-war conflict.

Jerusalem remains both an occupied and a contested city claimed by two national groups, and subject to dynamic regional trends and global strategic interests. Heritage has becoming an increasing important weapon in the ongoing battle for Jerusalem; for Israelis it is a means of consolidating power and hegemonic control, for Palestinians it has become a rallying call for resistance and state-building. UNESCO is caught between two highly politicized agendas, and is therefore struggling to forge for itself an independent mediating role or indeed convince either side of the 'World Heritage' vision of 'unity in diversity' and 'the promotion of mutual understanding and solidarity among peoples.'[38]

The 'Action Plan' may yet prove to be a significant marker in UNESCO's journey towards a comprehensive and proactive strategy for dealing with Jerusalem's cultural heritage needs. Yet currently it remains paralyzed by internal heritage battles; sidelined due to shifting political priorities; and undermined through its limited international support.[39] The controversy surrounding the Mughrabi Gate Ascent, similarly highlights UNESCO's potential as an independent mediator and global guardian of threatened 'world heritage', while at the same time exemplifying its continuing impotence when it comes to on the ground enforcement and compliance.

Despite the development of an international framework for the preservation of world heritage (The World Heritage Convention) and emergence of a comprehensive body of legal principles[40], UNESCO remains, in Jerusalem, largely dependent on the goodwill of Israel and its ally the US, with regards to observance and operational authority. There simply remains no effectual means of enforcing regulations or implementing strategic policy without the co-operation of the Israeli government, which is unlikely to endorse any actions which it perceives as undermining the Jewishness of the city or its political claims to it. This inherent weakness cannot be remedied by organizational reform or strategic reappraisal, but strikes at the very heart of the concept and workings of 'World Heritage'. UNESCO's universal vision based on a meta-heritage narrative and centered around shared cultural resources and common stewardship is difficult to reconcile with the obvious realities and structural limitations of territorial sovereignty, property rights and nationalist agendas. As historian, David Lowenthal, suggests perhaps 'too much is asked of heritage. In the same breath, we commend national patrimony, regional and ethnic legacies and a global heritage shared and sheltered in common. We forget that these aims are usually incompatible.'[41] This ambiguity and tension leads some commentators to question whether the World Heritage List is any more than a 'beauty contest' for competing nations[42] or a commercial showcase for 'theme-parking' history and the past.[43]

In the contexts of 'Contested States and Cities', UNESCO's effectiveness is all too often contingent upon political resolution and international consensus. In Jerusalem it remains to be seen whether UNESCO can help facilitate the stalled peace process, with a prominent role being given to the organisation in various formulas for bridging the divide between the two parties whether it be the "Holy Basin" or "Special Regime" variant.[44] Or, will it simply become entangled and compromised in the multifarious politics of heritage.

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Endnotes

1   See M. Benvenisti. *City of Stone: The Hidden History of Jerusalem* (Berkeley: University of California Press, 1996). N. Abu El-Haj. *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (University of Chicago Press, 2001). S. Ricca, *Reinventing Jerusalem: Israel's Reconstruction of the Jewish Quarter after 1967* (London: I. B. Tauris 2007).

2   See Convention Concerning the Protection of the World Cultural and Natural Heritage, Nov.16, 1972, UNESCO Doc.17/C/106 (1972) – Article 1.

3   Ibid.

4   See Ricca, *Reinventing Jerusalem* , Chp. 5 (127- 155) for details of UNESCO's early engagement with the Old City and the "Synoptic Reports" of Professor Raymond Lemaire, as the Director-General's Special Representative, collected and synthesized into the *Synoptic report on developments in the safeguarding of the monumental heritage of Jerusalem from 1971 to 1987*, UNESCO, 1987.

5   N. Abu el-Haj. 'Translating Truths: Nationalism, the Practice of Archaeology, and the Remaking of Past and Present in Contemporary Jerusalem.' *American Ethnologist* 25 (1998): 166-88.

6   As stated in the 44. General Conference of UNESCO Resolution on the Protection of Cultural Property in Jerusalem, 20 November 1974.

7   Article 32 of the International Principles Applicable to Archaeological Excavations, UNESCO, 1956: 'In the event of armed conflict, any Member State occupying the territory of another State should refrain from carrying out archaeological excavations in the occupied territory. In the event of chance finds being made, particularly during military works, the occupying Power should take all possible measures to protect these finds, which should be handed over, on the termination of hostilities, to the competent authorities of the territory previously occupied, together with all documentation relating thereto.'

8   1974 UNESCO, General Conference Resolution.

9   For more detail see S. Dutt. 'The Politicization of the United Nations Specialized Agencies: Case study of UNESCO' (University of Kent, Unpublished PhD, 1990).

10 After the adoption of the 1974 Resolutions, the USA showed its disapproval financially by withholding its assessed share of the Agency's budget (25%) for two years. France and Switzerland similarly made their protest known by withholding a percentage of their contribution.

11 The criteria used to include Jerusalem on the World Heritage list were (ii), (iii) and (vi) under section 77 of the Operational Guidelines for the Implementation of the World Heritage Convention.

12 Israel only became a party to the World Heritage Convention in 1999 and duly submitted a tentative list of heritage sites which included 'Jerusalem' and an 'extension of the inscribed site of Jerusalem-the Old City and Ramparts- to include Mount Zion and determine a buffer zone in accord with the Operational guidelines' (World Heritage Sites: Tentative List of the State of Israel, 20 June 2000).

13 See Ricca, *Reinventing Jerusalem*, 153-155. R. Greenberg, A. Gopher and Z. Herzog. 'Archaeological Public Policy in Israel.' in *Public policy in Israel: Perspectives and Practices* (Lanham, Md.: Lexington Books, 2002), 191-203. M. Prior. 'Holy Places, Unholy Domination: the Scramble for Jerusalem.' *Islamic Studies, Special Issue: Jerusalem* 40 (2001): 507-30.

14 M. Breger and L.Hammer. 'International Law of Holy Places in the "Old City" of Jerusalem.' Jerusalem Old City Initiative (forthcoming, 2009).

15 D. Brinn. 'UNESCO chief pays a visit – and a compliment.' *Jerusalem Post*, 8 February 2008.

16 A. Uni. 'UNESCO chief: We are trying to mediate over Mughrabi Gate.' *Haaretz*, 2 February 2008.

17 Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem, UNESCO, September 2007.

18 The Committee was formed of 12

internationally renowned architects, archaeologists, curators, restorers, architectural historians and structural engineers with professional knowledge of the Old City of Jerusalem. Members include a Jordanian, Palestinian, Israeli, Turk, Greek, Egyptian, American and Italian.

19 These are listed in UNESCO 'Action Plan for the Safeguarding of Cultural Heritage in the Old City of Jerusalem', Section 3(2) Inventory and Conservation Priorities Map for Historic Monuments and Sites. Part 2 Conservation and Rehabilitation Project Profiles for Individual Monuments and Sites, 1-141.

20 See D. Husseini. 'Impairing Social services in Jerusalem.' *Cornerstone: O Jerusalem*, 39 (Winter 2006): 9-10, were she details the ongoing struggle between Israeli settlers and the Burj al-luqluq Social centre. In her words, 'Burj al-Luq Luq Centre is now under great pressure of an "occupation within an occupation".'

21 Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem, Section 3(3) 'Manual for Housing Maintenance and Rehabilitation', 2.

22 N. Shraqai. 'Tunnel to link J'lem's Jewish Quarter, Muslim Quarter synagogue.' *Haaretz*, 2 November 2007.

23 See M. Klein. 'Jerusalem as an Israeli Problem— a Review of Forty Years of Israeli Rule Over Arab Jerusalem.' *Israel Studies* 13 (2008): 54-72. M. Dumper. 'Israeli Settlement in the Old City of Jerusalem.' *Journal of Palestine Studies* 21 (1992): 32-53.

24 A. Uni. 'UNESCO chief: We are trying to mediate over Mughrabi Gate.' *Haaretz*, 2 February 2008.

25 J. B. Glass and R. Khamaisi. 'Report on the Socio-Economic Conditions in the Old City of Jerusalem.' (The Jerusalem Project Munk Centre for International Studies, University of Toronto, 2005).

26 Interviews with UNESCO officials, Paris, 17 October 2008.

27 Although damage to the pathway has been caused by gradual erosion and a more recent earthquake, most certainly the underlying structural weakness is a consequence of the Israeli renovation of the Western Wall plaza and destruction of the Mughrabi quarter.

28 This was termed 'Preventive archaeology' by the Israeli Antiquities Authority, who claimed to be excavating the site 'to assess the situation and structural stability of the access ramp' (Report of the Israeli National Commission for

UNESCO, 28 February 2007).

29 Prior to the construction the Jordanian government urged Israel to delay the project, even offering for Jordanian engineers to carry out a more modest reconstruction scheme, as had been done previously at the Southern wall. The offer however was rejected.

30 See D. Seidemann. 'The Events Surrounding the Mughrabi Gate – 2007: A Case Study.' Unpublished Report for Jerusalem Old City Initiative (JOCI)

31 These concerns were voiced at the 30th session of UNESCO's World Heritage Committee, July 2006 in Vilnius. It was resolved that UNESCO: 'reiterates its concern as to the obstacles and practices, such as the archaeological excavations or new constructions, which could alter the outstanding universal value of the cultural heritage of the Old city of Jerusalem, including its urban and social fabric as well as its visual integrity' and therefore 'Asks the Israeli authorities to provide the World Heritage Center with all the relevant information concerning the new buildings planned in and around the Western Wall Plaza, including the plans for reconstruction of the access leading to al-Haram ash-Sharif.'

32 A full copy of the technical mission report 2007 can be found online at: http://www.unesco.org/bpi/pdf/jerusalem_report_en.pdf (accessed June 2008)

33 This new monitoring mechanism was proposed at the 31st Session of the WHC in Christchurch, New Zealand, 2007, and immediately applied to the Mughrabi Gate controversy. The first Reinforced Monitoring Report was received in October 2007 and this has been followed by five others. The fifth report in September 2008, recommended the continuation of this specific form of supervision, reporting back 'at least every three months, until the 33rd session of the World Heritage Committee in 2009'

34 UNESCO, World Heritage Centre, 'World Heritage Site of the Old City of Jerusalem and its Walls State of Conservation of the Mughrabi Ascent: Fifth Reinforced Monitoring Report, September 2008, Part II 2(9).

35 Interview with an official from the Jerusalem Municipality, Jerusalem, 14/12/2008.

36 The Israeli Islamic Movement's involvement in the Marwani Hall/Solomon's Stables excavation was suggested during an interview in Jerusalem with a leading official from the IAA, 2 April 2008.

37 See R. O'Keefe. 'World Cultural Heritage:

Obligations to the International Community as a Whole?' 53 ICLQ 189 (2004): 205,207.

38 UNESCO 1992: INF 2/4

39 Despite the slow response of potential sponsors for the designated projects, under Section 1 (5) 23 funding for 'additional projects' in the Old City is also being sought. Funding for Heritage related projects are already being mobilised such as the refurbishment and design of the Islamic Museum of Al-Aqsa, located close to the Al-Aqsa Mosque, supported by a Saudi Arabian gift of $1,130,000. The development of an Architectural Heritage Preservation Institute is also planned, in partnership with the Welfare Association and subject to a European Commission grant of €700,000 (WHC-08/32. COM/24/18,3).

40 ICOMOS has been involved in the drafting of array of charters covering heritage issues such as historic cities, cultural tourism and the restoration of historic monuments. See Charter on the Conservation of Historic towns and Urban Areas, ICOMOS, 1987 (The Washington Charter) or International Cultural Tourism Charter-Managing Tourism at Places of Heritage Significance, ICOMOS, 1999. The most recent report of ICOMOS focused on 'Cultural Heritage at Risk-Risk preparedness'.

41 D. Lowenthal. *The Heritage Crusade and the Spoils of History* (Viking, 1997), 227.

42 Quote by A. Selkirk cited in S. M. Dingli. 'Responsibility towards the Heritage of Mankind.' in *The Ethics of Archaeology*, C. Scarre and G. Scarre (eds.) (Cambridge: Cambridge University Press, 2006), 233.

43 The concept of 'theme-parking' cultural heritage is explored by I. Hodder. *The Archaeological Process: An Introduction*. (Oxford and Malden, MA: Blackwell, 1999), 163.

44 See Jerusalem Old City Initiative (JOCI) Papers on these themes: http://web2.uwindsor.ca/ wsgcms/Projects/JerusalemInitiative/indexTpl. php?content1=Generic&filter1=48 (accessed January 2009)