

REPORT OF THE TECHNICAL MISSION TO THE OLD CITY OF JERUSALEM (27 February - 2 March 2007)

12 March 2007

I. Background

1. In early February 2007, under the responsibility of the Israeli Antiquities Authority (IAA), excavation works were started in the Old City of Jerusalem on the pathway leading from the Western Wall Plaza to the Mughrabi Gate of the Haram es-Sharif.
2. As concerns were raised internationally regarding the nature and objectives of the works undertaken by the Israeli authorities, the Director-General decided to dispatch a technical mission to Jerusalem to study the reconstruction work and archaeological excavation of the Mughrabi ascent leading to the access to the Haram es-Sharif and to report to him on its findings.
3. The mission team was led by Mr Francesco Bandarin, Director of the World Heritage Centre of UNESCO, and included Mr Mounir Bouchenaki, Director-General of ICCROM, Mr Michael Petzet, President of ICOMOS, and Ms Veronique Dauge from the World Heritage Centre. The mission stayed in Jerusalem from 27 February to 2 March 2007.
4. The pathway leading from the Western Wall Plaza to the Mughrabi Gate of the Haram es-Sharif is what remains of the Mughrabi Quarter, demolished by Israel in the aftermath of the six-day war of June 1967.
5. This sloped pathway is composed of several strata of archaeological structures (from the Herodian times to the British Mandate period) and of earth and rubble.
6. The pathway has a length of approximately 75 metres and allows pedestrians to climb the six-metre difference in height between the Western Wall Plaza and the Mughrabi Gate. A height of 15 to 17 metres separates the Mughrabi Gate and the Roman ground level, at the foot of the Western Wall.
7. In the early 1970s, after the demolition of the Mughrabi Quarter, support walls were built on the northern and southern sides of the pathway, while a concrete structure was built over it to allow the construction of the pavement and the erection of a protective canopy.
8. Since that time, the pathway has been the main access to the Haram es-Sharif for visitors and for the Israeli police and, since 2004, for Jewish worshippers accompanied by the Israeli police. The Mughrabi Gate is not open to Muslims and is exclusively under the control of the Israeli authorities.
9. All the other gates of the Haram es-Sharif giving access to Muslim worshippers are under the control of the Islamic Waqf, but their access is regulated by the Israeli police.
10. The section of the pathway closer to the Western Wall comprises the remaining structures of a house, presently used as a prayer room by Jewish women since it is adjacent to the women's section of the Western Wall.

11. This house blocks the entrance of the so called Barclay Gate, possibly one of the ancient gates of the Herodian temple, located immediately under the Mughrabi Gate. On the other side of the wall, inside the Haram es-Sharif, a prayer room exists, sacred to the Muslims and believed to be the shelter of Al-Buraq, the horse of Prophet Mohammad.

12. In February 2004, weakened by heavy rain and snow, the northern wall of the pathway collapsed, thus creating risks for the users. The collapse of the wall exposed the vaults of the underlying structures.

13. In July 2005, a temporary wooden bridge, still in use today, was built to allow access to the Mughrabi Gate. Since then, the Israeli authorities have started planning the archaeological surveys and the design of a new pathway.

14. The World Heritage Committee, at its 30th session in July 2006, examined the issue of the reconstruction of the pathway (document WHC-06/30.COM/7A.Add.Rev. and Decision 30COM 7A.34). Paragraph 6 of the decision “asks the Israeli authorities to provide the World Heritage Centre with all relevant information concerning the new buildings planned in and around the Western wall plaza, including the plans for the reconstruction of the access leading to Al Haram es-Sharif”.

15. In January 2007, the Israeli Prime Minister, Mr Ehud Olmert, approved the start of the archaeological excavations on the pathway, which are currently underway, on the basis of work plans that were not communicated to UNESCO’s World Heritage Centre. On 6 February 2007, the Director-General wrote a letter to the Prime Minister of Israel, recalling the terms of World Heritage Committee Decision 30COM 7A.34 and expressing “UNESCO’s serious concern regarding this situation”, and asked him to provide the World Heritage Centre with information on activities occurring “in the immediate vicinity of the Esplanade of Mosques”.

II. The situation in February 2007

16. During its visit on 28 February 2007, the mission observed that archaeological excavation works involving about 40 workers were conducted on all parts of the pathway, under the supervision of two archaeologists from the IAA.

17. The works observed concern areas external to the Western Wall and are limited to the surface of the pathway and its northern side, where the retaining wall of the access collapsed in 2004. The mission noted that no work is being conducted inside the Haram es-Sharif, nor may the nature of the works underway be reported, at this stage, as constituting a threat to the stability of the Western Wall and the Al-Aqsa Mosque.

18. The work area ends at approximately 10 metres distance from the Western Wall. It is conducted with light equipment, picks and shovels, and it is supervised and documented according to professional standards.

19. This activity is described by the IAA as “preventive archaeology”, and as such is not focused on archaeological research; it is said to be intended to identify the structural conditions of the pathway in order to allow its consolidation.

20. Three web cameras, located above the pathway, allow continuous viewing on the website of the IAA. Other archaeological surveys have also been carried out on the southern side of the pathway and towards the southern entrance of the plaza, inside the “Archaeological Garden”, in view of planning the future access structures.

21. The archaeological work is planned to last about six months, during which the final design of the new access will be finalized. It has not yet been determined whether the final plan will envisage a consolidated pathway or a bridge.

22. Some heavy machinery, also employed for other archaeological activities on the plaza, is used to remove the debris cleared from the pathway, but it operates from areas external to the archaeological structures of the pathway.

III. Consultations with the concerned authorities

23. The **Jerusalem Municipality** is responsible for planning and construction in the Old City, as well as for the infrastructure and its maintenance.

24. As the institution in charge of the overall project, the Municipality is currently developing, in consultation with the IAA, the final design of the structure of the access pathway.

25. The procedure adopted foresees a consultation every two weeks with outside experts. Upon the finalization of the plans, the Mayor will decide whether to open a public consultation on the project.

26. The Municipality also expressed its concern for the management of vehicle traffic in the area and stated that the design of the new access pathway constitutes an opportunity to reorganize the entire area and to remove all cars from the Western Wall Plaza, a reorganization needed in view of the increase of tourist flows, presently reaching 2 million visitors per year.

27. The **Israeli Antiquities Authority** is the Government's entity responsible for archaeological excavations and antiquities sites in Israel.

28. The IAA stated that it had full authority over the area and that all the decisions concerning the archaeological surveys and consolidation of the pathway fell under its sole responsibility, while the Municipality of Jerusalem was in charge of the design and construction work of the new access structure. It also stated that this access needed to remain under the exclusive control of the Israeli authorities for security reasons and to allow visitors access to the Haram es-Sharif.

29. No consultation with the Waqf was carried out before the work started, as no regular exchange of information or cooperation has taken place between the Israeli Authorities and the Islamic Waqf since 2000. The IAA clearly stated that it intends to conduct this work with the exclusive goal of studying the structural conditions of the pathway and not for archaeological research purposes.

30. It was clearly and repeatedly stated, both by the IAA and by the religious authorities consulted by the mission, that there are no plans to conduct any excavation under the Haram es-Sharif.

31. The **Israeli National Commission for UNESCO** sent a report to the World Heritage Centre on 28 February 2007 as a reply to the request of paragraph 6 of World Heritage Committee Decision 30 COM.34. The report contains information on the excavation and projects in line with the above. The report indicates that:

"1. The IAA continue the 'preventive archaeology' till reaching the clearing of the upper layers to assess the situation and structural stability of the access ramp. On reaching this critical level and before any irreversible works will be carried out, an

evaluation will be made by the IAA. Excavations for the foundations of the columns of a 'non-existent' ramp have been stopped.

"2. The Jerusalem Municipality will bring to the Planning Committee the proposal for a new access to the Mughrabi Gate and recommend that a professional team be appointed to evaluate alternatives, including utilization of the existing structures in the site through public consultation.

"3. On reaching this critical stage, the World Heritage Centre will be informed and consulted on the professional process before proposing the recommendations to the IAA and Municipality.

"4. The consultation will include professionals, academics and all stakeholders."

32. The **Islamic Waqf** of Jerusalem, responsible for the whole compound of the Haram es-Sharif as well as a very considerable number of properties within the Old City, stated that the excavations undertaken by the Israeli authorities are illegal since, under international law, no action should be undertaken in an occupied city.

33. Furthermore, the Waqf stated that the entire area of the former Mughrabi Quarter and the pathway are its property and that, since 1967, it had requested the return of the keys of the Mughrabi Gate, to no avail. In the past three years, the gate has been opened to tourists and to Jewish worshippers accompanied by police.

34. Since 2004, the Waqf has repeatedly informed the Israeli authorities that it was willing to undertake at its own expense the repair work and maintenance of the access pathway, but it has received no answer.

35. The Waqf fears that the archaeological excavations will destroy the last remains of the Mughrabi Quarter and remove the archaeological evidence of the Ayubid and Mamluk periods. It also fears that the Israeli authorities would remove any objects that may be found during the excavations.

36. The Waqf also referred to the commitment taken by the Israeli Authorities in the framework of the peace agreement signed between Israel and Jordan, that no work would be started without appropriate consultations.

37. The Waqf asked UNESCO to intervene with the Israeli Authorities in order to stop the works currently underway. It also stated that the commitment to respect the Holy Sites of Islam, always expressed by the Israeli Authorities in words, was not honoured in practice. The Waqf would be in favour of a solution involving other stakeholders such as Jordan and UNESCO, should this possibility arise.

38. A written statement was issued by the Islamic Waqf of Jerusalem in February 2007. This document "appeals to all parties to fulfil their obligations under the pertinent international conventions and agreements", and in particular "The Hague 1954 Convention, the 1972 World Heritage Convention, the Peace treaty between Jordan and Israel, the Washington Declaration recognizing the special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem".

IV. Evaluation of the situation by the mission

IV.1. The works on the access to the Mughrabi Gate

39. The report submitted by the National Commission on February 28 provides important information for the discussion of the next phases of the project. However, the mission noted that this interim report was submitted after the start of the work.

40. While recognizing that the archaeological works underway are being carried out according to professional standards, the mission expressed its concern regarding the lack of a clear work plan setting the limits of the activity, thereby opening the possibility of extensive and unnecessary excavations.

41. The mission's assessment is that all the works should aim at conserving the existing structure, consolidating and repairing it. A clear statement should be issued by the Israeli authorities in this respect. The archaeological excavations should be strictly limited to obtaining information on the stability of the structure needed for the consolidation work. It appears that such information is now available and that, consequently, these excavations should be stopped.

42. Two preliminary sketches of the future layout of the access were presented to the mission by the IAA, but the mission was not presented with any final architectural design.

43. The mission also considers that discussions and consultations should take place among all concerned parties before any decision is taken on this subject.

IV.2. Cooperation between the stakeholders

44. The mission clearly indicated to all the concerned parties that the heritage value of the Mughrabi pathway, an integral part of the site inscribed on the World Heritage List, cannot be limited to the archaeological structures, but has to include its important cultural, religious and symbolic aspects, and that these should be duly taken into account in any phase of the consolidation and restoration process.

45. As the project concerns different religious and cultural communities, it is of the utmost importance that dialogue and communication be established in order to include the views of all concerned parties.

46. The mission is aware that in the present situation no dialogue exists between the Israeli authorities and the Islamic Waqf. As this situation is at the origin of the present crisis, all parties should be invited to contribute in addressing and solving this issue in a cooperative way.

47. The involvement of the Jordanian Government, which has a supervisory role on the Haram es-Sharif recognized by Israel, would be most appropriate. The cooperation with the Jordanian Government was effective in solving the problem on the restoration of the Southern Wall of the Haram es-Sharif in 2004, and a similar framework could be envisaged. UNESCO could offer technical assistance and act as a facilitator in this process.

V. Final recommendations to the Director-General by the mission

48. The Government of Israel should be asked to comply with its obligations regarding archaeological excavations and heritage conservation in World Heritage sites such as the Old City of Jerusalem and, in particular, with Decision 30 COM.34 adopted by the World Heritage Committee in Vilnius in July 2006 on this matter.
49. The Government of Israel should be asked to stop immediately the archaeological excavations, given that the excavations that had been undertaken were deemed to be sufficient for the purpose of assessing the structural conditions of the pathway.
50. The Government of Israel should then clearly define the final design of the access structure, whose principal aim should be to restore the Mughrabi pathway without any major change to its structure and shape, in order to maintain the values of authenticity and integrity of the site. A clear work plan thereon should be communicated to the World Heritage Committee in the shortest possible time.
51. The Government of Israel should be asked to engage immediately a consultation process with all concerned parties, in particular the authorities of the Waqf and of Jordan, the latter having signed a peace agreement on 26 October 1994, and agree upon a plan of action before taking any further action and decision thereon.
52. This process should be supervised by an international team of experts coordinated by UNESCO and involving in particular structural engineers, specialized in archaeological consolidation works, in order to ensure the most appropriate solution for the restoration of the Mughrabi pathway.