

ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

H.E. Mr. Elias Wadih Sanbar
Ambassador, Permanent Delegate
Permanent Delegation of Palestine to
UNESCO
UNESCO House
1 rue Miollis
75015 PARIS

Our Ref. GB/MA 1492

Paris, 19 February 2014

Nominations to the World Heritage List 2014 **Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir**

Dear Sir,

ICOMOS is currently evaluating the nomination of "Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir" under the emergency procedure as set out in paragraphs 161 and 162 of the *Operational Guidelines*.

In order to undertake our assessment as effectively as possible, in terms of identifying the emergency and identifying the potential Outstanding Universal Value, we would like to request further information on the following aspects of the property:

Impact of possible World Heritage inscription

ICOMOS would welcome clarification on the impact that a decision by the World Heritage Committee to inscribe Battir on the World Heritage List could make to this cultural landscape in terms of averting threats.

The nomination dossier suggests that there are four main threats:

- Illegal construction of settlements on surrounding hills
- Proposed illegal construction of the Wall
- The Israeli state's refusal to allow the farmers to maintain their land and buildings
- Harm resulting from The Interim Agreement on the West Bank and Gaza Strip

For the first, third and fourth threats ICOMOS would like clarification of the immediate consequences that a decision by the World Heritage Committee would have in terms of, for instance, the ability of farmers to repair watch towers, or changes in the construction of settlements on surrounding hills.

For the second threat that relates to the construction of a wall along the 1949 ceasefire line, ICOMOS would like further clarification on the impact of any decision by the World Heritage Committee on the line of the wall or on its construction.

ICOMOS understands that in the 1940s there was agreement that the residents of Battir could tend their land on the Israeli side of the line (in contrast to the situation in many other villages).

A fence to be constructed along this line in 2005 would have taken away access from around a third of the village's land. In 2007 the Israeli High Court ruled that the fence had to be moved and in 2010 the army moved the line of the barrier westward to the Jaffa-Jerusalem railway track which meant that it would enclose far less of the village's land.

In 2012, the villagers petitioned the Supreme Court in Israel, with the support of the Israel Nature and Parks Authority, and the Friends of the Earth Middle East, to have the barrier rerouted entirely beyond their land to allow them to continue their ancient system of cultivation.

In May 2013, the Court awarded an injunction against the plan and ruled that the Defense Ministry must explain "why should the route of the Separation Barrier in the Battir village area not be nullified or changed, and alternately why should the barrier not be reconfigured." The Defense Ministry was requested to suggest a route that did not compromise the Battir cultural landscape.

We understand that the Israeli Authorities have agreed that if a barrier is constructed it will be a fence rather than a wall and that the villagers will be allowed access to their land on the Israeli side.

ICOMOS would welcome clarification of what has been set out above. We would also welcome details of actions taken since May 2013 in relation to the impact of decision by the World Heritage Committee.

We also request that a map be provided showing the line of the proposed fence at the current time, and previous lines. We would also like to receive details as to how the figure of between a third and a half of the Battir land being potentially cut off by the fence is calculated.

Boundaries

ICOMOS would also welcome clarification as to the justification of the proposed boundaries of the property. In the nomination dossier the scope and extent of the terraced landscape is shown in figure 2.5. This shows the terraces spreading across the core and buffer zone and even in places outside both. And early aerial photographs show terraces extending in concentricity around the hill on which Battir is sited. Watchtowers also extend across boundaries, as shown in fig 1.11, as does the overall pattern of cultivation in fig 1.13. The current boundaries do not appear to reflect this link between the terraces and the topography and watersheds.

The core area also excludes the village of Battir where the farmers live. ICOMOS would also welcome an understanding as to why only the fields appear to have been nominated and not the settlements that are crucial parts of the way the cultural landscape functions.

History

The nomination states that the long history of the Battir terraces starts from at least the Bronze Age and continue until today. However, it is not entirely clear from the text how this long continuous history might be substantiated. Mention is made of recent excavations at *Khirbet Al-Yahoud* that have revealed remains dating back to the Middle Bronze Age; of finds of Bronze and Iron Age pottery, of remains of Roman fortifications and of evidence of various settlements from 2nd century AD onwards. Please could further evidence be provided related to the development of the irrigated terraced landscape? The text suggests that the irrigation systems are Roman but the evidence for this is not clear. Nor is it clear what evidence exists for the persistence of the terraces over time or the antiquity of the stone forts. Is it a presumption that the shape and use of the landscape has a long history or is there clear evidence of this persistence?

ICOMOS would like to understand more on the evidence that exists for origins of terraced agriculture and its development in Battir and surroundings, its links to the development of settlements and societies in the area generally, and its links over time to trade, particularly in olives and grapes.

Comparative Analysis

The comparative analysis provided in the nomination dossier only compares the property with some already inscribed World Heritage sites. There is no comparison offered with sites not already inscribed on the World Heritage list and particularly there is no comparison with other sites in the immediate area of the Eastern Mediterranean region.

Battir is part of the central hills of Palestine where similar irrigated terraced agriculture was practised. How does the Battir site relate to this wider area? Is the nominated area the only terraced landscape to have survived in use or are there others? How does Battir compare with other terraced landscapes in other parts of the Eastern Mediterranean in terms of fabric and of history and social structures?

Please could the comparative analysis be augmented to provide these further dimensions?

Sustaining the cultural landscape

It would also be helpful to understand more of the social structures associated with the landscape. The nomination dossier mentions a democratic system for sharing water, and that only eight extended families are responsible for the persistence of this system and the upkeep of the terraced landscape, with members of the families being mostly elderly. How will the farming and water management system be maintained in the future? How do these eight extended families relate to other groups of farmers in other parts of the central hills?

We would be grateful if you could provide ICOMOS and the World Heritage Centre with the above information by **Wednesday 19 March 2014**.

We thank you in advance for your kind cooperation.

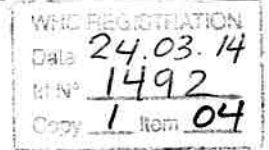
Yours sincerely,



Regina Durighello
Director
World Heritage Programme



Ref:MP/14-03/Patrimoin/Battir/RepDétail/21



Paris, 21 March 2014.

Nominations to the World Heritage List 2014

Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir

Mrs Director,

Allow us to extend our gratitude for the commencement of the evaluation of our nomination **Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir**.

Regarding your letter (Ref. GB/MA 1492) dated 19 February 2014, and based on the advice and feedback of the Palestinian Committee of World Heritage and the national team that was involved in the preparation of the nomination document to inscribe "Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir" on the World Heritage List, allow us to put forward further information on the issues that were indicated in the letter:

Impact of possible World Heritage inscription on four main threats

The inscription of Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir on the World Heritage List is foreseen to recognise the Outstanding Universal Value of the site, and thus contribute to Palestine's efforts in preserving its cultural heritage resources, and counter the threats that are facing the site.

This inscription would not only contribute to the establishment of a system of international cooperation and assistance in Palestinian efforts to conserve the heritage of the site, but would also add further clarity to the obligation of States not to take deliberate measures to directly or indirectly damage the cultural heritage of the site.

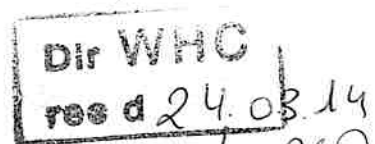
It is also hoped that international cooperation might assist in securing the enforcement of decisions respecting the value of the World Heritage worthy nature of Battir.

Furthermore, the prestige of inscription would enhance tourism which, in turn, would greatly raise the level of public awareness on the Outstanding Universal Value of the site and on the imminent danger posed by the threats to its integrity and authenticity.

With increased awareness, would come increased attention and pressure on both Palestinian and third state decision-makers to safeguard the heritage of Battir, in line with respecting its value not only within Palestine, but also universally. It would thereby assist in combating the threats facing the site.

Clarification on the current state of the routing of the Wall

As noted, in December 2012, Battir villagers petitioned the Israeli High Court of Justice to have the Wall rerouted entirely beyond the land so as to allow the continuation of their ancient system of cultivation, and in May 2013, Battir Village Council obtained an interim injunction to stop the Wall from proceeding to be built; the villagers were supported by the Friends of Earth Middle East (FoEME).



In an unprecedented fashion, the Israeli Nature and Parks Authority joined the objection, and put it well when it insisted that "the building of the fence (separation barrier) as currently proposed by the respondents (a 3.5 meters high bolstered metal fence along a 500 meter segment) does not adequately balance, as required, the range of conflicting interests, and does not adequately address the wide and irreversible damage that will be caused to the natural, landscape, and heritage values that exist in the area."

The Israeli military remains unconvinced as to the merit of the environmental claim and is determined to build the Wall (or fence) despite undisputed expert opinions confirming the inevitable and irrevocable destruction that would be caused to the heritage of the site.

On January 29th, 2014, the High Court of Israel held another hearing on the petition; although it was thought that this was to be the final hearing, the Court has now requested further clarifications from the respondents, including the Israel Railway and the Ministry of Transport, both of which were joined as respondents.

The Court has asked Israel Railway to consider the possibility that one of the two existing railway tracks be used as the path of the illegal Wall. The Court also asked the military to detail how gates proposed to be built for farmer access would guarantee access in a manner that is consistent with the traditional Battir farming methods.

Experts are of the opinion that due to the topography of the area, it is not possible to build the type of physical structure that the military is proposing without destroying several hundred meters of ancient stone terrace walls. Prior experience with military operated gates in other locations is also instructive. Traditional farming methods of the kind unique to Battir farmers, running with the flow of spring waters, could not be maintained if military operated gates are in place.

The parties are to return with answers to the requests on March 27th, 2014. The final decision remains pending.

Lastly, as discussed in Chapter 7 of our application, the use of a fence, as opposed to a concrete wall, would do little to nothing to ease the negative impact of separation on the natural landscape, the wildlife habitat, and on the maintenance of the land of the village and villagers of Battir.

Boundaries

The boundaries of the property, as presented in the nomination document - executive summary, include only the lands that are owned and attended by the farmers of Battir; Watchtowers that extend beyond the property of the nomination are either constructed to watch lands that are outside the property of Battir or they no-longer overlook agricultural land and thus does not serve the objectives of the nomination.

Accordingly, the cultivation pattern, which was included in this nomination, covers the lands that continue to be used until this date as agricultural lands, and that are a main source of income for the majority of the people in Battir.

Although the village of Battir was not included in the core zone, and was instead annexed to the buffer zone at this step of the nomination in order to enable the while the remaining parts of the village were annexed to the buffer zone. The part of the village that was annexed to the buffer zone includes the new parts of the village, and were foreseen as to have a negative impact on the overall visual continuation of the site.

The inclusion of the village of Battir, namely the historic core, is recognised by the different stakeholders as an essential component of the cultural landscape and that the

farmers do contribute to the sustainability and continuation of the system. However, the inclusion of the village is foreseen as a future step, that shall be implemented upon the preparation of a conservation and management plan that shall reinforce its nomination, and not as a part of the emergency nomination that shall, once realised, contribute to the preservation of the site.

History

The evolution and development of the agricultural terraces in Palestine in general, and in Battir in particular, is a subject that requires further research and study in order to be able to determine its detailed history. However, the description used in this nomination document is built mainly on archaeological findings in Khirbet Al-Yahoud and the surrounding sites, the location of the village on the main road that connected the port city of Jaffa with Jerusalem, and the archaeological sites that still exist in the village today, in addition to all the other data mentioned in the nomination document.

The canals and the pool described in the nomination document represent an irrigation system that has been used and re-used during several historical periods throughout the Mediterranean and that has developed during the Roman Period; the pool is commonly known among the local community as the "Roman Pool" which does not necessarily indicate its archaeological date. However, the Latin inscription on the rock near the mouth of Ain al-Balad spring, which mentions that Roman legions V Macedonica and XI Claudia, and the partly preserved mosaic floor at the bottom of 'Ain al-Balad, do testify that the site was inhabited during the Roman period.

Comparative Analysis

Archaeological Site of Volubilis, Morocco, which was inscribed on the World Heritage List in 1997 is located within a cultural landscape that is characterised with the cultivation of olives. Olives were the main product of the region.

"The Mauritanian capital, founded in the 3rd century B.C., became an important outpost of the Roman Empire and was graced with many fine buildings. Extensive remains of these survive in the archaeological site, located in a fertile agricultural area. Volubilis was later briefly to become the capital of Idris I, founder of the Idrisid dynasty, who is buried at nearby Moulay Idris."

Other sites in the east Mediterranean Region that are submitted and approved on the Tentative list, and that are associated with agricultural activities, namely olives, include:

1- Shaubak Castle, Jordan (18.6.2001): The lands around Shaubak were noted in middle ages for their agricultural products, which included corn, olives, vines, sugar and apricots.

2- Oasis of Fayoum, hydraulic remains and ancient cultural landscapes, Egypt (28.7.2003): the oasis had a unique hydraulic system and was planted with olives and vines.

3- Southern and Smaller Oases, the Western Desert, Egypt (12.6.2003): The date palm is the main cash crop of the two Oases, besides olive and other fruit trees,

The two sites in Egypt are an example of human settlement near water sources, and the adaptation of nature for agriculture; although the technology used for irrigation and plantation is different, they yet represent a production method that is used beyond

the needs of the community, and extend to provide neighbouring settlements through trade.

Sustaining the cultural Landscape

Water springs in Battir, as is the situation with the majority of water springs throughout the Central Hills are communal, and the access to the water is a common right that is guaranteed by local norms and traditions. As mentioned in the dossier, the evolution and development of the agricultural terraces around the water springs has contributed to the development of an irrigation system that is based on distributing the water of the springs, in the case of Ein Al-Balad through the collective pool and canals, to the agricultural lands that are located below the level of the spring, without neglecting or cancelling the communal right in the accessibility to the spring which is located in the village Square "Al-Saha" or the use of its water.

The agricultural lands that are located below the level of Ein Al-Balad Spring and the level of the Pool belong to the eight extended families of Battir; the daily distribution of the water and the amount of shares of the water for each land is based on the area of the land and its percentage of the overall plot that shall be irrigated during the day. The total irrigated agricultural land is divided to eight equal shares; each share of these shares is managed by one family.

The system is monitored by the elders because according to the local traditions they are the most fair when it comes to judgement of any kind including the distribution of water. However, all family members are involved in attending the land, and this is most noticed in olive harvest season; a season that is considered sacred in Palestine and is considered a national holiday.

The traditions related to the distribution of water have been transferred by the elders to the younger generation for generations; this has contributed to the sustainability of the water distribution system and will continue in the future.

We hope that our answers are sufficient for the questions you include in your letter, and are looking forward for the visit of the ICOMOS visitor next week.
Do not hesitate to contact us if you have further inquiries.

Sincerely yours,

Mounir Anastas
First Counsellor
Deputy permanent Delegate



Mrs. Regina Durighello
Director, World Heritage
Programme ICOMOS
49-51 rue de la Fédération
75015 Paris

cc: UNESCO World Heritage Center