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# World Heritage

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## UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

### CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

#### WORLD HERITAGE COMMITTEE

#### Thirty-first Session

Christchurch, New Zealand  
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**Item 7A of the Provisional Agenda: State of conservation of the properties  
inscribed on the List of World Heritage in danger**

**INF.7A.2 Report of the technical mission to the Old City of Jerusalem (27  
February - 2 March 2007)**

**and**

**Address by the Director-General of UNESCO, Mr Koïchiro  
Matsuura, on the occasion of the information meeting with  
Permanent Delegates on the cultural heritage of the Old City of  
Jerusalem (UNESCO, 19 March 2007)**

#### SUMMARY

This document presents:

- the report of the technical mission to the Old City of Jerusalem carried out from 27 February to 2 March 2007 to study the reconstruction work and archaeological excavation of the pathway leading from the Western Wall Plaza to the Mughrabi Gate of the Haram ash-Sharîf;
- the address by the Director-General of UNESCO on the occasion of the information meeting with Permanent Delegates to present the results of the mission (UNESCO, 19 March 2007).

## **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 ash-Sharîf.
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 ash-Sharîf 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 ash-Sharîf 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 ash-Sharîf 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 ash-Sharîf 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 ash-Sharīf, 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 30<sup>th</sup> 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 ash-Sharīf”.

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 ash-Sharīf, 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 ash-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 ash-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 ash-Sharīf 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 ash-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 ash-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.

**Address by the Director-General of UNESCO, Mr Koïchiro Matsuura,  
on the occasion of the information meeting with Permanent Delegates  
on the cultural heritage of the Old City of Jerusalem UNESCO, 19 March 2007**

Excellencies,  
Ladies and Gentlemen,

I am pleased to see so many of you here today at this information meeting that I decided to convene on a matter that is of great interest to you and to the international community as a whole: the Old City of Jerusalem and its Walls.

First, I would like to thank Mr Musa Bin Jaafar Bin Hassan, President of the General Conference, for honouring us with his presence. Mr Zhang Xinsheng, Chairperson of the Executive Board, whom I also invited to this meeting, would have liked to join us but only arrives in Paris this afternoon and will therefore be unable to attend.

As you are all aware, the Old City of Jerusalem and its Walls was included, under the 1972 World Heritage Convention, in the UNESCO World Heritage List in 1981, at the request of the Hashemite Kingdom of Jordan. It was unfortunately also included in the List of World Heritage in Danger the following year, in 1982, on account of the serious threats to its preservation and the prevailing political situation on the ground. Its inclusion in both lists requires us to be particularly vigilant and I know that this is what is rallying us all to the cause today.

This issue is especially significant because its implications are manifold.

It should serve to demonstrate that the common desire to preserve heritage recognized by the international community to be of “outstanding universal value” under the terms of the 1972 Convention may be conducive to the resumption of dialogue interrupted in other forums.

It should remind us that UNESCO, while being aware of existing political constraints, is the forum in which the cultural dimension can override the political dimension, the forum in which, on the basis of common values and a shared vision of our duties towards future generations, the dialogue among cultures, civilizations and religions is entirely in the service of peace.

It compels us to engage in an in-depth, dispassionate debate on our responsibility to keep a window open on to dialogue and peace.

It is therefore our duty to address the issue in full awareness of these challenges, to show that our determination to protect all cultural heritage, particularly endangered heritage – wherever it may be and whatever the circumstances are – is an inherent part of our mission.

In this context, when I realized that the issue of the preservation of the cultural heritage of the Old City of Jerusalem had been at a standstill for many years, I decided in 2001 to entrust the responsibility of its follow-up to the World Heritage Centre itself, in order to highlight the technical and professional nature of our approach to heritage preservation.

I then launched a new initiative aimed at preparing a comprehensive plan of action to safeguard the cultural heritage of the Old City of Jerusalem. This initiative, approved by the Executive Board and by the General Conference at its 32nd session in 2003, resulted in substantial progress.



In the context of the World Heritage Committee's annual examination of properties included in the List of World Heritage in Danger, the Committee, in its Decision 30 COM 7A.34, adopted in Vilnius in July 2006, welcomed this initiative and encouraged me to pursue it further.

In the same decision, the Committee reiterated its "concern as to the obstacles and practices, such as 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 requested "the Israeli authorities to provide to the World Heritage Centre 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 the al-Haram ash-Sharif".

The World Heritage Committee also requested the World Heritage Centre to report to it on the state of conservation of the Old City of Jerusalem and its Walls and on the state of progress and implementation of the Action Plan for examination by the Committee at its 31st session in June 2007.

As you are aware, the committee of independent experts responsible for advising me in this matter has met on two occasions, the last of which was in September 2006, making it possible to finalize the Action Plan, which will be submitted as requested to the World Heritage Committee at its forthcoming session in New Zealand in June 2007.

As we have all witnessed, there has been a resurgence of tension on the ground since the announcement at the beginning of February of work undertaken by the Israeli authorities on the pathway leading to al-Haram ash-Sharif. I have voiced my concern through the various official communications I issued through Flash Info and press releases in recent weeks. I expressed this concern in a letter sent to the Prime Minister of Israel on 6 February.

I then took the decision to send a mission to assess the nature of the work carried out around the Mughrabi Gate pathway leading to al-Haram ash-Sharif.

The mission took place from 27 February to 2 March 2007 with the agreement of the Israeli authorities and submitted its report to me on 12 March. I immediately made it public by sending it to all the delegations by e-mail on 13 March and publishing it on the Organization's website.

This mission, led by the Director of the UNESCO World Heritage Centre, Francesco Bandarin, comprised the Director-General of the International Centre for the Study of the Preservation and Restoration of Cultural Monuments (ICCROM), Mounir Bouchenaki, whom you know well since he was Assistant Director-General for Culture at UNESCO until only a few months ago; the President of the International Council on Monuments and Sites (ICOMOS), Michael Petzet, who is unfortunately unable to be here with us today; and Véronique Dauge, from the World Heritage Centre.

I shall leave it to Françoise Rivière, Assistant Director-General for Culture, to give you the details of the mission. The members of the mission are also here to answer any questions you may have.

The mission was able to observe the real situation on the ground, allaying certain fears but also highlighting a number of problems requiring an urgent solution. The five final recommendations addressed to me by the mission, which I publicly endorsed, were immediately transmitted to all the parties concerned, in particular to the Israeli authorities.

I am also in constant contact with the Secretary-General of the United Nations, Mr Ban Ki-Moon, on this issue, and our meeting in New York on 1 March 2007 gave me the opportunity to inform him of the latest developments, for which he expressed his appreciation. No later than Tuesday last, I of course transmitted the mission report to him.

For the time being, I wish to reiterate the sense of responsibility I feel, which I am sure you share.

At a time when the United Nations has reached a turning point in its history, and must demonstrate its usefulness and relevance; at a time when UNESCO, as a specialized agency of the system, must highlight its added value and comparative advantage in the system; and lastly, at a time when culture has joined the “big league” and is no longer considered a secondary, trivial dimension of the real peace, dialogue and development issues, there is no room for failure.

The 1972 Convention is one of the most powerful symbols of our organization, the resounding success story of how standard-setting can serve globally shared values. Together, we must live up to this success, and demonstrate the validity of our mandate and the sincerity of our convictions and commitments.