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The Politics of Heritage and the Limitations of International Agency in Divided Cities: The role of UNESCO in Jerusalem's Old City

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Editorial note

This working paper relates directly to Research Module J2 - 'Holy Places, Holy City'. It provides a detailed analysis of the role and limitations of international agency in the preservation of heritage in Jerusalem's Old City. The paper assesses the politicisation of archaeology in the context of divided cities and draws some conclusions which are also relevant to the J4 module dealing with conflict management and resolution.

Biographical note

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The Politics of Heritage and the Limitations of International Agency in Divided Cities: The role of UNESCO in Jerusalem's Old City

Mick Dumper and Craig Larkin

Abstract

This paper problematises international heritage interventions in divided cities through exploring UNESCO's role in Jerusalem's Old City. It examines the tension between universal heritage values and protocols and nationalist agendas which often involve politicised archaeological responses. Drawing on comparative case studies of UNESCO-affiliated projects in Fez and Aleppo, and in the violently divided cities and regions of Mostar and Kosovo, it assesses future challenges and possibilities facing UNESCO in Jerusalem. While the paper confirms an increased need for an international arbitrator and protector for the city's sacred sites and divided cultural heritage, it also underscores the limitations of UNESCO's legal remit and the political sensitivities which hinder its praxis.

Keywords: ethnic and national conflict, cultural heritage, archaeology, international intervention.

More than any other place in the world, Jerusalem embodies the hope and dream of dialogue between cultures, civilizations and spiritual traditions, a dialogue through which mutual understanding between peoples may flourish.

UNESCO, Director-General, 26 January 2005 (1)

Metaphorically, the holy sites in Jerusalem's Old City are ground zero of the Israeli-Palestinian conflict. M.H. Ross, 2007

Heritage claims, whether based in the practice of archaeology or the preservation of cultural artifacts, have long been recognized to bolster discourses of nationalism (Trigger, 1984), identity (Meskell, 2002), belonging and exclusion (Silverman, 2005). 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 (Benvenisti 1996, Abu El Haj 2001) 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 Working Paper seeks to address this empirical lacuna, examining how UNESCO's interventions have been affected by the ongoing Israeli-Palestinian conflict and how the organization has dealt with competing attempts to use heritage to legitimate national discourses and justify hegemonic control. How has UNESCO attempted to protect some of the most sacred and controversial sites for Judaism, Christianity and Islam?

An evaluation of UNESCO's role as guardians of heritage in Jerusalem provides an important frame for exploring wider issues such as the constraints on international agency in divided cities, as well as testing the efficacy of the concept 'world/universal heritage' in producing shared narratives and reconciliatory approaches to disputed pasts and volatile presents. These issues are addressed with recourse to three factors which continue to problematise UNESCO's assignment in Jerusalem. Firstly, there is the inherent tension between the universal and inclusive values that the conventions and protocols of UNESCO aspire to and the nationalist and chauvinistic agendas of the state in whose territory such sites are located. In this sense the disagreements between Israel and UNESCO are not unique, but have been replicated in various contexts, such as China's controversial Sinification policies in Tibet. Secondly, the fact that Jerusalem is an ethnically and politically divided city and the legitimacy of the role of the dominant state, Israel, is contested, brings additional complications to UNESCO's role in the city. There is not a single polity or "address" for it to work with. Thirdly, despite attempts to contextualize its work, there is a tendency in UNESCO to prioritize sites rather than the culture within which they are located. In this way its projects act as a blunt instrument amid the delicate fabric of social and economic relations that give the site meaning. These elements become all the more complex set amidst the dynamic backdrop of regional politics and international diplomacy – for instance, the reluctance of UNESCO's central headquarters in Paris to alienate its main funders often results in the weak implementation of decisions and the recommendations of its inspection teams in Jerusalem.

The paper comprises four sections. The first surveys some of the historical and political contextual issues which constitute the contested heritage of Jerusalem; the second examines UNESCO's scope and specific involvement in Jerusalem's Old City; while the third consists of a comparative analysis of its work in cities which share a rich architectural heritage, Aleppo and Fez, and where its post-conflict interventions face similar legacies of ethno-national violence, in Mostar and Kosovo. Finally the paper considers future challenges and possibilities for UNESCO projects within Jerusalem, as well as the wider implications for the World Heritage program.

1. Politicising heritage in Jerusalem

Palestinians and Israelis have vied for control of the Old City of Jerusalem over many decades, each looking to one site as a source of inspiration and a symbol of legitimacy: for Jews the Temple Mount (*Har Habayit*), and for Muslims the Noble Sanctuary (*Haram al-Sharif*). Jews believe the ruins of the first and second temples lie underneath the Haram compound, with the Western (Wailing) Wall now the only visible remainder of the Temple Mount's 70 CE destruction. Muslims however revere the Haram as Islam's third holy site (following Mecca and Medina); containing the Dome of the Rock and Al-Aqsa mosque and the Wailing Wall (*ha-kotel*, *al-buraq*) thought to be where Muhammad made his night journey to Heaven. The sites have become intrinsically tied to each group's sense of political, religious and national identity.

As these sacred spaces have been infused with ideological significance, the Old City of Jerusalem has been repeatedly demolished, excavated, rebuilt and restored to serve political agendas and to justify historical narratives. For example, during the Jordanian annexation of the Old City between 1951-67, parts of the area known as the Jewish quarter were demolished and traces of a Jewish presence there were erased. Yet, in 1967 Israel celebrated their own control of the Old City by demolishing an ancient residential area known as the Moroccan quarter in front of the Wailing Wall, expropriating over a thousand properties housing 6,000 Palestinians as well as razing the Buraq and Afdali mosques to create a new Plaza for Jewish worship and prayer (Dumper 2002, 175). In this context, archaeological excavations became crucial for re-imagining and reclaiming Israel's past (Elon 1994), for affirming Jewish historical roots in the land, and for reworking old national myths such as Massada (Zerubavel, 1995). Beyond symbolism and patriotic discourses, archaeology has become a pretext for recreating Jerusalem's historic landscapes, often at the expense of existing Palestinian communities. The ongoing transformation of the East Jerusalem suburb of Silwan into an archaeological-tourist site, becoming Israeli national theme park the 'City of David' (*Ir David*), is a case in point. The Jewish Settler organization *El-Ad* (2), responsible for both the administration and tourism of the site, is also complicit in an aggressive campaign to resettle Jewish families in the Silwan district of *Wadi al-Hilwe*, while financially supporting the ongoing excavations and tunneling beneath Palestinian residents' homes. This politicization of archaeology in the service of ultra-orthodox religious ideology and strategic expansionist interest, threatens, according to some internal opponents and critics, to 'promote a distorted version of history - merging myth and legend with archaeological fact' (Watzman 2007:22-24).

The Palestinian response, alternatively, has been to draw on renovation and restoration programs to encourage the permanent residence of Palestinian Muslims in the Old City. An early project in the 1980s, under the auspices of the Jordanian controlled Waqf Administration, set about preserving historic Islamic buildings (mosques, schools, homes) and resisting Israeli attempts to marginalise Arab communities (Dumper, 2002). In this way we can see how the politics of heritage has, on the one hand, for Israel revolved around attempts to legitimize a specific Jewish historical perspective, and justify the current status of Israeli control and political authority; yet, on the other hand, for Palestinians it is part of the struggle to preserve their cultural heritage and therefore is more often about recent history and the protection of living communities in the Old City. This is demonstrated in the work of the leading Palestinian NGO, the Welfare Association (3), which has mapped all the historic buildings in the Old City as part of the Old City of Jerusalem Revitalization project (1996). The main aim of this project is not just physical restoration, but also training in conservation and the establishment of social outreach programmes in an attempt to support the surrounding community. Heritage preservation in the Old City therefore remains not only the loci for cultural and ideological confrontations, the 'field on which the desired pasts battle for hegemony', but also continues to be a pragmatic tool for securing and legitimizing physical presence, ownership and right to the land (Scham and Yahya, 2003:403).

Current legal situation and practices

Within this context of ideological contest over heritage preservation, it is important to understand the legal foundations and current practices surrounding Jerusalem's holy places and its excavation sites. Following the occupation of East Jerusalem in 1967, the approach of the Israeli government to cultural heritage came to be based primarily on two legislative pillars: the 1967 'Protection of Holy Places Law' and the 1978 'Antiquities Law'. The first law, under article 1 ensures that 'Holy Places' will be 'protected from desecration and any other violation and anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.' This legislation affirms that punishment for desecrating the Holy Sites, like religious freedom of access and physical protection, is the sole responsibility of the Israeli Minister of Religious Affairs. This authoritative power, following the disbandment of the Religious Affairs ministry in 2004, ultimately now resides with the Prime Minister (4).

The Antiquities Law, passed in 1978, on the other hand, plays a key role in determining Israel's heritage development and establishing ownership of antiquity sites. This law defines an antiquity as any object, whether detached or fixed, which was made by man prior to 1700,

including anything subsequently added which forms an integral part thereof (5). This includes buildings as well as archeological sites. Such an ambiguous definition has serious implications for the Old City's current urban fabric, which is built upon layers of ancient civilization. Furthermore, the law provides for state ownership of all newly discovered antiquities(6)ⁱ, as well as empowering the Israel Antiquity Authority (IAA) with responsibility for the country's ancient artifacts, antiquity sites, their excavation, preservation, conservation, study and publication. This remit extends to public policy decisions with regard to preservation and development and urban planning around heritage sites. The IAA is also responsible for preventing damage in and around the holy sites. Indeed any change at these sites (excavation, construction, preservation, renovation of walls) requires not only the permission of the Director-General, but the approval of a Ministerial Committee for Holy Places (7).

The Palestinian community and authorities resisted the imposition of such legislation. They have opposed Israel's attempts to control and regulate activities involving the holy sites and archeological digs which they feel threaten the integrity of their religious and cultural heritage, referring to the *Palestine Order in Council (Holy Places) 1924* in support of their position. The 1924 Order was enacted by the British Mandate government and had far-reaching consequences in that it excluded from the civil courts all cases concerning the holy sites themselves and the rights of worshippers or members of religious groups. Instead jurisdiction over these cases was transferred to the British High Commissioner. The current *Waqf* Administration claims ownership over the Haram al-Sharif, partly based on the fact that the holy sites are not within the jurisdiction of the civil courts, and partly claiming to be the successor to the Supreme Muslim Council which was set up in the Mandate period to oversee the property and religious activities of the Muslim community.

Israel however, continues to see itself as the natural inheritor of the rights of the British High Commissioner, and therefore claims it has ultimate jurisdiction over holy sites. Consequently it has not wished to compromise its authority in Jerusalem, in any way, in case such a compromise would undermine its political claim to the whole city and its de facto annexation in 1967. To a large extent this consideration also explains Israel's reluctance to concede a role to UNESCO in the city. By conferring a significant role to UNESCO, it fears that international acceptance of its jurisdiction, already questioned, would be further reduced and thus its negotiating position with the Palestinians and the Arab world weakened. Although Israel has tacitly ceded limited administrative autonomy over the Haram compound to the *Waqf* Administration, importantly this does not involve physical control or security arrangements surrounding the site (8). Indeed, the Israeli government continues to consider

East Jerusalem and the Old City as an integral part of Israel; and the IAA has embarked upon new excavations in 2007, such as 'The Mount Zion Hillside' (Byzantine towers on the north side of the city wall) and 'The City of David and The Spring House' , an excavation of the ancient Shiloah Pool in Silwan valley.

One example of how the *Waqf* Administration sought to challenge Israel's policies has been the excavation work on Marwani Hall/Solomon's Stables (1996) without the co-ordination or approval of the IAA or UNESCO. The rehabilitation of these underground chambers in the south-east corner of the Haram al-Sharif led to a public Israeli outcry and an attempt to stop the construction by means of legal injunction. The ensuing Israeli High Court of Justice ruling again affirmed the complexity and ambiguity surrounding status quo arrangements. The attempt to halt the *Waqf* Administration's renovations was duly dismissed by the court, which instead warned of the dangers of legal interference given the political and religious sensitivity of the site.

In the years which have followed, and despite the peace negotiations between the PLO and the Israeli government, there has been little to no co-ordination or consultation between the IAA and the *Waqf* Administration regarding issues of heritage. For example, the Oslo protocols may have called for joint expert committees on heritage and freedom of access to archaeological sites, yet within Jerusalem this has never been achieved (9).

As one can see, in this situation of contested jurisdiction, the government of Israel has ultimate power of enforcement, but nevertheless, it has refrained from exercising it fully over all cultural and religious sites for fear of provoking the sensitivities of the Muslim world and in the interests of maintaining public order in a city where one-third of the inhabitants are non-Israeli.

2. UNESCO'S involvement in the Old City of Jerusalem

General

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' (10). UNESCO's 'World Heritage Convention' (1972) provides the legal framework and basis for international co-operation and

co-ordination of the protection of heritage sites, while empowering the World Heritage Committee (WHC) with the role of implementing its overarching objectives. Advisory bodies to the WHC, include the International Council on Monuments and Sites (ICOMOS), a professional and scientific non-state organisation which monitors, inspects and reports on the state of sites on the World Heritage List; and the International Center for the Study of the Preservation and Restoration of Cultural Property (ICCROM), an intergovernmental body which provides expertise in restoration techniques, while promoting and raising global awareness of the importance of preserving cultural heritage.

Normative action is effected by the elaboration of international instruments which are adopted by UNESCO's 185 member states. These include: Declarations, which constitute moral and political commitments; Recommendations, which provide encouragement for states to adopt a specific heritage approach; and Conventions, which establish legally binding agreements concluded by two or more states (11). Such operational guidelines are strengthened by a physical UNESCO presence, whether in the form of a national office, a regional 'cluster' office, or a specialized network of NGO partners and consultative committees and councils. Permanent internal UNESCO delegations and national commissions ensure adequate liaison between state governments and UNESCO central authority. It is important to note that UNESCO has adopted an inclusive approach to heritage sites, utilising broad definitions (12) such as *Cultural Property*, *Natural Heritage*, *Historic Areas* and *Cultural landscapes* to include: 'monuments of architecture, art or history'; 'groups of buildings'; 'historic quarters in urban or rural built-up areas' and 'structures and open spaces including archaeological and palaeontological sites' (13).

From these conventions and protocols we can see how this approach has emanated from technical and historical criteria and attempts to be inclusive. It does not privilege the monuments or artefacts of one cultural group over any other. Nevertheless, despite its panoply of instruments, there is a weakness at the heart of the WHC which is that the nomination of a site is in the hands of the state in whose territory the site is located, and thus the conventions do not take into account the political status of a territory under occupation.

Jerusalem

Initial involvement by UNESCO in Jerusalem's Old City, dates back to 1967 (14) amidst growing Arab concern over the Israeli demolition of the Mughrabi quarter and the commencement of large scale excavations or 'mythological digs' (Abu el-Haj1998) in the Jewish quarter and the southern edge of the Haram al-Sharif. 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 2nd 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). To Israelis this is a proper recognition of their role in the city; from the Palestinian perspective, UNESCO has been co-opted into the normalisation process and thereby is legitimizing the Israeli occupation of the city.

While such an analysis puts an emphasis on the operational constraints on UNESCO, in terms of establishing an independent mediating role or achieving consensus on shared heritage sites and rights, it is equally important to understand these weaknesses as emanating from legislative and judicial failings. Both the inability to provide legally enforceable protection for world heritage sites and its powerlessness to ensure pragmatic 'on the ground' solutions have seriously undermined UNESCO's role in Old Jerusalem.

Within these outlined phases and with reference to the two key international treaties on World Heritage (the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict, and the 1972 World Heritage Convention) a number of significant developments should be highlighted. 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' (16). 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 occupied territories (17). 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' (18). These 'Israel Resolutions' provoked strong Western reaction, with criticism aimed at UNESCO's politicisation (19) and heavy handed application of the 'Hague Convention',

which lacks binding enforceability and indeed the status of customary international law (20). 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 State financial support and goodwill (21).

An 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' (22). Although this was a positive attempt to bring the Old City under the remit of UNESCO's conservation guidelines and legal framework, Israel's non-party status to the WHC has stymied its actual effectiveness (23). In addition, Israel made the case that Jordan was not entitled to nominate the Old City to the WHL as 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.

As a result of the above steps, while there has been limited 'on the ground' intervention, UNESCO has nevertheless played an important part in publicly highlighting the threats and risks to the cultural heritage of the Old City sites. For example, since 1982, Jerusalem has been on UNESCO's List of World Heritage Sites in Danger (LWHSD). Repeated reports and resolutions have warned of the risk to historic buildings posed by overcrowding; poor economic services; illegal and unsuitable housing construction; and the ever changing social composition of the population (24). One should note that not all dangers can be attributed to the Israeli occupation and its attempt to enhance Jewish sites in the Old City. Monuments and Holy Sites, such as Church of Holy Sepulchre and the Haram al-Sharif are also threatened by the sheer number of religious pilgrims and tourists and the lack of substantive maintenance.

Despite its adoption to the list, UNESCO continued to operate in the Old city under several logistical constraints. Although the national UNESCO office for the Palestinian Authority is based in Ramallah, its relative proximity has had little impact on its contribution to UNESCO projects or inspections in the Old City. Instead UNESCO tends to rely on surveillance reports from the *Waqf* Administration and the Israeli government, and objections by neighbouring states, before it responds by sending expert missions to monitor and assess the situation. More importantly, Israel has refused to allow inspection teams to visit the city or to meet with responsible officials (Ricca 2007), possibly the only World Heritage List site to be subjected to this treatment (25). Similarly the Jordanian controlled *Waqf* Administration, has sought to

reconfirm its status as guardian of Palestinian sites in the Old City and objected to UNESCO attempts to “normalise” the occupation. In January 2005, a Committee of Experts were called together by UNESCO to draw up an Action Plan to safeguard the Old City of Jerusalem’s cultural heritage (26). However, in the light of the absence of cooperation and consensus between the key actors in the Old City, the Committee failed to involve all leading Palestinian groups and the proposed plan remains subject to *Waqf* Administration concerns and suspicions. The Action plan, which is still to be finalised and made public, has aroused fears concerning its scope, implementation and vision. The proposed focus on buildings and heritage sites in the Muslim and Christian quarters and the total exclusion of the Jewish quarter raises uncomfortable questions over UNESCO’s capacity to intervene or supervise IAA projects, or indeed their political will to safeguard currently threatened sites such as the Israeli settler expansions in the Muslim *Burj al- Laqlaq* district and the ongoing excavations and tunnels at the Ohel Yitzhak synagogue, off *al-Wad* Street (27). It is also unclear whether the plan will seek to incorporate new buffer zones or ‘green areas’ outside the city walls which will specifically impact on Palestinian housing in periphery districts such as Silwan.

Notwithstanding these positive overtures towards implementing practical conservation solutions in Jerusalem, UNESCO, still faces the dual danger of either being sidelined by the dominant Israeli authorities who seek to bolster an exclusively Jewish historical tradition; or used by the Palestinian community to redress the power imbalances in the city, with the protection of heritage becoming another form and means of political resistance. In this context, without a broad agreement between the parties over a comprehensive plan and strategy in dealing with Jerusalem’s cultural heritage, UNESCO’s approach will remain fragmented, reactive and unbalanced. Indeed their reactive interventions have perhaps devoted too much attention to the politicized religious sites (Temple Mount/Haram as-Sharif and the church of the Holy Sepulchre) and not afforded enough resources, time and effort to preserving the urban fabric of the city and residential buildings of historic value. These dangers to the city’s urban fabric and landscape continue to be overshadowed by the public controversies aroused by Israel’s archaeological excavations and reconstruction projects. The dispute over the construction of a new ramp to the Mughrabi Gate illustrates well both the opportunities and limitations of UNESCO’s role in the Old City.

Mughrabi Gate Controversy

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 to the Mughrabi gate, one of the main access points to the Haram as-Sharif, Israel began a detailed archaeological exploration, with plans to build a larger ramp structure (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) criticising the illegality and lack of transparency of the scheme (Seidemann, 2007).

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 (30), but also in February 2007, commissioned a technical team to assess and report on the work. The subsequent report, 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 supervision of international experts coordinated by UNESCO. Although in the ensuing months Israel proceeded with the excavations, by mid-June the Israeli Ministry of Foreign Affairs informed UNESCO that the archaeological dig had been completed, save some routine support work. At time of writing, a Jordanian design for the ramp has been rejected by the technical mission, while an amended Israeli plan for a 95 metre long bridge has been approved by the city municipality and now awaits final approval from the Interior Ministry (31). For Palestinians this inability of UNESCO 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.

This controversy suggests however 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 his involvement in *Waqf* excavations (32). 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. 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 an untenable position, undermining its objectives of safeguarding the cultural heritage of the city.

Perhaps these failings could be addressed by a stronger 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. To more fully evaluate and assess UNESCO's prospective participation in Jerusalem, it is important to observe and compare its work both in cities within the region, and in cities similarly affected by ethno-national division and conflict. The following section gives a brief overview of UNESCO's work in relevant areas from which some lessons may be learned.

3. UNESCO in comparative analysis

Regional Restoration: Aleppo and Fez

The regional UNESCO collaborated projects that perhaps lend themselves to aspects of comparison with Jerusalem are those which, incidentally, involve the restoration of Jewish quarters in traditionally Arab-Islamic cities. Two such examples are the Old City of Aleppo in Syria and the Jewish 'Mellah' (33) of Fez in Morocco. Both cities have historically been home to some of the world's oldest Jewish communities. However waves of successive emigration to Israel after 1948, have not only brought deterioration to these residential quarters but the challenge of how best to integrate Jewish heritage, whether synagogues, monuments and other religious and cultural sites, into the fabric of a modern Arab city. UNESCO's activities appear to fall into a pattern of focusing on four main areas: the mobilization of the residents in the renovation and rehabilitation programme; the cohesiveness of design and planning; targeting infrastructure, particularly sanitation; and finally ameliorating but also

accommodating regime ideology. In addition, UNESCO has provided a conduit for international financial support for such cultural projects.

In the case of Aleppo, the Syrian government erased most of the Jewish neighbourhood, in a wide sweeping project to create a new commercial district in the Bab al-Faraj area (1976-77). These initial demolitions nevertheless provoked local opposition, which in turn led to calls for international expertise and UNESCO involvement. Successive exploratory missions in 1980 and 1982, led to the suggestion that alternative plans should be adopted that focused on the revitalization of the Old City and its heritage. These proposals were accepted by the Syrian authorities and the 'Old City Rehabilitation Project' was established under the support and funding of the GTZ (German Cooperation) and the Arab Fund for Economic and Social Development (AFESD) of Kuwait in 1992.

Unlike UNESCO's involvement in the Old City of Jerusalem, the Aleppo project aims to mobilise the local inhabitants in order to 'share the rehabilitation efforts by providing them with professional staff to assist with the restoration process' (34). In this regard small loans have been made available to local residents for housing renovations and private business enterprises, both of which must blend harmoniously with the urban fabric and ethos of the old city's revitalization. This scheme has enabled 20% of the city's endangered buildings to be restored by actual inhabitants, under the supervision and guidance of technicians (35). Moreover 90% of the loan recipients continue to reside in their own houses within the old city, which is helping to reverse the mass exodus and economic drain from the ancient centre (36).

Additionally the project is understood as part of a wider strategy to develop 'methods and solutions to stop the social decline and the deterioration of the historic fabric of the city' (37), whereas Jerusalem reconstruction projects tend to be more piecemeal, focusing mainly on architectural solutions, and incorporating a variety of sponsors and agendas. In Aleppo the city government has formed an inter-disciplinary administrative team (Directorate of the Old City) to gradually take over running of the whole restoration project, while also guaranteeing substantive public involvement and consultation.

The Aleppo project has furthermore prioritized the rehabilitation of the Old City's water and sanitation network, helping to improve the supply of safe drinking water and stop underground leaks which were undermining housing foundations. GTZ's latest report reveals that around 70% of the water network has been renovated. In the Old City of Jerusalem this similar problem of inadequate water and sewage networks, has not been comprehensively

addressed by municipal authorities or NGO agencies. Instead, as a 2005 'Jerusalem Old City Initiative' report indicates, dampness, dirty water and leaks continue to blight the health of local residents (particularly those living in the densely populated Muslim quarter) and threaten the structural integrity of many older buildings and walls (Glass and Khamaisi, 2005).

A final crucial lesson which emerges from the Aleppo rehabilitation plan is again the danger of 'ideological' and politicized approaches to heritage. For the Syrian government Aleppo's revitalization project invariably is infused with the promotion of an Arab nationalist history and identity, and the complete erasure of any traces of Aleppo's Jewish past. This is not only confirmed in the total destruction of the Jewish residential quarter, but also in the scant acknowledgement of its very historical existence. Abdallah Hadjar's recently published guide to the *Historic Monuments of Aleppo* devotes an illuminating 4 lines out of 169 pages to the Jewish heritage of the city. Although this is hardly a surprise given the sensitivity of Syrian-Israeli relations, it is perhaps more worrying that one of the leading architects advising on the Bab al-Faraj design, also failed to make any reference to the Jewishness of the site. The reports of the leading architect in this project, Stefano Bianca, which greatly contributed to the new conservation approach to the Old City, were undoubtedly influenced by international sensitivities and the pressures of local politics (Ricca 2007).

The restoration of the Mellah of Fez stands in stark contrast to the Syrian conservation approach, although the same pattern of community mobilization, comprehensive design, focus on infrastructure and external technical and financial support can be seen. The Jewish quarter of the Old City, the first of its kind in Morocco, was built under the orders of Sultan Abu Sa'id in 1438, and has become a national symbol celebrating Moroccan inclusiveness and the continuing presence of a small Jewish community. The renovation of the Mellah, which contains 4 synagogues and a small museum, formed just a part of a wider international initiative to safeguard the entire Medina of Fez (38). The Medina, founded in 808 AD, is a rich labyrinth of alleys, packed with historic mosques, *madrasas* (Islamic schools), *suqs*, monumental fountains and grand palaces, enclosed within eight kilometers of ancient fortified walls. The initial rehabilitation schemes emerged in 1989 as a direct response to modernist plans to construct a road network straight through the heart of Old City. After almost five years of extensive study and deliberation, the Moroccan government and UNESCO finally concluded plans for the renovation of the city's monuments, dwellings, urban amenities and economic life. Similar to Aleppo, Fez was aided by a centralized authority Ader-Fes (Agence de Dédensification et de Réhabilitation de la Medina de Fés) responsible for carrying out and coordinating the overall programme, as well as multiple

agency co-operation and funding: UNESCO, the World Bank, and the Moroccan Ministry of Cultural Affairs.

Around fifty monuments were listed for restoration, and local craftsmen were employed to replicate original architectural techniques, woodwork styles and even elaborate coloured tiles or *zellij*. The project was also sensitive to the popular needs of the residents of Fez, who voiced a desire that restoration should serve practical purposes. In the words of Abdel-latif el Hajjami, director-general of Ader-Fes, 'People here do not venerate art for art's sake. They attach more importance to a hammam than to a monument. If restoration is to be accepted, a new social function must be found in the monuments' (39). Therefore the project included the creation of a training institute in traditional building crafts; a carpenters' souk which was transformed into a woodwork museum and a restoration laboratory; and the restoration of the 17th century Dar Adyel Palace, the former residence of the governor of Fez, which when complete will become a conservatory of Andalusian music. Interestingly one particular project, the rehabilitation of the Ibn Danan Synagogue (listed in UNESCO's World Monuments to be safeguarded 1996) has not only attempted to involve local actors, but has been based on the collaboration of the Jewish Community of Fez and the Judeo-Moroccan Heritage foundation. Such inter-religious alliances sharply distinguish the restoration of heritage sites in Fez from that in the Old City of Jerusalem.

It is important to note that Fez's restoration, like that of Aleppo, has incorporated critical work on housing, roads and water supply. A massive computerized survey has listed over 10,000 dwellings of historic value in need of restoration, with emergency measures being taken on 200 homes on the verge of collapse. The improvement to the city's drainage system, involves even more radical intervention with the transfer of the most polluting activities - tanneries, copperwork, oilworks - to Ain Nokbi, a new craftsmen's district outside the main medina. The Old City of Jerusalem would greatly benefit from such comprehensive evaluation of historic buildings and the instigation of more novel approaches to safeguard local crafts and industries.

In summary UNESCO's successful interventions in Fez are the culmination of substantive Moroccan consultation, international and private investment, and the tacit agreement that 'UNESCO will assume responsibility for the scientific management of the restoration operation in the framework of the campaign for the safeguarding of the City of Fez' (40). Although Jerusalem and Fez represent very different socio-political situations and environments, UNESCO's encouragement and co-sponsorship of cross-community projects could be applied to the Israeli-Palestinian context.

Post-Conflict Reconstruction and Reconciliation: Kosovo and Mostar

With regard to UNESCO's involvement in post conflict situations, there is an increasing spectrum and array of international operations to safeguard and protect heritage and cultural artifacts at risk. Such cases include the protection of the archaeological sites of Samarra in Iraq; the preservation of the National Museum in Kabul, the rehabilitation of the Old City of Dubrovnik in Croatia, and the reconstruction of the Ottoman bridge in Mostar. In analyzing UNESCO's contribution to a post-conflict scenario, the most recent comparable example to Jerusalem is that of Kosovo, where numerous historic Serbian religious sites continue to be found in areas controlled by the Albanian Kosovar majority. The ethno-national violence in the Balkans (41), like the Palestinian-Israeli conflict, has not only resulted in death and mass displacement, but the deliberate destruction of religious buildings, ethnic markers and sacred sites. Robert Bevan (2006) terms this 'Iconoclasm', Smith (1991) prefers 'Ethnocide', but for the UNESCO Director-General, Koïchiro Matsuura quite simply it goes 'Beyond monuments and heritage, it is memory and cultural identity that are being destroyed' (42). In this example of UNESCO engagement, two main points should be underlined: the degree to which the work of UNESCO is supported by the international transitional regime and its commitment to reconciliation in its activities.

UNESCO's intervention in Kosovo dates back to 2003 with preliminary reports on a 'Multi-ethnic culture in danger' followed up by technical missions to assess the nature and extent of damage to buildings of heritage value. The final report listed: 48 Byzantine Serbian Orthodox monuments, mostly monasteries such as Dečani, Gračanica near Priština and the Peć Patriarchate Monastery; 14 Islamic Ottoman monuments such as the Hadum (Khadim) Mosque in Gjakovë and the Red Mosque in Peć and 13 buildings of general historic value. UNESCO subsequently was able to begin a restoration programme of selected priority projects, under the authority of UNMIK, the interim United Nations civilian administration for Kosovo.

Perhaps the most relevant issue to note is that unlike UNESCO's involvement in Jerusalem, operations were aided by a strong partnership between the Council of Europe, European Commission and UNMIK. Focus and continuity was further bolstered by the establishment of a permanent committee of UNESCO members in Kosovo, who over a five year period were tasked with the monitoring of all activities of restoration work and educational projects (44). Perhaps even more significantly, heritage projects were given substantial international attention and funding opportunities through a UNESCO Donors Conference for the *Protection and Preservation of Cultural heritage in Kosovo* held in Paris, May 2005. This conference was hugely successful in mobilising wide-ranging financial

support and engaging both governments and humanitarian agencies, in establishing the integral role of heritage preservation plays in the process of communal reconciliation and peace-building. Such a Donors Conference would clearly be beneficial in the case of Old City of Jerusalem as it would help draw international attention to heritage projects that are often overshadowed by the volatile political situation, while at the same time fostering greater organizational collaboration and strengthening UNESCO's supervisory role.

Mostar is similarly an important comparison for Jerusalem, as each city has not only suffered ethno-national violence and experienced spatial segregation and partition, but each faces unique challenges of rehabilitating culturally diverse and antagonistic historic pasts. During the early nineties, back-to-back civil conflicts enveloped Mostar, polarising its Serb, Croat and Bosniak communities and resulting in death, displacement and the almost complete destruction of the city's historic urban fabric. From 1996, UNESCO has played a significant role in the city's post-war recovery through the reconstruction of the entire 'Old City' and the reopening in 2004 of its famous Ottoman bridge, the 'Stari Most'. The bridge's destruction had symbolised the fragmentation of the City, the deliberate division of Catholic Croat West Mostar from Muslim Bosniak East Mostar; and it was therefore hoped that its rebuilding would signify the prospect of the city's future re-integration. These UNESCO driven projects, successfully incorporated and trained young architects and urban planners from Mostar, while encouraging a wider focus on urban conservation schemes, resulting in the creation of the *Stari grad* Agency responsible for building restoration projects and promoting Mostar as a cultural and tourist destination. These post-war achievements must be tempered by recognizing the city's continuing social and ethnic division which impacts on transport, education, commerce and residential patterns. Questions therefore must be raised in relation to UNESCO's focus on restoring Mostar's multi-cultural heritage while effectively ignoring the political context of segregation and contested power. Turkish and Austro-Hungarian architecture may serve as a symbol of Mostar's united past, inspiring a renewed sense of multiculturalism, yet as architect Andrew Herscher (1998) suggests, the meaning of the old city will not solely be derived from 'the lineage of its architecture' but also 'according to the politics of its rebuilding'. In reference to UNESCO's involvement in Mostar, Herscher warns of the dangers of heritage projects embedding post-war realities, 'if this rebuilding proceeds in the framework of a divided city, without the involvement of citizens of both sides of the city, then the Old City [Mostar] can only convey the image that was imposed on it during the war.' This is a pertinent issue also facing UNESCO in Jerusalem, how to reconcile both the practice and object of cultural rehabilitation. If cultural heritage interventions are not conceived and carried out in culturally diverse contexts, how far can they go in expressing cultural diversity or affirming plural accommodation?

However an emerging aspect of UNESCO's role in post conflict situations has been its increasing commitment to reconciliation and mediation. Inter-communal programmes have been established in Iraq, Afghanistan, North and South Korea, Cyprus and East Timor; yet specific projects between Israelis and Palestinians remain conspicuously absent. In the Balkan States UNESCO programmes have been initiated since the late nineties, involving the distribution of literary works to contribute to intercultural awareness, the use of media to promote pluralism and the explanation of all communities' contributions to national history and culture. One such project entitled, "*Towards a plural identity in areas of intercommunity tension*", has established training workshops to develop the awareness and intercultural skills of young people, and encourage them to become 'cultural mediators, living and practising cultural diversity and day-to-day dialogue'.

Clearly learning from this kind of experience, UNESCO has sought to introduce a programme of dialogue in the Palestine-Israel context. Yet in Jerusalem there has been a tendency to focus on macro level dialogue events, such as the *The Roads of Faith* (44) project, which have been open to criticism with regard to their effectiveness, sustainability and their use of elitist non-mainstream religious participants (Guinn 2006, 111). Greater emphasis could be placed on creating spaces and mechanisms for an on-going dialogue and discussion at all levels of civil society. Perhaps a more positive development in this regard, has been a Jerusalem-based project aimed at helping to encourage dialogue between Palestinian and Israeli journalists. During 2007, UNESCO in collaboration with the Israeli Palestinian Media Forum (IPMF) funded Hebrew language courses for Palestinian journalists, with the aim to help them cultivate Hebrew language sources and contacts (45). Nevertheless, such projects are viewed in many quarters as merely cosmetic, a superficial tinkering with the structures of the political realities of occupation, a failure to adequately confront the lack of empowerment experienced by the Palestinian community. What is quite inexplicable is Jerusalem's exclusion from UNESCO's latest programme to address the dynamics of culturally diverse neighbourhoods in urban environments. Entitled *The City, an intercultural laboratory and sphere of conflict resolution*, this is a multi-dimensional project seeking to create networks and partnerships of intercultural dialogue in urban settings (*Culture in the Neighbourhoods*), with an international database of best practices in urban harmony (*Cities of Peace*) (46).

4. Conclusions

In evaluating UNESCO's role as global guardian of cultural heritage in perhaps the world's most religiously sensitive historic city, it is crucial to first 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. Therefore unlike the political power vacuum of Kosovo, where UNESCO could function with relative freedom and effectiveness, Jerusalem remains a veritable minefield, subject to dynamic regional trends and global strategic interests. Heritage has become an increasingly 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 defiance. 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' (47).

Yet there are positive signs, particularly in the form of the much anticipated Jerusalem 'Action Plan', that suggest UNESCO are finally articulating a proactive comprehensive strategy for dealing with Jerusalem's cultural heritage needs. It can only be hoped that this plan will draw on the experience of comparative cases studies and prioritize essential elements such as: community participation (through consultation and involvement in restoration projects); the creation of a permanent executive body to oversee the implementation of the plans; and inter-agency co-ordination and the encouragement of moral, political and financial support from the international community (48). The real test for UNESCO, however, will be whether this plan can actually impact on the everyday life and urban and social environment of the city's inhabitants. 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. Greater emphasis must be placed on the economic benefits and possibilities of cultural tourism in the context of conservation. Likewise attention should be directed towards the importance of heritage education as a means of promoting a shared understanding of the city, and also the capacity of restoration projects to provide spaces for bridging religious and cultural divides through joint work schemes and local partnerships.

The potential for such a plan is far-reaching, yet the ultimate challenge facing UNESCO remains the issue of Israeli compliance and its own rather limited powers of enforcement. Despite the development of an international framework for the preservation of world heritage

(The World Heritage Convention) and the emergence of a comprehensive body of legal principles (49), UNESCO in Jerusalem remains largely dependent on the goodwill of Israel and its ally the US, with regards to observance and operational authority. There simply remains no other 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 own 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' (1997:227). This ambiguity and tension leads some commentators to question whether the World Heritage List is any more than a 'beauty contest' for competing nations (50) or a commercial showcase for 'theme-parking' history and the past (Hodder, 1999:163).

In the context of contested states, UNESCO's effectiveness is all too often contingent upon political resolution and international consensus. In Jerusalem it remains to be seen whether it can help facilitate the stalled peace process, or will simply become entangled and compromised in the multifarious politics of heritage. While there is a definite need for UNESCO to forge a new role as independent mediator and guardian of Jerusalem's holy sites, it is much less certain whether there is the necessary political will or diplomatic pressure to make this a future reality.

Notes and References

1. This statement from UNESCO Director-General Koïchiro Matsuura was made during the first session of the Committee of Experts on the Cultural Heritage of the Old City of Jerusalem, 26th January 2005.
2. El-Ad (Hebrew acronym for 'The City of David', the association now prefers to call itself 'Ir David foundation') are an ultra-nationalist Israeli settler group, founded in 1986 with the explicit goal of settling Jews in the Palestinian village of Silwan. Since the early nineties they have been involved in house seizures and large scale archaeological excavations in Silwan, leading to the creation of a tourist-heritage park, which El-Ad administer and control. For more details see the official El-Ad 'City of David' website: <http://www.cityofdavid.org.il> and Rafi Greenberg's (2007) 'Contested Sites', *Jerusalem Quarterly*, No. 208: 3.
3. The Welfare Association is a Palestinian non-governmental development organization, which aims to further 'the progress of the Palestinians, preserving their heritage and identity, supporting their living culture and building civil society'. Established in 1983 its work in assisting the Palestinian community has been observed in 3 phases: Support Steadfastness and Self-Reliance (1983-1993); Development and Reconstruction (1994-1999) and Development and Emergency Relief (2000-2004). For more details on the Welfare Association's '[Old City Jerusalem Revitalisation Programme](http://archnet.org/library/sites/one-site.jsp?site_id=4127)' (OCJRP) see the website: http://archnet.org/library/sites/one-site.jsp?site_id=4127
4. Official Gazette 2004:1642.
5. See the full wording of the Antiquities Law on Israel's Antiquities Authority (IAA): <http://www.antiquities.org.il/>
6. Article 2(a) 'When an antiquity is discovered or found in Israel after the coming into force of this Law, it shall within boundaries fixed by the Director become the property of the State.' 2(b) 'A person who alleges that any antiquity was discovered or found before the coming into force of this Law shall bear the onus of proof.'
7. The Committee consists of the Minister of Education, the Minister of Justice and the Minister of Religious Affairs.
8. See Dumper, *Politics of Sacred Space*, Chap. 4, and Yitzhak Reiter, 'Muslim-Jewish Modus Vivendi at the Temple Mount/Haram ash-sharif since 1967', in Marshall J. Berger and Ora Ahimeir, *Jerusalem : a city and its future*. (Syracuse, N.Y.: Syracuse University Press, 2002) 269-295, for a more detailed exposition of the evolving role of the Waqf Administration since 1967.

9. Gaza-Jericho Agreement, 1994; Annex II.

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

11. UNESCO now possesses a comprehensive series of standard-setting instruments comprising seven Conventions:

[Protection and Promotion of the Diversity of Cultural Expressions](#) (2005)

[Safeguarding of the Intangible Cultural Heritage](#) (2003)

[Protection of the Underwater Cultural Heritage](#) (2001)

[Protection of the World Cultural and Natural Heritage](#) (1972)

[Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property](#) (1970)

[Protection of Cultural Property in the Event of Armed Conflict](#) (1954)

[Universal Copyright Convention](#) (1952, 1971)

12. Definitions and interpretations of 'World Heritage' are outlined in UNESCO's normative texts and standard procedures. Articles 1 and 2 of the 'World Heritage Convention' 1972 remain the preeminent guidelines on defining 'Cultural heritage' and 'Natural heritage'. See the 2005 Operational guidelines for the Implementation of the World Heritage Convention (WHC.05/2) for a comprehensive overview.

13. These heritage categories have been highlighted in the following UNESCO texts: the Hague Convention 1954; Recommendation Concerning the Preservation of Cultural Property Endangered by Public or Private Works, UNESCO 1968; Recommendation concerning the safeguarding and contemporary role of historic areas, UNESCO 1976. Heritage categories continue to evolve, demonstrated by the more recent recognition of cultural diversity in all its forms, both 'tangible' and 'intangible' as world heritage. See the International Convention for the safeguard of intangible heritage, UNESCO 2003.

14. See Ricca, *Reinventing Jerusalem*, Chap. 5 for details of the UNESCO's early engagement with the Old City and the "Synoptic Reports" of Professor Raymond Lemaire, as the Director-General's Special Representative.

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

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

17. 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.'

18. 1974 UNESCO, General Conference Resolution.

19. S. Dutt, 'The politicization of the United Nations specialized agencies: case study of UNESCO', University of Kent, Unpublished Ph.D, (Dec,1990)

20. While the enforceability of the Hague Convention (1954) in protecting cultural property during conflict has been much debated by academic lawyers, the reality of wars such as Former Yugoslavia, and the bombing of Dubrovnik and Mostar, reveal its limitations. Such wanton attacks on cultural property prompted efforts to amend the 1954 Hague Convention to prevent similar destruction and insure greater individual and state accountability. These efforts culminated in 1999 on completion of a second protocol to the 1954 Hague Convention. Protocol II contains a greater number of penal elements than any previous cultural property instrument, with specific articles on criminal jurisdiction, a duty to prosecute and extradite, and mutual legal assistance. Protocol II also establishes individual criminal responsibility for violations. A state party therefore must either prosecute or extradite any person found in its territory who is deemed to have committed serious violations of the Hague/Protocol II rules.

21. 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.

22. 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.

23. 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, June 20, 2000).

24. See Leon Pressouyre, 'On the safeguarding of the Urban and Monumental heritage of Jerusalem' UNESCO, 1999.

25. Interview by Dumper with member of UNESCO Committee of Experts, 6 February 2008.
26. 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.
27. Nadav Shraqai, 'Tunnel to link J'lem's Jewish Quarter, Muslim Quarter synagogue' *Haaretz*, 2 November 2007.
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, 28th 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. 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.'
31. Etgar Lefkovits, 'New Mughrabi Bridge Plan Gets Initial Ok,' *Jerusalem Post*, 16 October 2007.
32. 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.
33. This is the word used for the Jewish districts of Moroccan Cities. It probably comes from the Hebrew and Arabic word *Melah*, which means Salt. It may have referred to the Salty land which was unsuitable for agriculture.
34. Beisha, F., 'Preserving One of the Oldest cities in the World', the *Jordan Times*, 12 June 2004.
35. For GTZ's full report on the Aleppo restoration project: <http://www.gtz.de/en/praxis/8234.htm>

36. Aleppo's old city was once home to around 170,000 people, but the population dropped to about 100,000 by the end of the 20th century. According to the GTZ website the old city population has risen by 15,000 in the last ten years. The figure of 90% of loan recipients remaining within the old city is given by Rania Agel, an architect supervising the project loans fund.

37. Karzon, K., 1998, *Guidelines for the Restoration and Renovation of the Old City of Aleppo*, The Rehabilitation of the Old City of Aleppo and Gesellschaft für Technische Zusammenarbeit-GTZ, Aleppo. The quote is taken from the preface 1.1.

38. See UNESCO, Cultural Heritage Division, International Campaign for Safeguard of the Medina of Fez, 1998.

39. Quoted in, 'The Medina of Fez-crafting a future for the Past-old city in Morocco' by Genevieve Darles and Nicolas Lagrange in the *UNESCO Courier*, November 1996.

40. Ibid, 37.

41. A series of conflicts stemming from the disintegration of former Yugoslavia and the emergence of independence struggles by Slovenia (1991) Croatia (1991-1995) Bosnia and Herzegovina (1992-1995) and lastly the Kosovar Albanians (1996-1999).

42. Quote taken from an article on the UNESCO website where The Director-General expresses his great concern over the violence in Kosovo and the surrounding region, which have provoked the loss of numerous human lives and damaged cultural and religious heritage, 22 March 2004.

43. This emerged as part of the key recommendations of the Report 'Kosovo: Protection and Conservation of a Multi-Ethnic Heritage in Danger', UNESCO 2004.

44. This is an expansive inter-religious and intercultural dialogue project first begun in Rabat 1995, with subsequent meetings in Malta 1997 and Bucharest 2001. The Roads of Faith Project is aimed at initiating reflection on multicultural dialogue, with Jerusalem, the Holy City of the three Monotheistic religions, as its focal point.

45. These courses were followed up by the creation of a Hebrew-Arabic glossary *Al-Muftah* ('Key' in Arabic) designed to aid journalists in their daily work. As UNESCO outlines on its website, "*Al-Muftah* aims to give the reader a thorough understanding of the political, military and economic terms mostly used in the Hebrew

media. It, therefore, provides a platform for a better understanding of the Israeli people, society and political scene.'

46. Sub-categories given to the overall UNESCO project: 'The City, an intercultural laboratory and sphere for conflict resolution'.

47. UNESCO 1992: INF 2/4

48. 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.

49. 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'.

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

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