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CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Thirty-seventh session

Phnom Penh, Cambodia
16-27 June 2013

Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger

SUMMARY

In accordance with Section IV B, paragraphs 190-191 of the *Operational Guidelines*, the Committee shall review annually the state of conservation of properties inscribed on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.

This document contains information on the state of conservation of properties inscribed on the List of World Heritage in Danger. The World Heritage Committee is requested to review the report on the state of conservation of the property contained in this document.

All previous state of conservation reports are available through the World Heritage State of conservation Information System at the following Web address: <http://whc.unesco.org/en/soc>

Decision required: The Committee is requested to review the state of conservation report. The Committee may wish to adopt the draft Decision which will be presented during the session.

CULTURAL PROPERTIES

ARAB STATES

26. Old City of Jerusalem and its Walls (site proposed by Jordan) (C 148 rev)

Year of inscription on the World Heritage List

1981

Criteria

(ii) (iii) (vi)

Year(s) of inscription on the List of World Heritage in Danger

1982

Application of the Reinforced Monitoring mechanism at the property since 2007 (31 COM 7A.18)

Threats for which the property was inscribed on the List of World Heritage in Danger

(cf. Document CLT 82/CH/CONF.015/8)

"[...] they considered that the situation of this property corresponds to the criteria mentioned in the ICOMOS note and, in particular, to criteria (e) (significant loss of historical authenticity) and (f) (important loss of cultural significance) as far as "ascertained danger" is concerned, and to criteria (a) (modification of juridical status of the property diminishing the degree of its protection), (b) (lack of conservation policy) and (d) (threatening effects of town planning) as far as "potential danger" is concerned. [...]"

Desired state of conservation for the removal of the property from the List of World Heritage in Danger

Not yet drafted

Corrective measures identified

Not yet identified

Timeframe for the implementation of the corrective measures

Not yet established

Previous Committee Decisions

See page <http://whc.unesco.org/en/list/148/documents>

International Assistance

N/A

UNESCO Extra-budgetary Funds

Total amount granted: approximately USD 5,000,000 (since 1988)

Previous monitoring missions

February-March 2004: World Heritage Centre/ICOMOS/ICCROM mission; from September 2005 to May 2008: 6 experts missions within the framework of the elaboration of the Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem; February-March 2007: special World Heritage Centre/ICOMOS/ICCROM mission sent by the Director-General of UNESCO for the issue of the Mughrabi ascent; August 2007, January and February 2008: missions for the application of the Reinforced Monitoring Mechanism; March and December 2009: World Heritage Centre missions.

Main threats identified in previous reports

- a) Natural risk factors;
- b) Lack of planning, governance and management processes;
- c) Alteration of the urban and social fabric;
- d) Impact of archaeological excavations;
- e) Deterioration of monuments;

State of conservation of World Heritage properties
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- f) Urban environment and visual integrity;
- g) Traffic, access and circulation.

Illustrative material

See page <http://whc.unesco.org/en/list/148>
and <http://whc.unesco.org/en/soc>

Current conservation issues

A report was provided to the World Heritage Centre by the Jordanian Permanent Delegation to UNESCO on 25 February 2013 and by the Israeli Permanent Delegation to UNESCO on 26 February 2013.

I. Report from the Israeli authorities

It is to be noted that since 1967, the Old City of Jerusalem is *de facto* administered by the Israeli authorities. The report of the Israeli authorities presents a wide range of activities. Most of them are similar to those mentioned in the 2012 report and are therefore not reported in the present document. Updates are summarized hereunder:

a) Overall plans

The report indicates that besides the Outline Town Planning Scheme of 2000 (not yet deposited) and the Interim Statutory Plan based on surveys and on the UNESCO Action Plan which is presently being discussed, the “Blocks Plan” designed to ease the process of obtaining building permits for 23 blocks of private dwellings, has been approved by the Municipal Conservation Committee and is pending approval by the Local Planning Committee. The scheme for the Jewish Quarter will examine the viability of adding more living space in the quarter. A programmatic brief for the plan is currently being outlined.

The report indicates that a *Streetscape Design Manual* to guide planners in solving problems related to the design of the Old City streets is being prepared for publication. As part of the “Blocks Plan” (above), a *Rehabilitation Handbook for the Old City of Jerusalem* has been prepared and its publication is pending approval of the Local Planning Committee.

b) Western Wall Plaza

In the area of the Western Wall Plaza several excavations and construction projects are being carried out. The information related to the Ascent to the Mughrabi Gate is contained in part III below. The report from the Israeli authorities confirms the modification and extension of the Strauss Building, the construction of the “Liba House” above the excavations on the western part, the upgrading of the Davidson Centre and the authorized construction of the Western Wall “elevator”. No plans or designs of these projects were provided to the World Heritage Centre, although they could considerably modify the aspect of the Plaza.

The World Heritage Centre has sent several letters regarding this matter to the Israeli authorities (1 December 2010, 13 April 2011, 6 March, 5 April and 2 August 2012) recalling paragraph 172 of the *Operational Guidelines* and requesting all plans and details for the foreseen constructions. On 12 March 2012, the Permanent Delegate of Israel to UNESCO informed the World Heritage Centre by letter that the Israeli authorities consider that “the plans [for these projects] are all compatible with the integrity and authenticity of the Old City of Jerusalem as a World Heritage site”. In a letter dated 22 August 2012, the Permanent Delegate of Israel stated that “the Israeli authorities have no further information or any reason to add to the most recent Old City of Jerusalem and its Walls State of Conservation Report, sent to the World Heritage Centre in March 2012”. Additional letters sent to the Israeli authorities on this subject on 25 January, 7 March and 23 April 2013, remain unanswered as at the date of drafting this document.

c) Other conservation and construction projects

The report submitted by the Israeli authorities indicates that upgrading of façades, paving of streets and improvement of infrastructure is continuing, notably on Al Wad Street and in the Bab el-Huta neighbourhood close to Herod's Gate. The Walls conservation project was completed in 2013, with special care given to Lions Gate in 2012. Work was also undertaken at the Holy Sepulchre (conducted by the Greek Orthodox Patriarchate), at Alexander Nievsky Church, the Church of the Redeemer, the Citadel, the Steps Pool and the West Cardo in the Jewish quarter, a hammam near Jaffa Gate, and the House of Moroccan Heritage on the Via Dolorosa. The report mentions the plan for constructing a new gate commemorating the victims of the Armenian Genocide in front of the Armenian Patriarchate. It also indicates that the Hezekiah pool was thoroughly cleaned.

The report notably confirms the intention of the Israeli authorities to restore the Tifferet Israel Synagogue, destroyed in 1948. It indicates that the scheme was approved by the Regional planning Committee on 10 December 2012. After the Hurva and the Ohel Yizhak synagogues, this will be the third synagogue to be rebuilt in the Old City, modifying the cityscape and affecting the authenticity and integrity of the property.

d) Archaeological excavations

The report mentions various archaeological excavations: under the Ohel Yitzhak Synagogue, the Western Wall foundations under Robinson's Arch, the Herodian drainage canal next to the southern part of the Western Wall, the southeastern area of the Ophel Walls and the "Secret Passage" intended to create an alternative entrance to the tunnels.

Many of these excavations are linked with building or rehabilitation projects, referred to as "salvage excavations", at the Austrian Hospice, the Jewish Quarter, the Muslim Quarter (Musa Effendi House), the Moroccan Heritage compound, and at the Armenian Patriarchate compound.

e) Works and issues outside the Old City Walls

The report from the Israeli authorities also mentions work undertaken outside the Old City Walls such as the Zedekiah's Cave, northeast of Damascus Gate. However, the report does not provide any update on a project just outside the City Walls, at the location of the so-called "Givati Parking" which was mentioned in previous years reports. To date, the World Heritage Centre has received no replies to its letters dated 25 January and 23 April 2013 requesting information on this project, which may have a potential visual impact on the integrity of the property.

On 25 January 2013, the Director-General received a letter from the Permanent Delegation of Turkey to UNESCO regarding alleged damage to the ancient Ottoman tiles surrounding the "Tomb of David" on Mount Zion, just outside the Old City Walls. On 29 January 2013, the Secretariat addressed a letter to the Israeli authorities requesting information on this matter. No reply has been received to date. On 8 February 2013, the Permanent Delegate of Palestine to UNESCO also addressed a letter to the Director-General on this matter.

f) Miscellaneous

The report mentions the measures to reduce the traffic of private vehicles in the Old City and the creation of parking spaces outside the Walls, the unification of signage in the Old City, the upgrading of storefronts and the lighting infrastructure. A tender for design and production of a unique light fixture in the Old City has been drafted.

The document also reports on work carried out by the Waqf administration within the Haram ash-Sharif "under the Israel Antiquities Authority's inspection". These are mentioned hereunder as part of the report received from the Jordanian authorities.

II. Report from the Jordanian authorities

The report received from the Permanent Delegation of Jordan states that it has been prepared partly in consultation with the Permanent Delegation of Palestine to UNESCO. It provides information based on the observations and report of the Jordanian Awqaf (JA) and the Jordanian National Committee for World Heritage. It presents activities undertaken by the JA and information on the Israeli measures in the Old City, reiterating the concern of the Government of Jordan on these matters. The report refers notably to the provisions of the 1954 Hague Convention which has been ratified by both Jordan and Israel, and to the 1994 Peace Treaty between Jordan and Israel.

a) Report on the activities carried out by the Jordanian Awqaf (JA)

Among the activities undertaken by the Jordanian Awqaf presented are the following, most of them already reported in the report to the 36th session of the World Heritage Committee (Saint Petersburg, 2012):

- Continuing the restoration of the plastering and mosaic decoration inside the Dome of the Rock as well as the restoration of the interior marble cladding of the walls;
- Continuing laying the lead sheet over the roof of the Al-Aqsa Mosque complex;
- Concluding the laying of historic tiles (Qashani) on the Dome of the Chain;
- Continuing the restoration of the mortar lining of the masonry walls and ceilings of the fifth colonnade of the Marwani Mosque;
- Renovating the Khanatanyah School and library below the Al-Aqsa Mosque;
- Renovating and maintaining the Omariya School;
- Renovating the tiles of Al-Aqsa mosque compound;
- Conducting studies and preparing tender documents for a lighting and ventilation system for the Dome of the Rock;
- Conducting studies and preparing tender documents for constructing a canopy for the entrance of the Marwani Mosque.

The report also mentions the cooperation with UNESCO for the rehabilitation of the Manuscript Restoration Centre and for the Islamic Museum, and the appointment by the Jordanian Ministry of Awqaf and Islamic Affairs of four additional staff members for the Museum and five for the Manuscript Centre.

b) Report on the actions undertaken by the Israeli authorities

The report provides a list of the obstructions to the Jordanian Awqaf's work at the Haram ash-Sharif, including the restoration of the columns of the Marwani Mosque, the installation of the lighting system and a firefighting system, the restoration of the Ghadiriyya School, and the renovation of the Golden Gate. In addition, the report mentions the measures preventing the employees of the Jordanian Awqaf to access their workplace and sites as well as those preventing access to Muslim and Christian worshipers to their holy sites. The report also mentions the infringement to Waqf property, at the Hosh ash-Shehabi, the obstructions of windows of Waqf buildings overlooking the Western Wall Plaza, the establishment of surveillance cameras at the Aqsa Mosque compound. It also mentions plans to build synagogues on the roof of the Tankaziyya School, on the Omeyyade Palaces at the southwest corner of Al-Aqsa and on the site of Burj al Laqlaq at the northeast corner of the Old City.

The report also expresses concern at the plans to change the character and features of the Old City, including the alteration of the authenticity of the Walls, converting the Old City Gates into artificial parks (Damascus Gate, Lions' Gate and Herode's Gate), the removal of remains of the Magharbeh Quarter during the excavations on the Western Wall/Al Buraq Plaza, the construction of "Beit Haliba" (referred to as Liba House in the report of the Israeli authorities above), the demolition of a building and arches on the Western Wall/Al Buraq Plaza in order to build the

Strauss House at the northwest corner of the Plaza which will affect the view of the Dome of the Rock.

On 27 May 2013, the Permanent Delegate of Palestine to UNESCO addressed a letter informing the Secretariat of a project to build a cable car between the Old City and the Mount of Olives. A letter is being sent by the World Heritage Centre to the Permanent Delegation of Israel to UNESCO to verify this information and obtain details.

c) Report on archaeological excavation undertaken by the Israeli authorities

A large part of the report relates to the archaeological excavation and tunnelling undertaken in and around the Old City¹, in particular in the area of the Western Wall Plaza and in Silwan, causing damage to buildings on the ground level and affecting the structural integrity of the areas around and under the Haram ash-Sharif. The report states that 114 excavations are ongoing in the Old City and on both sides of the Old City Walls. Of particular concern to the Jordanian authorities are the tunnels connecting Al Wad Street with the Western Wall and the Kittan Cave/Suleiman Cave, the tunnels connecting Silwan to the Western Wall/Al Buraq Plaza, excavations and tunnelling at the site of Omar bin Al-Khattab yard close to Hebron Gate.

An annex to the report provides a list of 13 tunnels and excavations undertaken by the Israeli authorities since 1967 in the Old City, which could have a direct effect on the structural condition of the Haram ash-Sharif, such as the Western Wall tunnels and underground synagogue, the Ohel Yitzhak tunnels, the Magharbeh Gate/Hasmonaean tunnel, the Bab Al-Qataneen tunnel, the Bab Al-Ghawanmeh tunnel 70 m under the Haram ash-Sharif, the tunnel and excavations under the Western Wall Plaza.

The information related to the Mughrabi Gate Ascent is contained in Part III (below).

III. The Mughrabi Ascent

Since its 31st session (Christchurch, 2007), the World Heritage Committee has repeatedly requested “the World Heritage Centre to facilitate the professional encounter at the technical level between Israeli, Jordanian and Waqf experts to discuss the detailed proposals for the proposed final design of the Mughrabi ascent, prior to any final decision”. Two such meetings took place in Jerusalem on 13 January and 24 February 2008.

After the World Heritage Centre received the revised designs from the Jordanian and Israeli authorities in May and June 2011 respectively, and with a view to facilitating dialogue among the parties concerned as requested by the World Heritage Committee and the Executive Board, UNESCO convened a technical meeting at its Paris Headquarters on 18 April 2012. Jordanian and Waqf experts participated in this meeting, with representatives of the World Heritage Centre, ICCROM and ICOMOS. The proposal from the Jordanian experts was presented and discussed during the meeting. The Permanent Delegate of Israel informed the World Heritage Centre verbally that Israeli experts would not participate in the meeting, as he considered that it is the responsibility of the parties concerned to reach an agreement on the design of the Mughrabi Ascent. Due to the absence of the Israeli experts, neither examination nor discussion of the Israeli proposal took place. Therefore, the situation has remained unchanged as the objective of the meeting was to review both proposals in order for the parties to reach a consensus on the design of the Mughrabi Ascent.

At the 36th session of the World Heritage Committee (Saint Petersburg, 2012), Decision **36 COM 7A.23.II**, reiterating the terms of the Executive Board decision, was adopted by consensus among

¹ The issue of the archaeological excavations carried out since 1967 by the Israeli authorities in the Old City of Jerusalem is also the subject of consideration by the Governing Bodies of UNESCO. These archaeological campaigns are in contradiction with article VI. 32 of the 1956 New Delhi *Recommendation on International Principles Applicable to Archaeological Excavations*, related to excavations in occupied territory.

the concerned parties. The World Heritage Committee also encouraged “the Director-General to facilitate coordinated action and professional exchanges between all the parties concerned”.

A note verbale from the Permanent Delegation of Jordan to UNESCO, dated 9 October 2012, informed UNESCO that the Israeli authorities had resumed work on the Mughrabi Ascent since 22 May 2012, including “extensive concrete pouring [...], demolishing Islamic walls and a room [...], levelling of different areas of the ascent in a manner that adversely affects its structure, dismantling building stones and transferring the historical remains from the site to an unknown destination”, thus disregarding previous decisions of the Executive Board and of the World Heritage Committee requesting that “no measures, unilateral or otherwise, shall be taken on the site”. The note verbale highlights the great concern of the Government of Jordan about these actions “which have adversely altered the site’s characteristics, integrity, authenticity and Islamic cultural heritage” and which “hinder the efforts to finally settle the Mughrabi Gate Pathway dispute in a manner consistent with UNESCO’s consensus decisions and acceptable by all relevant parties”. Two additional notes verbales, dated 4 and 14 February 2013 as well as a letter dated 2 April 2013 reiterated this matter.

The report of the Jordanian authorities, dated 25 February 2013, reiterates the above and the deep concern of the Government of Jordan that the actions undertaken by the Israeli authorities would alter the “status quo” and may lay the foundations for erecting a permanent bridge or annexing the levelled areas to the Plaza.

Finally, the report calls on UNESCO to request its Advisory Bodies, ICCROM and ICOMOS, to comment on the Jordanian design submitted in May 2011, in order for UNESCO to approve it.

The report of the Israeli authorities, dated 26 February 2013, states that in February 2012, work was commenced to stabilize the temporary wooden bridge and that work has started in the area where the new Mughrabi Ascent is to be built, including the removal of unstable walls, filling of underground spaces with dirt, stabilizing ancient walls, removal of layers of dirt, and stabilizing dirt cuts.

During the discussions at the 190th session of the Executive Board, Member States expressed their concern as regards the lack of progress in implementing the decisions of the Board and of the World Heritage Committee. A meeting of the Bureau of the Executive Board was convened by the Chairperson on 7 and 8 March 2013, requesting the Director-General to deploy her efforts to achieve progress on this matter. At the 191st session, a consensus was finally reached among the concerned parties for an experts meeting to take place in May 2013, as acknowledged in Decision 191 EX/5.

The meeting was foreseen to take place at the World Heritage Centre on 27 May 2013, and the Jordanian and Palestinian authorities had designated their experts. However, failing on agreement on the Terms of Reference of the mission (see below, VI), the Israeli authorities considered the meeting to be premature and it therefore has not taken place at the time of drafting of the present document.

IV. UNESCO operational projects

The Action Plan, initiated further to the request of the General Conference of UNESCO in 2003 and financed by the Italian Government, has been completed. Only the preliminary phase of the conservation project of the Saint John Prodromos Church, funded by the Leventis Foundation of Cyprus, and implemented in close collaboration with the Greek-Orthodox Patriarchate, could be completed. UNESCO is seeking additional funding in order to complete the overall restoration project.

Recently, the UNDP Office in Jerusalem has been allocated funds by the European Commission in order notably to undertake three of the projects identified within the framework of the Action Plan: the rehabilitation of the Madrasa al-Kilaniyya, of the Hammam al Ayn and of the Hammam al Shifa within the Suq al Qattanin.

The third phase of the project for the establishment of the Centre for the Restoration of Manuscripts of the Haram al-Sharif, funded by Norway, started in September 2011 and is

progressing well. Five additional staff members have been recruited and four sessions of courses on conservation and restoration techniques have already been held.

Within the framework of the project “Safeguarding, Refurbishment and Revitalization of the Islamic Museum of the Haram al-Sharif and its Collection”, funded by the Kingdom of Saudi Arabia, the premises of the Islamic Museum have been repaired and the necessary equipment has been purchased. The four permanent staff members recruited by the Jordanian authorities are being trained in conservation and museum management. The implementation of a plan of action for the conception of the museum will start as soon as it is approved by the local authorities.

V. Reinforced Monitoring Mechanism

The “Reinforced Monitoring Mechanism”, requested by the UNESCO Executive Board at its 176th session and by the World Heritage Committee at its 31st session (Christchurch, 2007), has been applied to the Mughrabi Ascent since then. Consequently, nine reports were prepared by the World Heritage Centre and forwarded to the concerned parties and the members of the World Heritage Committee. At its 35th session (UNESCO, 2011), the World Heritage Committee decided to expand the mechanism to the entire Old City of Jerusalem and, thus, three reports were prepared respectively in December 2011, March 2012 and February 2013 and distributed to the members of the World Heritage Committee and the concerned parties.

VI. Reactive monitoring mission

The World Heritage Committee requested at its 34th (Brasilia, 2010), 35th (UNESCO, 2011) and 36th (Saint Petersburg, 2012) sessions respectively, “a joint World Heritage Centre-ICCROM-ICOMOS Reactive Monitoring mission to the property as referred to in the *Operational Guidelines* to assess and advise on progress made in the implementation of the Action Plan and, in cooperation and consultation with the concerned parties, to identify appropriate operational and financial mechanisms and modalities to strengthen technical cooperation with all concerned parties in the framework of the Action Plan”. No response was received to the letters on this matter addressed by the World Heritage Centre to the Israeli authorities on 1 February, 13 April and 27 July 2011 and on 9 February 2012. During the discussions at the 190th session of the Executive Board, Member States expressed their concern about the lack of progress in the implementation of the Executive Board’s decisions with regard to the mission to the Old City of Jerusalem. A meeting of the Bureau of the Executive Board convened by the Chairperson on the implementation of UNESCO decisions concerning the cultural heritage of the Old City of Jerusalem took place on 7 and 8 March 2013 and requested the Director-General of UNESCO to deploy her efforts to achieve progress on this matter. At the 191st session, a consensus could finally be reached among the parties concerned for the mission to take place in May 2013, as acknowledged in Decision 191 EX/9.

The mission was scheduled to be carried out from 20 to 25 May 2013. However, no agreement could be reached between the concerned parties on the Terms of Reference of the mission.

Should any development occur, the Secretariat will inform the World Heritage Committee accordingly, either through an Addendum or orally at the time of the discussion of the agenda item.

VII. Draft Decision

Draft Decision: 37 COM 7A.26

The Draft Decision will be presented to the World Heritage Committee during the session.