

Hundred-and-twenty-fifth Session

125 EX/15
PARIS, 17 July 1986
Original: French

Item 5.4.1 of the provisional agenda

JERUSALEM AND THE IMPLEMENTATION OF 23 C/RESOLUTION 11.3

SUMMARY

In decision 5.4.1 adopted at its 121st session, the Executive Board invited the Director-General 'to keep the Executive Board informed of the evolution of the situation in the occupied Holy City' and decided 'to include this question on the agenda of the 125th session of the Executive Board with a view to taking such decisions as the new situation may require'. Furthermore, in resolution 11.3 adopted at its twenty-third session, the General Conference requested the Director-General 'to assist by appropriate means in implementing this resolution, in accordance with the conclusions of Professor Lemaire's report'. In this document the Director-General submits to the Executive Board the information at his disposal as at 30 June 1986 with regard to the preservation of the cultural heritage of Jerusalem.

I. INTRODUCTION

1. At its 121st session the Executive Board examined the Director-General's report on 'Jerusalem and the implementation of 22 C/Resolution 11.8' (document 121 EX/11) and adopted decision 5.4.1, reproduced in Annex I, the operative part of which includes the following two paragraphs:

'Invites the Director-General to keep the Executive Board informed of the evolution of the situation in the occupied Holy City and to publicize all information about specific threats;

Decides to include this question on the agenda of the 125th session of the Executive Board with a view to taking such decisions as the new situation may require'.

2. In addition, the General Conference, after examining at its twenty-third session the Director-General's report on the measures he had taken to implement 22 C/Resolution 11.8 (document 23 C/15), adopted resolution 11.3, reproduced in Annex II. In the operative part of that resolution the General Conference:

- '1. Recalls that ... the city of Jerusalem has been recognized as of universal importance by being included in the World Heritage List;
2. Recalls that the Israeli military occupation and the present status of the city entail dangers for the safeguarding of its essential vocation;
3. Recalls and reaffirms the previous resolutions adopted by the General Conference, which seek to ensure the safeguarding of all the spiritual, cultural, historical and other values of the Holy City;
4. Deplores the fact that assaults and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation from the ecumenical vocation of the City;
5. Deplores the fact that works carried out in the old Holy City have imperilled important historical monuments, which embody the cultural identity of the indigenous population;
6. Recommends that all Member States combine their efforts to ensure the total and effective safeguarding of the occupied Holy City and the preservation and restoration of the historical monuments of the City and its universal heritage belonging to all religions;
7. Draws the attention of the international community more particularly to the state of degradation of a large part of the Islamic cultural and religious heritage and urges Member States to support the efforts of the Waqf, owner of this heritage, by making voluntary contribution to the financing of safeguarding operations;

8. Thanks the Director-General for everything he has done in this context and requests him to assist by appropriate means in implementing this resolution, in accordance with the conclusions of Professor Lemaire's report set out in document 23 C/15;
9. Decides to include this question in the agenda of the twenty-fourth session of the General Conference with a view to taking such decisions as may be required by the situation obtaining at that time.'

II. COMMUNICATIONS RECEIVED BY THE DIRECTOR-GENERAL CONCERNING JERUSALEM

3. The Director-General received a letter dated 10 January 1986 under cover of which the Permanent Delegate of the Hashemite Kingdom of Jordan to Unesco transmitted to him the text of a telegram from the Ministry of Foreign Affairs of his country concerning an incident that occurred at the Al-Aqsa Mosque on 8 January 1986. The text of that letter and the enclosed telegram are reproduced below:

'Ref: Y/18/2/588

10 January 1986

Sir,

I enclose herewith the text of a telegram from the Jordanian Ministry of Foreign Affairs concerning the attempt made by a number of members of the Israeli Knesset to invade the Al-Aqsa Mosque on 8 January 1986. The Ministry has requested me to notify you of this assault, which is one of a series of repeated and deliberate assaults and reveals the true intention of the Jews in their machinations against the Al-Aqsa Mosque and the other holy places of Islam and Christianity in the Holy City. I hope that Unesco, represented by its governing bodies, will take the necessary steps to ensure that an end is put to these assaults, since the city of Al-Qods (Jerusalem), with its religious and historic monuments, is included in the World Heritage List.

Accept, Sir, the assurances of my highest consideration.

signed by the Ambassador
Youssef Buran'

Text of the telegram from the Jordanian Ministry of Foreign Affairs:

'Below is the information at present in our possession concerning the Zionist attempts to invade the Haram al-Sharif on 8 January 1986.

Some 20 members of the Israeli Knesset attempted to enter the holy place of the Al-Aqsa Mosque on Wednesday, 8 January 1986 when the mid-day prayer was in progress. Those members belong to the Knesset Commission of the Interior. They apparently came to the Haram al-Sharif with a view to taking possession of a place where the followers of the Jewish religion could pray inside the Al-Aqsa Mosque. As soon as they entered the Mosque, the faithful at prayer barred their way and drove them out. The assailants then called in the Israeli police who arrived on the scene in force, headed by the General in command of the southern sector and the Chief of the Al-Qods police. The police entered the Haram al-Sharif where they strutted about and acted provocatively, thereby arousing the anger of the Muslims at prayer, such behaviour constituting an intolerable threat

calculated to offend the feelings of believers and breaching the inviolability of this place of worship. The Israeli police assaulted the faithful and the civilian guards of the Mosque, who were horrified by the scandalous behaviour, first of the members of the Knesset, and then of the police. It should be pointed out that this is not the first time that the Al-Aqsa Mosque has been invaded and desecrated by Israeli extremists.

The Al-Qods and West Bank Islamic authorities, and all Muslims, have protested against this irresponsible behaviour on the part of Israeli members of parliament. Sheikh Saad-ad-Din has requested the withdrawal of the Israeli occupying forces that have since yesterday taken it upon themselves to close the door of the Al-Aqsa Mosque.'

4. Under cover of a letter dated 22 January 1986, the Permanent Delegate of the Hashemite Kingdom of Jordan to Unesco communicated to the Director-General the text of a telegram from the Ministry of Foreign Affairs of his country concerning an incident that occurred on 19 January 1986 within the precincts of the Haram al-Sharif. The texts of that letter and of the telegram concerning the incident are reproduced below:

'Ref: Y/18/2/602

22 January 1986

Sir,

Further to my letter of 10 January 1986, reference Y/18/2/588, I enclose herewith the texts of the two telegrams¹ from the Jordanian Ministry of Foreign Affairs concerning the assaults perpetrated by Jewish religious groups against the holy places of Islam in the occupied Arab territories of Palestine. The first assault took place on 17 January and the second on 19 January 1986.

I hope that Unesco will take the necessary steps to put an end to these assaults, and will officially bring the texts of these telegrams to the notice of its Member States with a view to their assuming the obligations incumbent upon them to protect and safeguard the holy places of Islam.

Accept, Sir, the assurances of my highest consideration.

signed by the Ambassador
Permanent Delegate
Youssef Buran'

Text of the telegram from the Jordanian Ministry of Foreign Affairs

'Ref: MK/4/8/45, date: 20 January 1986

To H.E. the Ambassador, Permanent Delegate to Unesco

Further to my telegram of 18 January 1986, I send you the present telegram concerning the continuation of the Israeli assaults upon the Haram al-Sharif, with the request that you bring this telegram to the notice of the Director-General of Unesco.

1. One of the telegrams concerned an incident at Al-Khalil (Hebron). Only the text of the telegram concerning Jerusalem is reproduced in this document.

As part of the series of assaults perpetrated against the Haram al-Sharif by a group of Jewish terrorists, with the full knowledge and encouragement of the Israeli authorities, just before noon on Sunday, 19 January 1986 a group of terrorists belonging to the 'Kach' gang directed by Rabbi Meir Kahane attempted to invade the Haram al-Sharif. This group, which comprises a number of Rabbis, organized a provocative racist demonstration during which the demonstrators screamed hysterical threats to kill or drive out the Arabs and to submit the Al-Aqsa Mosque to Jewish domination. The Arab citizens barred the aggressors' way and prevented them from attaining their ends. The individuals belonging to the gang then gathered before the Gate of the Maghribis under the protection of the occupying forces, who as was to be expected performed their role by arresting a number of Arab citizens in the Holy City.

These attempts to penetrate into the Al-Aqsa Mosque in order to engage in worship there, along with the many others preceding them from 1967 onwards; the unequivocal statements made by the Israeli authorities, particularly those by Peres to the effect that the whole of Palestine, including the Abrahamic Haram al-Sharif, is part of the land of Israel; and the invasion of the Haram al-Sharif by the members of the Knesset Commission of the Interior, together with Sharon's attempt the following day to enter the precincts of the Haram - all this provides confirmation of Israel's designs on the holy places of Islam.

The Jordanian Minister of Foreign Affairs'

5. The Director-General received a letter dated 28 January 1986 under cover of which the Permanent Delegate of the Hashemite Kingdom of Jordan to Unesco transmitted to him the text of a note from the Ministry of the Waqf, Religious Affairs and Holy Places concerning the Mamulla cemetery in Jerusalem. The texts of that letter and of the note in question are reproduced below:

'Ref: Y/18/2/15

28 January 1986

Sir,

I enclose herewith the text of a note from the Jordanian Ministry of the Waqf, Religious Affairs and Holy Places concerning the Mamulla (Ma'manullah) cemetery in Al-Qods (Jerusalem). The cemetery is subject to Israeli attacks which have resulted in the destruction of the tombs of the Companions of the Prophet and those of the Muslim scholars, jurists and martyrs whose immortal works have been so many milestones in the history of Al-Qods.

His Excellency the Jordanian Minister of Foreign Affairs has requested me to communicate the text of this note to Unesco so that it may take urgent action with a view to putting an end to this aggression perpetrated against the country and its Islamic heritage, bearing in mind the fact that Al-Qods is included among the historic cities on the List of the World Heritage in Danger.

Accept, Sir, the assurances of my highest consideration.

The Ambassador
Permanent Delegate to Unesco
Youssef Buran'

'Note concerning the Ma'manullah cemetery prepared by the Directorate of the Al-Aqsa Mosque

Historical background

The cemetery lies outside the walls of Al-Qods (Jerusalem), about 1.5 km from the Al-Khalil Gate. It is one of the most renowned cemeteries in the history of Bayt Al-Qods. It extends over an area of approximately 368 dunams (90 acres), and as it has witnessed the passing of various historical periods, it is closely associated with the history of Islam in the city of Al-Qods. A large number of the Companions of the Prophet and of martyrs from the date of the Muslim conquest onwards, who lived during the reign of the inspired Caliphs, are buried there, as are some 70,000 Muslim martyrs massacred by the Crusaders who occupied Al-Qods in 1099/492, together with the soldiers of Saladin Al-Ayyubi, who recaptured the city from the Crusaders in 1187/583. Saladin had walls and an oratory built at the burial-place of the Muslims massacred by the Crusaders, a place known by the name of the cave of skulls. Down through the centuries that followed the reign of the Ayyubids, Muslims continued to attach importance to the Ma'manullah cemetery, as evidenced by the building of zaouias (religious institutions) and koubas (sanctuaries) in this place and the desire expressed by many to be buried there.

The Ma'manullah cemetery is known by a variety of names, for each of which an interpretation has been attempted by historians and researchers. Some of them claim that "Mamulla" derives from "Ma' (water) Mulla", the name of the locality in ancient times.

Others think that the name "Mamulla" comes from the expression "Ma'Milou", Milou being the name of a formerly existing neighbourhood.

However, many Muslim specialists consider that the name "Mamullah" is a contraction of "Ma'manullah", the resting-place of the pure and the just. To be buried there is like being buried in heaven. Sheikh Abd-al-Ghani al-Nablousi, a great Muslim traveller of the seventeenth/eleventh century relates many stories concerning this name in his famous travel account entitled "Al-hadra al unsiyya fi ar-rihla al-qodsiyya", where he recounts that "its true name, so it is said, is Ma'manullah" (Bab Allah), but it is called "Zeytoun Al-Mulla"; the Jews call it "Beyt Milou" and the Christians "Babila". The most widespread name is "Mamulla", and this also appears to be the best known and most widely used name since the earliest times.

Whatever name is given to it, the "Ma'manullah" cemetery is considered to be one of the most famous Islamic sites outside the walls of Al-Qods. It contains many archaeological remains of Islam, for instance the "Zaouia kalandariyya", dating from the fourteenth/eighth century, where many Sufi ascetics are buried, such as Sheikh Ibrahim Al-Kalandari, who have his name to the zaouia. It also contains the "Basin of the Bustamiyya" where Sufis belonging to the tariqa (brotherhood) of the Bustamiyya were buried, also in the fourteenth/eighth century.

Ma'manullah also contains a large basin known as "Birka Mamilla", which Saladin Al-Ayyubi assigned as a waqf to the Khanqah As-Salahiyya in Al-Qods in 1187/583.

Likewise to be found in this cemetery is the mausoleum "Al-Kabkabiya", the burial-place of the Emir Aladin Ayd Ghada Ben Absallah Al Kabkabi, who died in the year 668 of the Hegira. A square edifice, it is built in stone and covered with a low cupola.

We have also found in this cemetery a large number of tombstones bearing inscriptions in Neskhi, which provide information about the name and date of death of the deceased, with the result that we possess a long list of names of scholars, princes and martyrs who are buried there. Muslims continued to bury their dead there throughout the different periods following the date of the Islamic conquest.

The Ma'manullah cemetery is at present under threat, and the seriousness of the threat is recognized by everyone. The Ministry of Religious Affairs has issued a decree providing for the demolition of these tombs and the construction in their place of garages intended for the use of the municipality. A part of the cemetery has been designated for the building of underground garages, to a depth of 50 m or more. Trees planted some ten years ago have been uprooted, graves are being dug out so that the trees can be put there, and the bones of the dead and the martyrs lie strewn about the ground pending their removal to some unknown destination. According to available information, work has begun on demolishing the old houses and buildings of Ma'manullah (Mamulla) so that a shopping centre can be built in their place. New roads have been laid out, linking the Al-Khalil Gate and the Jaffa road. This plan is being executed under the direction of the Israeli Ministry of Housing, working in collaboration with the municipality of Al-Qods. The ministry is looking for foreign investors, particularly American ones, to finance the project. Bulldozers have been used to open up vast areas in the north-west part of the cemetery. Prefabricated buildings have been put up for the use of the site supervisors. A town councillor has announced that the municipal authorities are intending to dig a large canal, purportedly to drain the rainwater, but in reality intended to serve a much larger purpose. We are therefore requesting additional assistance from the parties concerned to protect this age-old Muslim cemetery, ward off the dangers that threaten it and preserve it as part of the Islamic heritage of the city of Al-Qods.

Ministry of the Waqf
Religious Affairs and Holy Places
Directorate of the Al-Aqsa Mosque'

6. The texts of all the aforementioned communications were transmitted by the Secretariat to the Deputy Permanent Delegate of Israel to Unesco under cover of a letter dated 10 March 1986 requesting the observations of his government.

7. In addition, the Director-General of the Arab Organization for Education, Culture and Science sent a letter to the Director-General concerning the Mamulla cemetery on 7 March 1986. The text of that communication, which was transmitted by the Secretariat to the Acting Permanent Delegate of Israel to Unesco under cover of a letter dated 2 May 1986 requesting the observations of his government, is reproduced below:

'7 March 1986

Dear Sir and Esteemed Friend,

In connection with the resolutions and recommendations of Unesco relating to the safeguarding of Al-Qods/Jerusalem, our common concern to do everything possible to implement appropriate preservation measures leads me to draw your attention to the danger which is today threatening a religious monument of the Holy City.

I am referring to an historical burial area, administered as an Islamic Waqf, situated not far from the Al-Khalil/Hebron Gate. A large number of eminent religious figures (Companions of the Prophet) and scholars (jurists and theologians) have been buried here for many centuries. It also contains important monuments of art and architecture, in particular the Zaouia Galandaria (eighth century A.H./fourteenth century A.D.), the great basin of Saladin (583 A.H./1187 A.D.) and the Tourba Kabkabia (seventh century A.H./thirteenth century).

The authorities having started more than a month ago on the earth-work, bulldozing and laying-out operations in a part of the area concerned, the threat is becoming more acute and is manifestly a serious one.

I should be grateful to you if, in accordance with your lofty mission, you would have an on-the-spot report drawn up as soon as possible and would arrange for such conservation measures as you deem possible.

I extend to you in advance my heartfelt thanks.

Accept, Sir, the assurances of my highest consideration and the expression of my unfailing friendship.

Mohieddine Saber
Director-General of ALECSO'

8. The Director-General received from the Permanent Observer of the Palestine Liberation Organization a communication dated 17 April 1986 concerning an incident that occurred in the Al-Aqsa Mosque on 3 April 1986. The text of that communication, which was transmitted on 21 May 1986 by the Secretariat to the Acting Permanent Delegate of Israel to Unesco requesting the observations of his government, is reproduced below:

'Paris, 17 April 1986

Sir,

During the night of 2 April 1986 a group of extremist Zionist settlers attempted to desecrate the Al-Aqsa Mosque in Jerusalem. They tried to wrench off the door to the Mosque, and, according to the Mosque guards, they were armed with explosives. The Israeli police did not intervene; the group was repulsed by the Mosque guards with the assistance of the local people.

This was the third attempt to desecrate the Mosque in recent times. Previously, settlers tried to get in through the entrance door, the key to which, confiscated by the occupying authorities, was in their

possession. They were prevented by the guards. Another group of settlers also tried to make their way into the Islamic sanctuary through a tunnel secretly dug by themselves. The tunnel, measuring 3 m long, led from a small room, confiscated by the occupying authorities, within the "Rebat al Kurd" enclosure, which is beside the Mosque, and, running along beneath the western wall of the Mosque, would have given access to the sanctuary. The tunnel was discovered by the Islamic Waqf authorities, who closed it.

I request you, Mr Director-General, to use your power to put an end to these dangerous attempts fraught with consequences for world peace, and to be so good as to inform the honourable members of the Executive Board of these three acts of aggression.

Accept, Sir, the assurances of my highest consideration.

Omar Masalha
Permanent Observer
Palestine Liberation Organization'

9. At the time of preparing this report, the Director-General had not received any observation from the Israeli authorities concerning the aforementioned communications.

III. MISSION OF THE PERSONAL REPRESENTATIVE OF THE DIRECTOR-GENERAL

10. In pursuance of resolution 11.3, the Director-General informed the Permanent Delegate of Israel to Unesco in a letter dated 8 January 1986 of his intention to request Professor Raymond Lemaire to proceed to Jerusalem as his personal representative, and he proposed that this mission be carried out from 8 March 1986. The Israeli authorities having let it be known orally that they were not able to receive Professor Lemaire before the month of July 1986, the Director-General wrote to the Acting Permanent Delegate of Israel to Unesco on 28 February 1986 emphasizing the importance he attached to his personal representative being able to visit Jerusalem before the month of July. Not having received any reply to that letter, the Director-General wrote again to the Acting Permanent Delegate on 2 May 1986, proposing that Professor Lemaire visit Jerusalem either during the first fortnight of June 1986 or, if that date did not suit the Government of Israel, from 21 July 1986. In a letter dated 12 May 1986, the Acting Permanent Delegate of Israel to Unesco informed the Director-General that the Israeli authorities could receive Professor Lemaire from 21 July 1986.

11. The written report to be given by Professor Lemaire to the Director-General at the end of the mission will be submitted to the Executive Board in the form of an addendum to this document.

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12. In this document the Director-General brings to the knowledge of the Executive Board all the information at his disposal as at 30 June 1986. Deeply aware of the importance of the cultural heritage of Jerusalem, the Director-General will continue to keep this matter under his close attention, and to

do everything within his power to ensure that the resolutions of the General Conference and the decisions of the Executive Board are put into effect; he will spare no effort in the cause of the preservation of the City of Jerusalem, which is part of the heritage of all mankind.

ANNEX I

121 EX/Decision 5.4.1

5.4 Culture

5.4.1 Jerusalem and the implementation of 22 C/Resolution 11.8
(120 EX/14, 121 EX/11 and 121 EX/53, Part I)

The Executive Board,

1. Recalling the provisions of the Constitution of Unesco relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,
2. Recalling The Hague Convention of 1954 and the Recommendation on International Principles Applicable to Archaeological Excavations adopted on 5 December 1956 by the General Conference at its ninth session, in particular paragraph 32, which states: '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',
3. Recalling that existing international conventions, recommendations and resolutions on behalf of the natural heritage and cultural property demonstrate the importance for humanity of safeguarding such property, to whatever people it may belong,
4. Considering that it is of importance to the entire international community that the natural and cultural heritage should be protected,
5. Considering that the historic site of Jerusalem constitutes a homogeneous, balanced and unique cultural property of outstanding universal value, and that accordingly the international community has deemed it to be one of the invaluable and irreplaceable properties of humanity as a whole, worthy of being included on the World Heritage List,
6. Recalling the decision of the World Heritage Committee to include the 'Old City of Jerusalem and its walls' on the List of World Heritage in Danger, with a view to preserving it from the serious and specific dangers threatening it, in particular the increasingly rapid deterioration of monuments, the appalling disfigurement of the environment, the destruction resulting from changes in the use of monuments or the ownership of land and the distortion of the cultural authenticity of properties,
7. Having examined the Director-General's report contained in documents 120 EX/14 and 121 EX/11 and noted the results achieved by the mission of Professor Lemaire, personal representative of the Director-General,
8. Nevertheless deplores the fact that those results do not entirely measure up to the expectations of the international community, which has constantly opposed all violations of The Hague Convention of 1954;
9. Reaffirms the previous resolutions of the General Conference and decisions of the Executive Board pertaining to the protection of the cultural properties of Jerusalem;
10. Urges Member States of Unesco to continue to seek, by such means as they may deem appropriate, to safeguard the cultural and natural heritage of Jerusalem and to preserve its homogeneity, its unique nature and its authenticity;
11. Requests the World Heritage Committee to continue its activities in connection with the inclusion of the Holy City on the List of World Heritage in Danger, with a view to taking appropriate follow-up action;
12. Appeals to the international community to help by means of voluntary contributions to safeguard the cultural heritage of Jerusalem;

13. Requests, inter alia, that action be taken without delay by the Israeli occupying authorities to give effect to the recommendation of the Executive Board at its 120th session calling for detailed information, prepared by an expert approved by both parties, regarding:

the effects of the digging of a tunnel along the western wall of Haram-al-Sharif;

the study concerning the stability of Al-Madrassa Al-Manjakiyya;

and regrets that this has not so far been done;

14. Warmly thanks the Director-General for his continuing efforts to maintain a Unesco presence in the occupied Holy City and to ensure the monitoring of the condition of endangered cultural properties;
15. Invites the Director-General to keep the Executive Board informed of the evolution of the situation in the occupied Holy City and to publicize all information about specific threats;
16. Decides to include this question on the agenda of the 125th session of the Executive Board with a view to taking such decisions as the new situation may require.

ANNEX II

23 C/Resolution 11.3

11.3

Jerusalem and the implementation of 22C/Resolution 11.8

The General Conference,

Recalling the provisions of the Constitution of Unesco relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,

Recalling the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,

Recalling that the conventions, recommendations and resolutions that have been adopted by the international community on behalf of the natural heritage and cultural property demonstrate the importance for humanity of safeguarding such property,

Considering that it is of importance to the entire international community that the natural and cultural heritage should be protected,

Considering the unique role of the city of Jerusalem in the history of humanity as a holy city for the three monotheistic religions that share the same philosophical, ethical and religious values, which are fundamental for more than 2,000 million people in all the continents of the world,

Considering that the entire city and its heritage of monuments bear living witness to this exceptional role,

Considering that it is the eternal vocation of Jerusalem to promote peace and understanding among men, in accordance with the message that was delivered there,

1. *Recalls* that it is for that reason that the city of Jerusalem has been recognized as of universal importance by being included in the World Heritage List;
2. *Recalls* that the Israeli military occupation and the present status of the city entail dangers for the safeguarding of its essential vocation;
3. *Recalls and reaffirms* the previous resolutions adopted by the General Conference, which seek to ensure the safeguarding of all the spiritual, cultural, historical and other values of the holy city;
4. *Deplores* the fact that assaults and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation from the ecumenical vocation of the city;
5. *Deplores* the fact that works carried out in the old holy city have imperilled important historical monuments, which embody the cultural identity of the indigenous population;
6. *Recommends* that all Member States combine their efforts to ensure the total and effective safeguarding of the occupied holy city and the preservation and restoration of the historical monuments of the city and its universal heritage belonging to all religions;
7. *Draws the attention* of the international community more particularly to the state of degradation of a large part of the Islamic cultural and religious heritage and *urges* Member States to support the efforts of the Waqf, owner of this heritage, by making voluntary contribution to the financing of safeguarding operations;
8. *Thanks* the Director-General for everything he has done in this context and *requests* him to assist by appropriate means in implementing this resolution, in accordance with the conclusions of Professor Lemaire's report set out in document 23C/15;
9. *Decides* to include this question in the agenda of the twenty-fourth session of the General Conference, with a view to taking such decisions as may be required by the situation obtaining at that time.

Hundred-and-twenty-fifth Session

125 EX/15 Add.1
PARIS, 21 August 1986
Original: French

Item 5.4.1 of the provisional agenda

JERUSALEM AND THE IMPLEMENTATION OF 23 C/RESOLUTION 11.3

The report that Professor Lemaire submitted to the Director-General following the mission he carried out in Jerusalem from 20 to 27 July 1986 is reproduced in full in this addendum to document 125 EX/15.

REPORT BY PROFESSOR RAYMOND LEMAIRE,
THE PERSONAL REPRESENTATIVE OF THE DIRECTOR-GENERAL,
ON HIS MISSION TO JERUSALEM IN JULY 1986

1. Date of the mission: 20 to 27 July 1986.
2. Purpose of the mission: to examine Jerusalem's heritage of monuments in connection, among other things, with the complaints submitted to the Director-General by the Government of Jordan.
3. Persons met:
 - 3.1 On the Israeli side:

Mr T. Kollek, Mayor of Jerusalem;

Mr Gabai, Director-General of the Ministry of Justice;

Mr Bar Stella, Deputy Attorney-General;

Mr Ovnat, Deputy Mayor of Jerusalem;

Mr M. Memamed;

Mr U. Manor, Deputy Director-General of the Human Rights Department of the Ministry of Foreign Affairs;

Mrs Y. Vered, Advisor for Jerusalem to the Minister of Foreign Affairs;

Mr A. Eytan, Director of the Department of Antiquities of the Ministry of Culture;

Mr A. Biran, Honorary Director of the Department of Antiquities, Member of the National Commission for Unesco;

Mr A. Avigad, Professor at the Hebrew University;

Mr Y. Shiloh, Professor at the Hebrew University;

Mr D. Bahat, Conservator of the Monumental Heritage of Jerusalem, Department of Antiquities;

Mr Y. Yaacovy, Chairman of East Jerusalem Development Ltd.;

Mr N. Kidron, Engineering Adviser to the Ministry of Religious Affairs;

Mr P. Bugod, architect.
 - 3.2 On the Arab side:

The new, recently appointed, Director of the Waqf in Jerusalem;

Mr I. Awad, resident architect of the al-Aqsa Mosque and the Haram al-Sharif Restoration Committee;

Mr Y. Natshe, Director of the Department of Islamic Archaeology.

4. The excavations

To my knowledge no new excavation site has been opened since my last visit. Moreover, Mr Eytan, Director of the Department of Antiquities, informed me that no excavation was planned in the occupied area of the city. Once again, then, it is to be reported that all archaeological excavations have been halted, apart from incidental operations justified on the grounds of saving or safeguarding remains uncovered in the course of infrastructure works or building in the area at issue.

With regard to the previously excavated areas, the situation is as follows:

4.1 The excavations along the south wall of the Haram al-Sharif (directed by Professor Mazar): all the questionable archaeological reconstitution work begun in 1982 (see my report of 6 May 1983) has been halted. Consolidation of the uncovered archaeological remains is complete, as are the arrangements enabling the site to be visited.

4.2 The excavations along the west wall, between the south-west corner and the Maghrib Gate: no change. The area suffers from a lack of maintenance already noted in my report of 19 March 1985, which, if unremedied, could place in jeopardy the Umayyad, Herodian, royal and prehistoric remains brought to light.

4.3 Excavation of the 'Jewish Quarter' (directed by Professor Avigad). The most interesting discoveries arising from these excavations have been preserved in the substructures of the new buildings erected on the site of the war ruins of 1948. I noted in my report of 19 October 1983 the reconstruction work carried out on the 'burnt-out house'. A second very extensive area, below the Yeshiva Porat Yosef, where remains of monuments of the Herodian city destroyed in the year 70 were found, will be open to the public shortly. These two projects are exemplary both as regards the scientific conservation method employed and the educational value of their presentation.

4.4 The excavations on the Ophel hill (City of David), directed by Professor Y. Shiloh, have been completely halted and the consolidation of the remains already uncovered by archaeologists such as K. Kenyon (1967-1968), and before her R. Macalister and J. Crowfoot, has been completed, at least as regards the northern area (Jebusite Wall). Easy access to the excavations and a clear archaeological presentation have been provided. The local vegetation, shrubs and trees planted on the site will, when fully grown, lessen the visual impact of the reinforcements introduced to counter the danger of landslips. It will be recalled that these excavations - which in fact involved cleaning up old excavations and the enlargement of previous excavations mainly in areas of unstable archaeological fill - were ordered by the municipality following fatal accidents caused by landslips after heavy rain.

The same site includes the famous 'Warrenshaft', i.e. the tunnel dug through the rock, probably starting from a cave, to enable the inhabitants of the city to draw water safely from the Gihon fountain, which is also the source from which the large underground conduit dug by Hezekiah supplies the pool of Siloam. The tunnel discovered by Warren at the end of the nineteenth century had become partially blocked by rubble over the course of time; it has been cleaned up and opened to the public. All the work on the Ophel site has been carried out in compliance with current scientific standards and methods.

5. The 'tunnel'

I traversed the whole length of the 'tunnel' dug beneath the Arab quarters along the west wall of the Haram al-Sharif, extending from the entrance under the al-Madrassa al-Tankiziyya to its northern extremity beyond Bab al-Ghawanina. No new excavation or enlargement has been undertaken since my visit in March 1985. Nor was there any trace - at this level - of any digging or other type of work in the wall separating the inhabited quarter from the holy precinct.

Work is however currently being completed on removing the rubble from the cruciform room dating from the time of the Crusades situated under the Bab al-Silsiha street, which probably served as a substructure to Saint Giles Church (twelfth century), which stood on this site. The clearing of this huge underground room dates from the beginning of the operations in this area (around 1969), but some 1.5 metres of rubble still covered the original floor, which is now being cleaned.

I drew the attention of the relevant authorities to the need to take protective measures against the rust that is starting to affect the metal frames installed to support the northern part of the tunnel, to which there is no access, so that the air is very confined and damp. The weakening of this structure could in the long term cause subsidence and cracks in the buildings situated above.

Since Mr Hussein was away, I was not able to ask him about any new damage caused to the buildings belonging to the Waqf situated in the area affected by the tunnel. No fresh complaint has been lodged in this connection. According to Mr I. Awad, the architect of the Haram al-Sharif, no new signs of instability have been reported in the buildings adjacent to the Wall. I myself saw no such signs in either the Ribat Kurd or the al-Madrassa al-Manjakiyya, the two buildings which were most affected previously.

6. Work on providing amenities and public areas is continuing in the old city.

6.1 The work is mainly located in the Arab and Christian quarters. It is being carried out according to the same standards and using the same materials as previously, i.e. slabs of natural local stone as a paving over new substructures that include sewers, water conduits and electricity, telephone and television cables. In addition the shutters of the shops, and in the unvaulted streets the small sloping roofs that protect the shop windows, have generally been renovated on the basis of a simple and good quality design. Work is currently in progress on the upper part of David Street near the Jaffa Gate.

6.2 The improvements to the outer and inner squares near the Damascus Gate have been completed, as has the archaeological presentation of the gate itself, with its striking mixture of Roman and Mameluke constructions. Work on clearing the gate used today, a masterpiece created by the military architects of Sultan Suleyman, is practically finished. The result of these operations has undoubtedly been to enhance and embellish both the site and the monument.

7. Birkat Israel

I noted in my previous report that the talks between the municipality and the Waqf authorities had resulted in a plan for the cleaning up and improvement of this site satisfactory to both parties. This plan is currently being implemented.

8. The conservation and restoration work on the Islamic monuments is continuing actively in the old city despite the limited financial resources available.

8.1 The restoration of the al-Aqsa Mosque is nearing completion. The cupola, re-covered around 1950 with silver-coloured aluminium, which was damaged in the 1969 fire and was inconsonant with the spirit and tradition of Islamic architecture, has been given a new lead covering similar to that which existed previously, using the lead - melted down and laminated - from the original roof covering and from that of the Dome of the Rock. The interior decoration of the cupola dating from the tenth century has been completely uncovered and restored. The mosaics are in the process of being cleaned and restored by Arab craftsmen trained at the Ravenna School of Mosaics. The marble inlay work destroyed or damaged during the fire is in the process of being restored. Next year it is planned to replace the aluminium strips covering the naves with lead sheeting. All this work has been most skilfully carried out under the direction of the architect, Mr I. Awad, and has received the Aga Khan Award for 1986, the highest international honour bestowed for the construction or restoration of Islamic monuments.

8.2 On the Haram al-Sharif, the same team has undertaken restoration work on the small Mameluke temple of Qait Bay (fifteenth century). The stones of this elegant building were fixed together with iron clamps, rust from which had caused many stones to split. The building had to be partly dismantled and the damaged stones reassembled. This has been most successfully carried out.

8.3 Steps have also been taken to clean the famous Stables of Solomon, a huge underground hall consisting of 17 parallel vaults of differing lengths, with barrel vaulting and supported by impressive rows of columns. Two of the three south doors of the old Temple opened on to this huge substructure (the Triple Gate and the Single Gate). The present construction probably dates from the time of the Knights of Templar, whose monastery was situated above it. These halls had been taken over by pigeons, and enormous quantities of droppings had accumulated on the paving stones. The Stables will in future be open to visitors to the Haram.

8.4 I described in my 1982, 1983, 1984 and 1985 reports the restoration work carried out on the Islamic monuments of the old city. There are a great many of these monuments, which are in many cases of very great architectural quality or historical significance but are also for the most part in a very alarming state of conservation. The Department of Islamic Antiquities of the Waqf, directed by Y. Natshe, has carried out this work in very difficult conditions given the impossibility of clearing these overcrowded buildings of their inhabitants and the lack of any scientific diagnosis of the causes of the chemical and physical deterioration of the construction materials. The work is being carried out by a small team of outstanding craftsmen, trained on the job, who have gradually acquired a sound technique for the structural consolidation of buildings and the replacement of materials damaged beyond repair. The following monuments have been restored so far:

al-Madrassa al-Kilaniyya;

al-Madrassa al-Muzhariyya;

al-Madrassa al-Louzhiriyya;

the Tomb of Turkan Katum;

Ribat Kurd;

Ribat Beran Jamish.

Work is in progress on:

al-Madras al-Turkmaniyya;

al-Madrassa al-Sarriyya;

Khan-el-Sultan Market.

All the work is being carried out very carefully, following detailed drawings of the monuments and an in-depth archaeological study. The restoration involved is difficult and requires great skill on the part of those undertaking it. The results are for the most part satisfactory, although in some cases it is open to doubt whether there has not been too much replacement of the old stonework, one of the aims of good restoration being to preserve as many original stones as possible. It is obviously difficult to judge properly after the event. It is also paradoxically open to doubt whether some of the stones left in place will resist the concentrated physical and chemical constraints to which they will certainly be subject, now that the surrounding stonework has been substantially renewed.

We touch here upon one of the weak points in the preparation of the restoration work - the failure to undertake a thorough diagnosis of the state of the masonry and stones and to identify the precise causes of their deterioration. There is no one on the spot in a position to make such a diagnosis, which requires the use of suitable equipment, in particular to study dampness and the origin of salt migrations in the masonry and in the different kinds of stone used.

It should also be noted that the slender financial resources available and local circumstances (all the buildings are very densely inhabited) prevent operations from being conducted in a systematic and scientific way. It should be borne in mind that in the absence of any systematic rehabilitation of the buildings in question, the future of the restorations carried out is likely to be precarious.

9. The governmental complaints received by the Director-General between my visits in March 1985 and July 1986 are few in number. They come from the Government of the Hashemite Kingdom of Jordan, and are dated 10, 22 and 28 January 1986. Those of 10 and 22 January concern 'attacks ... on the holy places of Islam'. The letter of 28 January concerns the 'destruction of tombs' in the Mamulla cemetery. A letter was also received from the permanent observer of the PLO to Unesco reporting an 'attempt to profane' the al-Aqsa Mosque. I examined these four problems in situ, and my conclusions are as follows:

9.1 On 8 January 1986, the Chairman and members of the Home Affairs Committee of the Israeli Parliament (Knesset) visited Haram al-Sharif. A prior request had been submitted to the Waqf authorities, who had given their agreement and had settled the detailed arrangements for the visit, including its form and the rules to be observed, with the Israeli authorities. Incidents occurred during the visit. Very different accounts are given by the parties

concerned of their origin and cause. The Israeli police intervened on the site of the Haram following the incidents, the nature and scale of which is difficult to assess retrospectively.

The letter from the Jordanian Government speaks of possible intentions by Israeli parliamentarians to 'seize control of a place where the adepts of the Jewish religion could pray within the al-Aqsa Mosque'. In order to clarify this sensitive question, I asked the Israeli authorities, in this case the Director-General of the Ministry of Justice, Mr Gabai, and the Deputy Attorney-General, Mr Bar Stella, who are responsible for monitoring the application of the laws on the protection of holy places, if the action by the Chairman of the Home Affairs Committee of the Knesset signified a change in the policy of the Israeli Government with regard to Islamic holy places in general and the Haram al-Sharif in particular. Their reply was categorical: there is no change in the Israeli policy in this area, which is governed by the Protection of Holy Places Law No. 5727, adopted on 27 June 1967. This law provides total protection for holy places and gives the authorities concerned very great autonomy as regards management. Moreover, to avoid incidents between those of the Islamic and Jewish faith on what one side calls Haram al-Sharif and the other the Temple Mount, the government adopted in 1967 a policy decision which prevents Jews from praying in this holy place. This government measure has been reaffirmed and is supported and applied by the Supreme Court of Israel.

These two personalities told us that it is within this context that one should place the incidents attendant on the visit of the Chairman and the members of the Knesset, which should be regarded as a 'private visit' by a group of individuals.

9.2 The second incident concerns an attempt on Sunday 19 January to enter the Haram by a group belonging to the Kach movement led by the Rabbi Meir Kahane. This religious group contests the validity of the government decision banning Jews from praying on the Temple Mount. In recent years they have made other similar attempts, which failed, in the same way as this one, at the gates of the precinct. These attempts are clearly condemned by the Israeli authorities, and the Israeli guards posted at the gates of the Haram have received instructions to forbid such entry to the site and, if necessary, to prevent it.

9.3 The permanent observer of the PLO reports a third incident - an attempt to enter the precinct by digging a hole in the wall at the Ribat Kurd. According to mutually corroborative testimony of Arab and Israeli witnesses, a fanatical group entered a recess situated at the back of the inner courtyard of the Ribat Kurd and set about trying to dig an opening in the wall. At this spot, the wall is made up of large slabs of stone dating from the Herodian era and is several metres thick. They were surprised at the start of the operation by the Israeli police, who arrested them and closed the gate with a large padlock, the key of which is in their possession. In addition, the iron door was welded to its frame so as to prevent entry into the recess. I was therefore not able to inspect it.

9.4 The Mamulla cemetery is in the western part of Jerusalem, which has been governed by the Israeli authorities since 1948. It is consequently beyond the scope of the mission of the Director-General's representative, as defined in 1971. A visit to the site and talks with the Israeli officials involved prompt the following observations. The cemetery which surrounds the Mamilla basin (Birka Mamilla), one of the many ancient reservoirs in the Arab city, is in

fact a poorly maintained park, although situated in the centre of the urban area. It contains scattered tombs from various eras, some of them possibly dating from the Crusades, and a larger mausoleum from Mameluke times, the tomb of the Emir Al-Kabkabi. The door of the mausoleum, which is a fine piece of architecture, has been walled up by the Israeli authorities.

To the north of the cemetery, the municipality has excavated a very large area in order to accommodate an underground car park. According to the Waqf officials, part of this car park will encroach on the cemetery. In so far as was possible, I examined the walls of the excavation, and found no trace of bones. Nor did I find any traces in the piled-up earth which had been removed from the excavation. However, during an inspection conducted in the presence of Mr Bahat, the archaeologist of the city of Jerusalem, Mr Natshe, the official from the Department of Antiquities of the Waqf, discovered about ten human bones which he pointed out to me. It is therefore likely that the excavation has encroached slightly upon the northern corner of the cemetery. It should also be noted that a project involving the laying of a drainage pipe across the cemetery was abandoned by the municipality at the request of the Waqf.

With regard to the future of the cemetery, it was confirmed to me that no project exists for the deconsecration of the site and that, on the contrary, the site and its tombs are to be safeguarded. The site is due to be improved in the near future. The municipality wishes to carry out the conservation and restoration of the tombs and the mausoleum in full agreement with the Waqf authorities.

Professor R.M. Lemaire
28 July 1986