

UNESCO in Jerusalem and a possible role in the search for peace
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Dedicated to citizens of Jerusalem, and my friends and colleagues, whether living in the city or not, who believe that their love for the city can be the basis for coexistence and compromise, "persistently pursued, without regard to politics or schism, by the selfless devotion of individuals of all races and creeds"².

Background

World attention and involvement is nothing new for Jerusalem as it seems to be part of its genetic structure. But before we can review the ever-changing history, sociology and anthropology of Jerusalem we must give consideration to the complexity of the conflicts many of which have been compounded by external factors. It is a recurring state of affairs for the city and an important component to understand. Throughout its turbulent history, Jerusalem was often a pawn in the more intricate game of world politics, reaching a height with the oscillations of alliances between Egypt and Assyria and the Persian and Hellenic empires. From the point of view of those involved in the Roman power struggle in 69 AD, the year of the four Emperors, the skirmishes of Jerusalem were quite insignificant, even though they led to a national calamity for the Jewish people the year later.³ These famous years as related first-hand by Josephus, second-hand by Tacitus and further recounted in the Talmud⁴ highlight the intra- and inter-factional rivalry in the control of the city and its compounding effects. More recently, the international disputes in the Holy Land producing the Crimean War resulted in the Congress of Paris, finally determined the Status Quo in Jerusalem carving up in time, space and place the Holy Sepulchre, and emphasizing the contribution of the international community in settling the dispute.

However, the latter-day international involvement of this saga should start with the entry of General Allenby into the Old City of Jerusalem before the Christmas of 1917 and the debates of the War Office as to the implication of the first Christian rule in the city since the Crusaders⁵. The prophetic spirits of Whitehall and the presence of Ronald Storrs as first Governor for Jerusalem were interpreted on both sides of the Atlantic in two parallel reports one from the Times of London in 1919⁶ referring to a Napoleonic Vision, with comparisons to the Stupor Mundi restoring the splendour of the city and the other from the New York Times in 1920⁷ indicating a modern Pontius Pilate and

¹ Professor Turner, currently the chairperson of the Israel World Heritage Committee, was a member of the UNESCO World Heritage Committee during the years 2006-2009 and served as its vice chairperson in 2007-8; he was also a member of the UNESCO Director-General's experts' team for the Safeguarding of the Old City of Jerusalem.

² On leaving the mandated city in 1948 Sir Alan G. Cunningham, the sixth and last High Commissioner for Palestine, in his foreword to the Jerusalem City Plan; Kendall, H. Jerusalem City Plan, HMSO, 1948

³ G. Morgan, *69 AD: The Year of the Four Emperors*, N.Y.: Oxford U. Press, 2005.

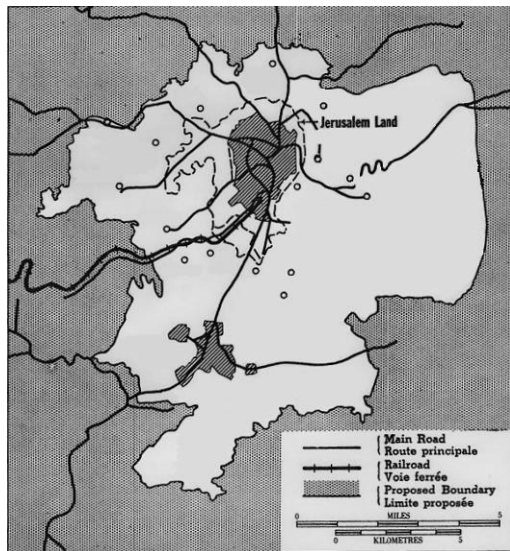
⁴ Babylonian Talmud, Tractate Gittin, folio 56a,

⁵ Bar-Yosef, Eitan; *The Holy Land in English Culture 1799-1917: Palestine and the Question of Orientalism* (Oxford English Monographs) Oxford University Press, USA; 2005

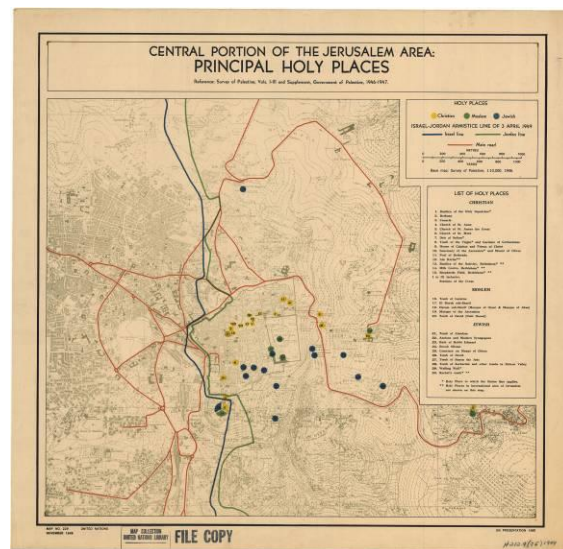
⁶ From a correspondent; *Reconstruction in Jerusalem, far-reaching plans*; The Times, Wednesday, February 5, 1919

⁷ *Troubles of a Holy City*, The New York Times, December 23, 1920

demanding 'that the inhabitants deserve some consideration as well as its worshippers'. Whichever version one accepts, the fact that the Pro-Jerusalem Society was created under the guidance of C.R.Ashbee, as Civic Advisor, is evidence enough of the interfaith role that the Administration perceived as important for the rule of the City⁸. These subscribers to the Society included the President of the Jewish Community, His Beatitude the Orthodox Patriarch of Jerusalem, and the Armenian Patriarch, the Very Reverend Custodian of the Holy Land, together with His Eminence the Grand Mufti of Jerusalem and the Anglican Bishop. But the shadow of the growing political Arab-Jewish Conflict overtook the idyllic ecumenical vision and was later interpreted by the United Nations in the in the 29 November 1947 Partition Resolution recommending that Jerusalem and surroundings be placed under a special international regime, a *corpus separatum*, and outside both the Jewish and the Arab states.⁹



Boundaries proposed for the *corpus separatum*



1949 Armistice lines and principal holy places

Nevertheless, internationalism did not occur, but instead it was the armistice agreement of 1949¹⁰ that determined the battle lines between Jordan and Israel till 1967, during which time Jerusalem remained a backwater border-town. Since then, two diverging camps have evolved between the East and West of the city and between Jewish and Arab attitudes in general and the internal diverging opinions of each camp in particular; very little different from the days of yore. These attitudes have been well researched and little needs to be added for the comprehension of this thesis and I refer the reader to a selected bibliography.

On one hand the political, social, cultural and religious implications can be evaluated within the spheres of global influence, while the will and resilience of the citizens needs to be seen in the context of the magnitude of their persuasion and moral courage. This paper will reconsider a possible interpretation of the catalytic global role of Jerusalem in its consideration of world status at UNESCO while working with positive local grass roots action.

⁸ Ed, Ashbee, C.R. The Proceedings of the Pro-Jerusalem Society, 1918-1929,1920-1922

⁹ 1947 UN partition of Jerusalem, based on UN General Assembly Resolutions 181 and 303.

¹⁰ The Jordan-Israel Armistice Agreement was signed in Rhodes with the help of UN mediation on April 4, 1949

UNESCO - the institution and its constitution

In considering the role, or potential role of UNESCO it would be necessary to reread the organization's constitution, as written from the embers of the Second World War signed on the 16th November 1945. The text unequivocally states the importance of promoting *collaboration* among the nations to contribute to peace and security and the encouragement of *cooperation* among the nations in all branches of intellectual activity¹¹. I have highlighted the two key recurring terms, that of 'collaboration' and 'cooperation'. There can be no doubt that the parents of the constitution were witnessing the human destruction of Europe in the semblance of Nationalism with its gargantuan effects and that the dialogue and discourse of Education, Science and Culture must be the vanguard of political debate. I, myself, spent my boyhood years walking to school in the blitzed remains of the City of London, belonging to a young generation witnessing those effects and rejecting Nationalism. The UNESCO idealism seemed fine, however by 1974 a change could be detected. As a reaction to growing complaints, a statement by the UNESCO Public Liaison Division in that year rebutted the sudden politicization of UNESCO indicating that this was more simply a change of the majority with the election of a Director-General from the Third World¹². The vision was perceived to have given way to political manoeuvring and manipulations, blurring the embryonic concept.

Whether true or not, it is important to note that during the last two decades of the twentieth century, the credibility of UNESCO was at a low, with bureaucratic mismanagement and a high degree of politicization over and above the minimum necessary for a UN body with the responsibility for Education, Science and Culture¹³. The withdrawal of the United States in 1984 was followed the year after by the United Kingdom and Singapore over concerns about severe negligence, an increasingly ideological agenda and a perceived anti-Western bias. During these years the organization had lost much of its standing, together with its position as honest broker in the fields of its competence. It is relevant to note that in this context, it was also the period that Israel saw the organization as political tool of the Arab group¹⁴. The United Kingdom in 1997 and the United States of America in 2003 returned after actions to tighten up the organization were put in place. In spite of everything, it can safely be said that since the start of the millennium, the standing of the institution in general and the World Heritage Centre in particular have improved due to the high degree of professionalism in all fields of its competence, reinstating its position as a potential leader and a beacon of light for the application of cutting-edge mechanisms on the world agenda. The UNESCO integrated policy for climate change presented by the new Director-General in Copenhagen 2010 is evidence of this potential¹⁵.

Parallel to this, a careful study of the UNESCO texts of the conventions and recommendations, over the years, reveals an interesting change from its role in cooperation and collaboration to a role of policing. Earlier texts highlighted the role of

¹¹ The UNESCO constitution, Article 1 – Purpose and functions

¹² Statement to UNESCO Clubs and Associations; UNESCO and Israel – the sudden "politization" of UNESCO? 20 December 1974

¹³ Graham, S. E. (2006). "The (Real) politics of Culture: U.S. Cultural Diplomacy in UNESCO, 1946–1954". *Diplomatic History* 30 (2): 231–251

¹⁴ The Arabic Speaking Group was set up in UNESCO 1962 and became one of the regional groupings in 1964 when the General Conference defined regions for activities "in which the representative character of states is an important factor"

¹⁵ UNESCO Strategy for Action on Climate Change; A report by the Director-General, October 2009

cooperation and indeed the 1972 World Heritage Convention¹⁶ has few measures for non-compliance except the delisting of properties that have lost their Outstanding Universal Value. By the year 2001, texts as the Convention on the Protection of the Underwater Cultural Heritage already included a designated Article headed 'Sanctions'. The evaluation of success or failure of the institution needs to be measured by the changing roles they are expected to play; and on this there is no agreement.

Jerusalem and UNESCO

Whereas the political debate on the future of Jerusalem was taking place at the United Nations in New York, in religious circles and numerous academic fora around the world with varying agendas, the account here has to be taken up in the corridors of UNESCO. Jerusalem first appeared as Res. 3.343 at the 15th Session of the General Conference on 20 November 1968 on the background of UN resolutions and the cultural changes in the city after the June 1967 six-day war and triggered by the demolition of the Mughrabi neighbourhood in front of the Western Wall

The General Conference,

Aware of the exceptional importance of the cultural property in the old city of Jerusalem, particularly the Holy Places, not only to the States directly concerned but to all humanity, on account of their artistic, historical and religious value, Noting resolution 2253(ES-V) adopted by the United Nations General Assembly on 4 July 1967, concerning the city of Jerusalem,

- 1. Addresses an urgent international appeal in accordance with the said United Nations resolution, calling upon Israel:*
 - (a) to preserve scrupulously all the sites, buildings, and other cultural properties, especially in the old city of Jerusalem;*
 - (b) to desist from any archaeological excavations, transfer of such properties and changing of their features on their cultural and historical character;*
- 2. Invites the Director-General to use all the influence and means at his disposal, in co-operation with all parties concerned, to ensure the best possible implementation of this resolution.*

From that moment, Jerusalem has appeared as a regular General Conference and Executive Board agenda item. In some instances the debate might reach a stalemate - although the ensuing decisions always had a standard format. Roger O'Keefe¹⁷ notes that "the question of the conduct of the Israeli occupation authorities in Jerusalem took on a life of its own in UNESCO's programme, becoming a matter of Israel's failure to comply with the decisions of the Executive Board and the resolutions of the General Conference."

Meanwhile, from 1967 until 1980 the number of foreign embassies to Israel resident in Jerusalem grew to thirteen. There was a tacit understanding by all that the fragile situation could remain in limbo. But in 1980, the Israeli Knesset passed the Jerusalem Basic Law¹⁸ as initiated by a right-wing nationalistic member, which essentially paved the way for a permanent almost irrevocable status of Israeli sovereignty in

¹⁶ The Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, with Operational Guidelines and managed since 1992 by the World Heritage Centre, an independent UNESCO secretariat.

¹⁷ O'Keefe, Roger; *The Protection of Cultural Property in Armed Conflict*, Cambridge University Press, 2006

¹⁸ Basic Law: Jerusalem, the Capital of Israel, passed on December 13, 1980, by the ninth Knesset.

Jerusalem, not accepted until this day by any other country. This 'Basic Law' was a call to war and the reaction was not slow in coming. The newly approved World Heritage Convention was a convenient platform to rebut these steps, especially as it had not as yet been ratified by Israel. The only reference at that time to the World Heritage Convention regarding Jerusalem was during the deliberations of the General Conference in 1980 at its 21st session in Belgrade, when it recommended that the World Heritage Committee speed up the procedure for including the City of Jerusalem on the 'World Heritage List' and that it consider its inclusion on the 'List of World Heritage in Danger'.

Except for this scuffle, for over 30 years, and until the year 2000, this strand was totally detached from any debate on World Heritage or any dialogue concerning the situation on the ground or of possible scenarios for the future of Jerusalem. This period can be summarised as the annual reporting and noting of the visits of Professor Raymond Lemaire to Jerusalem who had been appointed in 1971 as special advisor to the Director-General. These reports, with their subsequent deploring, condemning and decisions for action, were part of a standard choreography which added to the paper-work but did nothing for the city. All this should be read in the context of the prevailing political image of UNESCO at that time. The intifadas and Oslo Accord provided a roller-coaster background to these decisions, while in Jerusalem it brought together a handful of nonconforming academics and professionals who wanted to believe in the resilience of the city and work together to achieve common goals.

Nevertheless, it should be added that Professor Lemaire's reporting was highly professional and reflected the changing patterns of the Old City and its surroundings. In some cases, reactions might be attributed to his Catholic upbringing that brought out his professional frustration at, for example, the repair works in the Church of the Holy Sepulchre. These were being completed under the auspices of the Greek Patriarchate concluding some fifty years of activity since the 1927 earthquake. Having had the opportunity of accompanying Professor Lemaire and reading the reports, an emerging picture of change in Jerusalem unfolds and is a veritable evidence of the period.

This process continued till the death of Professor Lemaire in 1997 when a void was created and filled temporarily by the Director of the Cultural Heritage Division, Mr Mounir Bouchenaki who was between 1998 and 2000, also interim director of the World Heritage Centre. His great personal ambience was an important factor in the rebuilding of credibility on all sides. He believed in the spirit of the UNESCO constitution, initiating a series of professional regional programmes including some with the World Bank and programmes of academic dialogue, as between the Al Quds University and the Bezalel Academy and the La Sapienza Programme. But, subsequently, Professor Léon Pressouyre, former Vice-Rector of the University of the Sorbonne, Professor Emeritus of Medieval History, visited Jerusalem on behalf of UNESCO in September 1999¹⁹ without the prior consent of the Israeli Authorities. His ensuing report was deemed by the Israeli authorities as political, resulting in his being declared a *persona non grata*. With the acceptance of all concerned, Oleg Grabar, a Professor Emeritus at the Institute for Advanced Study at Princeton agreed in 2000 to continue the reporting of Lemaire, but this initiative was lost in the raging intifada.

¹⁹ General Conference 30th Session, Paris 1999 30 C/12; 5 October 1999; Jerusalem and the implementation of 29 c/resolution 22

Further, there have been many other UNESCO supported or sponsored activities with specific action in Jerusalem or with Jerusalem institutions during this period, especially since 1997, and their successes and failures reflect the changing political detente. The list is not exhaustive but indicative of the possible debate that could be engaged for continuing dialogue²⁰.

Indeed, the large number of institutions in Jerusalem that agreed to publicize themselves in the mapping of mainstream Israeli and Palestinian Organizations willing to engage in dialogue is ample evidence that there are grass-roots interests, probably latent and in need of support and umbrella action. However, there are not enough out-reaching programmes and those that exist are not sufficiently integrated; this is not only a problem for Jerusalem but an inherent organizational issue.

The World Heritage Convention

With the approval of the World Heritage Convention in 1972 and its entry into force in 1976, it became a major player in this saga. The first properties to be inscribed from 1976 were iconic monuments and sites, and the rules and regulations were simplistic. With time, a complex Apocrypha and exegeses evolved including decisions by precedent and hundreds of paragraphs of Operational Guidelines. These complexities have added not only to the process of inscription of properties but mainly to their maintenance and management especially of those living cities. The definitions of authenticity and integrity have been reworded and a body of knowledge as to the growth and change of cities is at the cutting-edge of the academic and professional research on the current debate regarding the Historic Urban Landscape²¹. They provide the text for evaluation as to the continuing values of these sites. For our discussion on Jerusalem we will need to relate specifically to the World Heritage List and the List in Danger and its format for reporting the state of conservation of living cities and the necessity of providing bench-marks for ensuring the sustainability of those urban properties under threat.

²⁰ List of indicitive programmes in Jerusalem or with Jerusalem institutions
Shaping New Attitudes to Peace through Education - International Bureau of Education, 1997
Israeli-Palestinian Media Forum, 1998
Interactive Science Centre 2003 - The World of Science; Al Quds University and Bloomfield Science Museum
Music event; Sir John Tavener's work 'Lament for Jerusalem', 2004
Science for Peace: Launching the Israeli-Palestinian Science Organization in the International community; Hebrew University and Al Quds University 2004
Historic Urban Landscapes – Al Quds University and Bezalel Academy as an academic networking event, World Heritage Centre, 2006
Truman Institute for Peace, University of Haifa, Panorama - Mapping of Mainstream Israeli and Palestinian Organizations Willing to Engage in Dialogue; Proposed Guiding Principles for Israeli/Palestinian Academic Cooperation: Translating the Shared Adherence to Academic Freedom into Action, 2007
DREAM Centre project in the Old City of Jerusalem, in cooperation with the Burj al Luqluq Social Centre Association, 2007
The Contribution of Jewish-Christian-Muslim Dialogue to Peace-Building in the Middle East; the International Council of Christians and Jews (ICCJ) 2008

The European Union and other individual government have also been involved in many excellent initiatives including the current Erasmus Mundus University II project.

²¹ Resolution authorizing UNESCO's Director-General to develop a new standard-setting instrument in the form of a UNESCO Recommendation on the Conservation of Historic Urban Landscape, as per decision of the World Heritage Committee (Decision 29 COM 5D, Durban, July 2005) and Resolution of the General Assembly (Resolution 15 GA, Paris, October 2005).

Over the years, Israel has not had a policy of rushing to ratify international agreements immediately on their coming into force and consequently had not signed on the convention by 1981 when the Old City of Jerusalem and its Walls was nominated by Jordan. As cited, this first appearance of Jerusalem on the World Heritage agenda came as a direct reaction to the Knesset Jerusalem Basic Law. The World Heritage Committee debate on Jerusalem included the Advisory Body evaluation in 1981, the Report of the 1st Extraordinary Session of the Committee in 1981 inscribing the Old City of Jerusalem and its Walls and in 1982 the justification for inscription on the List of World Heritage in Danger in the report of the 6th session of the Committee. The initial debate centred around the implications of the political manoeuvring on one side and the professional debate on the other. Switzerland and the United States of America focused on the former while Belgium and ICOMOS²² debated the latter and indirectly raised the issue that the nomination was for the unique Ottoman city without recognizing sites of Judaism and Christianity. This resulted in an amendment to the specific sites enumerated in the original nomination to include, inter alia, the four Sephardic synagogues and the Via Dolorosa, while failing to change the statement of significance or include areas of significance extra-muros as the Mount of Olives, Gethsemane and Mount Zion. No buffer zone²³ was proposed as this would have included automatically areas of West Jerusalem adjacent to the Walls. The following year the site of the Old City of Jerusalem and its Walls was inscribed on the World Heritage List of sites in danger.²⁴ No further debate by the World Heritage Committee occurred for over twenty years as it was deemed that the decisions were being taken at the level of the UNESCO General Conference and Executive Board based on the reporting of the special envoy of the Director-General and, besides, Israel was not a signatory to the Convention.

Further Israeli interest in the convention was dampened, although the local professionals and academics in the home chapter of ICOMOS had made regular representation to the Ministry of Foreign Affairs to ratify the Convention. A new cycle of events started in 1999 when on the basis of the Oslo Accord, the establishment of a Palestinian state was proposed for May the following year. Out of political necessity the Israeli Ministry of Justice was prompted to evaluate the Conventions and Charters that were not ratified by Israel to ensure symmetry with the embryonic Palestinian State. This review included the World Heritage Convention and as a result, the Israeli Government at its meeting on the 8 August 1999 empowered the Minister for Foreign Affairs to ratify the Convention which was presented to UNESCO on the 6 October 1999, coming into effect three months later. A local World Heritage Committee was established, independently and professionally, within the National Commission for UNESCO, although much debate took place as to whether such a committee should be attached politically to the Ministry of Foreign Affairs, or to the Israel Antiquities Authority or the Nature and Parks Authority on a sectarian basis. Participation as observers to the World Heritage Committee meetings started at Casablanca in December 1999 and formally in December 2000 at Cairns.

²² An acronym for the International Council for Monuments and Sites, one of the Advisory Bodies named in the Convention

²³ 'Buffer zone' in this text is as defined in the Operational Guidelines of the World Heritage Convention, paragraphs 103-107, and has no political implication.

²⁴ Decision of the World Heritage Committee at its sixth session in Paris December 1982,

33. After discussion, the Committee decided, by 14 votes for, 1 against and 5 abstentions, to inscribe the "Old City of Jerusalem and its Walls" on the List of World Heritage in Danger. One State Member of the Committee was absent when the vote was taken.

One of the first activities of the newly formed committee was the preparation of a Tentative List that was presented to the World Heritage Centre in June 2000 by the Minister of Education²⁵, Mr Yossi Sarid, of the left wing Meretz party. This was one of the last documents he signed before resigning his post. It was prepared as a professional and non-political document and involved the identification of over 100 properties which after a general debate were reduced to 25 through a Delphi process of elimination. The final document clearly implied that no property over the 1949 armistice border would be presented on the Israel Tentative List, and a carefully worded statement proposed Jerusalem as ‘an extension of the inscribed site of the Old City of Jerusalem and its Walls to include Mount Zion and a buffer zone according to the Operational Guidelines.’

The noting of the Israel Tentative List was an agenda item at the 2000 Committee meeting in Cairns and this was accompanied by a request to receive an opinion from the UN Legal Counsel regarding the registration of Jerusalem.

In evaluating three basic questions²⁶, the opinion of the UN Legal Counsel²⁷ seemed sympathetic to the Israel position maintaining, inter alia, that the Convention is for the protection of heritage, and that the activities of a State Party in performing its obligations as an Occupying Power in respect of a cultural property would be greatly facilitated if that property would be included in the List and consequently benefit from the system of collective protection provided by the Convention. In addition he evoked paragraph 3 of Article 11:

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

During that year, Israel presented the Mount Zion dossier for nomination as one of its first four sites, along with the Old City of Acre, Masada, and the Makhteshim Country. The nomination related to the area in pre-1967 Israeli jurisdiction. A site evaluation by ICOMOS was coordinated for 2001 but the State Party withdrew the nomination in October of that year based on a need to add updated information to the dossier.

Irrespective of the UN Legal Counsel's opinion, but with the consensus of the Israeli and Arab representations attending the World Heritage Committee meetings subsequent footnotes were added to the texts of the List in order to clarify the political situation.

²⁵ The Minister of Education, is the President of the Israel National Commission to UNESCO

²⁶ (1) The status of Mount Zion, (2) whether Israel may lawfully nominate Mount Zion as an extension of the existing World Heritage Site of the Old City of Jerusalem and its Walls, which was nominated for inclusion in the List by Jordan in 1980 and which the World Heritage Committee decided in 1981 should be included in the list and (3) Whether, if Mount Zion is not on the territory of Israel, the consent of the State Party on whose territory the site of the Old City of Jerusalem and its Walls is located is required in order for Mount Zion to be included on the list.

²⁷ Hans Corell, UN Under-Secretary-General for Legal Affairs, 7 December 2001; Legal "advice as to whether Israel might lawfully nominate [Jerusalem (Mount Zion)] for inclusion in the [World Heritage] List consistently with the terms of the Convention."

From that time on the Jerusalem debate became compounded, with discussions and decisions in the General Conference and the Executive Board under the items of Culture, and within the World Heritage Committee relating to World Heritage in Danger. The acrobatics between the two independent albeit connected bodies resulted in the necessity of reaching consensus and developing a specific law-book of precedents. Honest brokers assisted in bringing an agreed decision to the Committee which was usually adopted without debate. The choice was based on a high personal standing and the position held as, representing the host country or the EU presidency.

This change in mode coincided incidentally with the return in 2003 of the United States to UNESCO. It was simply part of a new professional strategy of the Israel National Commission for UNESCO and Ministry for Foreign Affairs, initiated in 2000, to strengthen academic involvement of Israel in all spheres of UNESCO and to underscore the importance of educational, scientific and cultural cooperation. This represented the new spirit at UNESCO and the attempts for dialogue and consensus building; although, I do recall that Professor Lemaire had said during one of his missions to Jerusalem that 'UNESCO would die from consensus'. For Jerusalem, this positive approach was more conducive for a decision in 2004 to develop an Action Plan within the aegis of the Director-General²⁸ together with 'concerned parties', a definition which attempted to be politically neutral and allow for better cooperation albeit, bilaterally. The World Heritage Centre was to coordinate these activities supported by the Italian and Spanish Funds in Trust. The sceptics and cynics on both sides scoffed at this action and continue to do so, some saying that it is recognition of the 'other', and others that it is a plot for the internationalization of Jerusalem; there are even those who say that this shows the impotence of the organization. Such an Action Plan is simply an essential ingredient for the safeguarding of any heritage property.

In spite of this, a spirit of cooperation prevailed and professionals met, debated and discussed, agreed and disagreed while amassing an amazing body of knowledge which was published by the World Heritage Centre, bringing together the data bases of Israeli, Palestinian and other academic knowledge into a series of unified documents.



The Director-General with the Palestinian and Israeli Focal Points in Jerusalem with the approved Action Plan
(photo: Anthony Krause)

²⁸ UNESCO General Conference Resolution 32C/Res 39 (October 2003)

Testimony was given concerning this approach at the convening meeting in January 2005 of the International Committee of Experts for the Safeguarding of the Old City of Jerusalem, ten in number which included Israeli and Palestinian representatives, when the initial brief was discussed. The Director-General concluded that “the stakes are considerable, not only for the cultural heritage of the Old City but also for advancing the cause of dialogue among peoples and civilizations. It is my sincere hope that UNESCO will be able to reaffirm that the cultural heritage of the Old City of Jerusalem is indeed a shared value and that its safeguarding is a cause around which the parties concerned are willing to cooperate, with the full support of the international community.” The World Heritage Committee was updated that further to decision 170 EX/3.6.1 adopted by the Executive Board in October 2004, and based on the guidelines set and proposals made by the International Committee of Experts at its January 2005 meeting, the Secretariat had started elaborating the Action Plan. Thanks to the generous financial contribution from the Government of Italy, as well as assistance provided from the government of Spain, and with the agreement of the concerned parties, activities had been initiated by the World Heritage Centre and were being finalised. The Committee subsequently adopted the following decision²⁹:

5. Takes note with satisfaction of the continuing efforts of the Director-General of UNESCO in pursuing a comprehensive initiative for the safeguarding of the cultural heritage of the Old City of Jerusalem;
6. Welcomes and supports the preparation by UNESCO of an Action Plan based on the set of guidelines provided by the International Committee of experts, as well as proposals for its implementation;

In September 2006 the plan was presented to the Director-General's International Committee of Experts when he stated that

" I would like this initiative to be developed in such a way that the City's inhabitants would benefit as much as its monuments, since the improvement of daily life and of the urban and social environment is vital in preserving the universal value to which the Old City of Jerusalem owes its inclusion in the World Heritage List.... We cannot content ourselves with studies, however comprehensive and valuable they may be. That is not what is expected of UNESCO; rather, concrete action is expected to be taken in the field, showing that change is possible, and that enhancement of the urban fabric and heritage is not a fanciful hope."

Even within the limits of World Heritage, there were items other than Jerusalem which paved the way for cooperation. In 2006, a decision³⁰ was adopted, by which the Committee “encourages the reactivation of the joint Israeli-Palestinian Technical Committee for Archaeology”. This decision on the Palestinian Cultural Heritage actually brought about the reactivation of the Committee as established in the Oslo Accord, and which until the Gaza incursion of 2009 had reconvened to discuss problems of mutual concern, especially the illicit trafficking of cultural assets.

Later in 2007 the Action Plan was presented to the World Heritage Committee when at the same time the exploding issue of the Mughrabi access took over the energies of those involved. There was an abortive hiatus with a Turkish mission³¹ initiated by Prime Minister Ehud Olmert during his visit to Ankara that year. While there is no

²⁹ World Heritage Committee 29th session, Durban 2005; Decision 29 COM 7A.31

³⁰ World Heritage Committee decision 30.COM/11C.2 paragraph 5

³¹ Technical Mission Report on Excavation Works performed in the vicinity of Harem al Sharif in Jerusalem; June 2007

concluding resolution of this matter, the experts' debate and the involvement of the Advisory Bodies were important components in bringing the Israeli proposal to a new, more professional solution and defusing the still smouldering situation.

In addition to proposing some eighteen projects in the public or semi public realm, the Action Plan included a manual for the use by professionals and interested parties for interventions in the vernacular architecture. The overcrowding of the Old City is the driving force of the city's ongoing transformation process. In any normal situation, a decrease of the densification process would be recommended as a protective measure for the heritage's conservation. But advocating for decreased densities is irrelevant in the Old City of Jerusalem. This point was made both in the Israeli and Palestinian documents³² for the conservation of the Old City of Jerusalem.

The removal of illegal building and the rehabilitation of the current living conditions make any recommendation or proposal suspect from both sides in understanding ulterior motives. But what was of greater interest was the diverging professional opinions between the French team preparing the building manual and the Italian team looking at the conservation needs. The late Gilles Nourissier, Director of Ecole d'Avignon, recognized that the Old City of Jerusalem was an exceptional case and summarized the situation by saying that the first question is not how to perform a good rehabilitation of traditional urban fabric, but how to absorb (bad) additions! Daniele Pini, Professor of Urban Planning at the Faculty of Architecture, Università di Ferrara, was of the opinion that we should consider that better times will come and all additions should remain temporary so that they could be removed in the fullness of time. The diverging approaches to new interventions of architecture in the Old City is captivating, but it was considered that perhaps there may be "no digestion possible of the social and physical over-crowding and we should think clearly in terms of cohabitation, resulting in this World Heritage city, in some of its parts, being threatened by plunging in slums" as a result of political inactivity.

Nevertheless the impetus of the Action Plan has had positive effects. Funds are being raised for a number of projects identified, and it has influenced the Municipality of Jerusalem in its preparation of a Conservation and Management Plan for the Old City that adopts the guiding principles to a greater or lesser extent. As the UN Legal Counsel indicated in his opinion on the inclusion of Jerusalem in the Tentative List, this should reflect the responsibility of an Occupying Power in the caring for the interests of the local communities.

With the Gaza incursion and political impasse, the situation stalemated. The current political climate is not conducive to the building of trust as declarations at the national and municipal levels sound like the drums of war and a rapport for dialogue seems non-existent. Rather than attempt to release the Gordian knot – suspicion and fear take over with the relevant political mud-slinging. Any planning action has political implication, but the acceptance of the application of high impeccable professionalism is a possible way out of the political impasse. Each side is "being damned if they do and damned if they don't" and the building of trust is an essential element in the process and here a third party is vital.

³² Jerusalem – Heritage and Life: The Old City Revitalization Plan; Welfare Association, 2004 and the Planning and Conserving of Jerusalem, Yad Ben Zvi, 2008

Existing Initiatives

On the ground, there have been local actions for the conserving of the Old City, including excellent conservation works by the Welfare Association under the professional guidance of Dr Shadia Touqan which culminated in the Old City Revitalization Plan and included the pilot study and rehabilitation of Aqabat al-Khalidiya. In 2004 the project was given the prestigious Aga Khan Award for Architecture. Furthermore, infrastructure works by the Municipality within a framework of a proposed management plan and UNESCO supported restoration works for the Dome of the Rock and Al Aqsa Mosque together with relevant training programmes in association with ICCROM were also activated.

At the planning level, while there have been many admirable initiatives over the decades, I would like to highlight two in which I have been personally involved and which are characterized by the role of the local partners as coordinators rather than participators. One is the Jerusalem Berlin Forum initiative supported by the Friedrich Ebert Stiftung on Divided Cities in Transition which brought together academics and professionals from East and West Berlin and Jerusalem for a dialogue on evolving communities. The Jerusalem Institute for Israel Studies (JIIS) and the International Peace and Cooperation Center (IPCC) provided the local dialogue on Jerusalem. The excellent individual research on Jerusalem conducted by these two local Israeli and Palestinian organizations is to be read as a passion of people living and working in the city and a personal concern and dream for a resolution of the issues or at least the reality for its containment. In the second publication I had presented a concept for the application of the World Heritage Convention to the management of Jerusalem and formula for mutual living³³.

The second excellent initiative that needs to be brought to the table is a trilateral activity of the EU Partnership for Peace Programme of the Al Quds University, Bezalel Academy and the Jordanian Society for Sustainable Development. Conducted between 2006 and 2009 this innovative project, known as Promoting the Understanding of Shared Heritage³⁴, PUSH, while side-stepping the complexities of Jerusalem, attempts to understand the differences of 'shared' or 'common' in the context of heritage³⁵. Utilizing UNESCO recommendations for academic networking and dialogue to foster mutual respect for cultural and natural heritage, PUSH works to break down cultural prejudices by building greater understanding of the region's shared heritage as a means to respect and appreciate the region's diverse cultures and advance peace in the region. No easy task!

On the other hand, I would like to review two other projects coordinated from the outside, albeit with local expertise, that need to be revisited; first, The Conflict in Cities and the Contested State project at Queens University, Belfast and the Universities of Cambridge and Exeter³⁶ and second, the Jerusalem Initiative³⁷, previously of the University of Toronto and now that of the University of Windsor.

³³ Turner, M; *Divided Cities in Transition* pp 123-144; IPCC, the Jerusalem Institute for Israel Studies, Friedrich Ebert Stiftung, 2005

³⁴ Acronym as PUSH - see www.pushproject.org

³⁵ *Our Shared Heritage, An Anthology of the Region's Shared Natural and Cultural Heritage*; An Israeli, Jordanian and Palestinian Project, 2008

³⁶ 'Conflict in Cities and the Contested State' is a multidisciplinary research project, begun in 2003. A team from three UK universities is carrying out primary empirical research on Belfast and Jerusalem.

Outside objective studies must be valued and their external perspective are needed, but well-meaning academics researching conflicts are not always the best placed to understand consensus, or to be in a position to present solutions. For example, in the case of the Conflict in Cities, while research of the conflict is an essential tool, conflict resolution is a separate discipline requiring different means and diverse case-studies. Although the case-studies are identified as 'different cities', comparisons need to take into account that in Jerusalem all the components of conflict, language, religion and culture, are divisive. The comparisons made in the research and accompanying articles evaluating the UNESCO involvement include Mostar, Fez and Damascus, lack a scientific common denominator for evaluation. The critique is based on a preconceived definition of the aims of the involvement and the role of UNESCO. Urban, political socio-economic and cultural conflicts, arguments and differences need to be understood through the shared, the consensus and reconciliation; these were the lessons of PUSH.

The Jerusalem Initiative has in contrast adopted locally presented papers with innovative governance ideas. These have relevance for their local adaptation and are an important contribution to possible dialogue. But the fact that we need a Special Regime for the Old City of Jerusalem is an inherent problem and the relevant question should be if there are not available existing mechanisms that could be applied to the case of Jerusalem. The polemics of the special and international regimes and basins, both holy and historic, of varying shapes and sizes have been debated in many fora including the JIIS and the IPCC. The second difficulty with the Initiative is in its restricted view and focus on the Old City with little hinterland, a lacuna shared with the original nomination of Jerusalem as a World Heritage Site. This is something of an anomaly and of unnatural character with similar handicaps to the Geneva Accord³⁸ which also looks at the territorial division of the Old City. Here the Jerusalem-Berlin Forum looking at contextual alternatives might provide a better perspective. Unfortunately, these researches have more often provided academic fig-leaves for the politicians without truly searching for the consensus and reconciliation.

But a comparison of the local JIIS and IPCC documents shows a certain amount of consensus for outside involvement. The JIIS decided to continue the approach initiated in the document *Peace Arrangements in Jerusalem*, and published before the Camp David summit in 2000 with a document on *The Historical Basin of Jerusalem - the Status Quo and Alternatives for Agreement*³⁹ in 2006 and which changed the name from Holy to Historic Basin. Five alternative scenarios were presented.

The work is supplemented by an international network of academics and practitioners ('linked city partners') with expertise on other divided cities and contested states, including Nicosia, Mostar, Berlin, Beirut and Kirkuk. <http://www.arct.cam.ac.uk/conflictincities/index.html>

³⁷ The Jerusalem Old City Initiative will develop creative options for the governance and management of the Old City of Jerusalem in preparation for a negotiated settlement between Israelis and Palestinians. In encouraging dialogue and academic discussions on key issues that are critical to national and religious aspirations of all involved parties, a foundation can be established on which further political negotiations can be based. Working with Israeli, Palestinian and international civil society partners, the Canadian team will provide leadership and coordination in developing and implementing research, dialogue, advocacy and policy option identification relating to the critical issues that affect a settlement over the Old City. <http://web4.uwindsor.ca/units/jerusalem/main.nsf/inToc/>

³⁸ <http://www.geneva-accord.org/>

³⁹ *Editors:* Amnon Ramon, Ruth Lapidoth; *Contributors:* Ora Ahimeir, Yaacov Bar-Siman-Tov, Shmuel Berkowitz, Moshe Hirsch, Yifrach Zilberman; Maya Choshen, Kobi Michael, Reuven Merhav, Israel Kimhi, Yitzhak Reiter, Emmanuel Sharon

<i>First Alternative:</i>	Full Israeli sovereignty and control throughout the Historical Basin
<i>Second Alternative:</i>	Full Palestinian sovereignty and control throughout the Historical Basin
<i>Third Alternative:</i>	Territorial division between the sides, with international supervision
<i>Fourth Alternative:</i>	Joint management, division of authorities between the sides and international backing
<i>Fifth Alternative:</i>	Management of the Historical Basin by the International Body, with the delegation of authorities to both sides.

The conclusions showed the authors' acceptance "that an international body may indeed play a significant role in the future regime as determined by the sides for the management of the Historical Basin. However, it is evident that an international body does not constitute a "miracle cure" removing all the obstacles in the way of the implementation of an agreement. Realizing a future agreement in the Historical Basin in Jerusalem depends on additional factors relating to the sides themselves, as well as additional aspects..."

The IPCC in evaluating the situation in *Jerusalem: The Old City - The Urban Fabric and Geopolitical Implications*⁴⁰, recognizing the JIIS alternatives, sets out their own five parallel scenarios that vary according to the degree of international participation and the placement of sovereignty.

<i>First Scenario:</i>	International management and sovereignty of the Old City within a special system,
<i>Second Scenario:</i>	A Palestinian-Israeli joint sovereignty over the entire Old City,
<i>Third Scenario:</i>	A division of the sovereignty by which the Old City shall be totally under Palestinian sovereignty, except for the Jewish Quarter.
<i>Fourth Scenario:</i>	A non-sovereign region in which there is no display of any sovereign symbol from any party in the Old City.
<i>Fifth Scenario:</i>	Israeli sovereignty over the Old City and its immediate surroundings in a comprehensive way, and the reduction of the Palestinian presence.

Their conclusions also indicate that "in order to move forward from this stalemate and the inherent risks in the status quo, which leads to the worst case scenario, it is necessary to seek new ideas that draw concessions from both parties. Of the many scenarios reviewed in this chapter, the one that proffers the greatest progress embraces Israeli and Palestinian cooperation and integration under an international regime."

Nevertheless, these major initiatives have to be viewed in the context of the evolving situation on the ground. The four stages of rapport as identified by Rocca⁴¹, the periods of 1967-71, 1971-90, 1990-99, 1999- present, are based on the actions and reactions of the Lemaire reports without relating to associated issues. Larkin and Dumper⁴² while close to the Palestinian cause have similarly reduced the Israeli position to a monolithic format without compounding the effects of the internal national and municipal politics. This might create a different set of stages, with cut-off points in 1977 at the change of national government and in 1993 with a change of Municipal regime. The first date links to the establishment of Ateret Cohanim and the

⁴⁰ *Contributors:* Rassem Khamaisi, Rami Nasrallah; Robert Brooks, Meir Margalit, Abdalla Owais, Michael Yunan

⁴¹ Ricca, S. *Reinventing Jerusalem: Israel's Reconstruction of the Jewish Quarter after 1967*: I. B. Tauris 2007

⁴² Larkin, Craig & Dumper, Michael; *UNESCO and Jerusalem: Constraints, Challenges and Opportunities*, Jerusalem Quarterly, Institute of Jerusalem Studies, vol 39 Autumn 2009

second to Elad with their reinforced activities in the wake of law changes in absentee ownership. The current situation which has moved from expropriated Jewish neighbourhoods to bought-up Jewish neighbours is paradoxically a further stumbling block in the way forward. This has created a more urgent need to show political reaction and initiative in one breath. The Palestinian and Israeli demands on an area that the world has currently accepted as *corpus separatum* and that neither side has any sovereign rights can only effect greater reactions between the extremists on both sides.

A Way Forward

There seems to be a tacit agreement for outside help, and not just by the academic world. Implicitly, Jerusalem belongs to no one in sovereignty and to everyone in religiosity. History has shown, in many instances, that those catalytic processes including people, conventions or countries can be harnessed positively. Moreover, a continuing process is better than an idyllic product so developing actions that allow the adaptation of various political options should be preferred. On closer investigation, we have seen that up till now the language of internationalization has been bandied around by lawyers without looking at the wider options that could be provided by UNESCO. Let it be said at the outset, looking at Jerusalem through the UNESCO keyhole can only be a fragment of a wider vision. It is not enough to identify the catalyst, but also the context and ingredients that are required. First, as a UN organ it accepts the idea of a *corpus separatum*, Second, that the stakeholders agree that outside help is called for and that there must be an understanding of the limitations and dialogue that all of the stakeholders will have to employ. Third, that the concurrence as to the expectations from UNESCO at large and the World Heritage Convention in particular must be debated up front to ensure that the rules of the game are understood. This will need, in parallel, to be accompanied with a renewed determination by UNESCO itself to assume the highly professional task of honest-broker not by policing and sanctions, but through cooperation and collaboration. To continue, I have brought together some reflections that might support this thesis and its application to Jerusalem.

Let us start with comments by Shimon Peres, who as Israeli foreign minister was one of the architects of the Oslo Accord, points out that political conflict can be solved by *compromise*, but religious ones can only be settled through *coexistence*.⁴³ For Jerusalem this distinction is essential in order to isolate the intricacies of the component parts. Basically, sovereignty and religiosity have different resolution tracks.

Considering the political component and the need for compromise, Meron Benvenisti in his writings⁴⁴ had taken the position that the issue of Jerusalem should be debated upfront as the other differences will easily find their accepted solution. This approach would certainly allow Jerusalem to be discussed in wider contexts and extend the mindset needed for understanding the 'other', and here UNESCO and the World

⁴³ Quoted in the UNESCO Courier, December 2000, Rene Lefort, Director; based on the work of Oleg Grabar, an Islamic art expert who is professor emeritus at the Institute for Advanced Studies at Princeton University (U.S.), and of Ernest-Marie Laperrousaz, honorary professor in the religious studies department of the *École Pratique des Hautes Études* in Paris and author of a 1999 book about the temples of Jerusalem. Oleg Grabar has since co-edited the book *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade*; Yad Ben Zvi Press and the University of Texas Press, 2009

⁴⁴ Benvenisti, M; *The Shepherds' War: collected essays (1981-1989)*; Jerusalem Post, 1989

Heritage Convention have a potential role to play. This might be a requisite whether the one-state, as he now concedes or the two-state solutions are adopted. Dr Sari Nusseibah, the long-standing maverick president of the Al Quds University in advocating solutions has long understood their implications. One of Israel's leading journalists and commentators, Yossi Melman, in a recent article⁴⁵ in the Ha'aretz newspaper, reviewed the two-state solution but in order to neutralize the situation, he recommended that both the capitals of Israel and Palestine be removed from Jerusalem to developing parts of the country as many states have adopted. These commentators among others illustrate the importance of lateral thinking. But we will have to leave this component as being beyond the scope of this paper.

Now we turn to the religious realm of co-existence. I have been impressed by the texts of Walter Zander a lawyer and scholar, written with a spirit of tolerance and understanding while addressing the needs of co-existence with special reference to the Christian communities. In his later writings concerning the Holy Places in Jerusalem,⁴⁶ he developed the thesis that the issue of the Christian Holy Places is independent of any political solution and writes that "as far as the Christian Holy Places are concerned, all [these] alternatives would be possible, and they could survive unscathed in any case. They are independent of the political structure of the country." Perhaps this approach could be developed for World Heritage if space and temporal formula could replace the geographical and territorial definitions. It is compatible with the Peres approach of defining compromise and coexistence. The interfaith dialogue of the Pro-Jerusalem Society needs to be revived.

Oleg Grabar⁴⁷ also having given up any belief in a two-state solution believes that the religious assemblies can manage their needs next to each other, perhaps through a co-existence. Although the three main religions have different attitudes, practices and beliefs associated with Jerusalem, there are the internecine feuds of the communities that continue to badger the bulwarks of the orthodoxy. The only problem will come at the end of time, but he feels that we might postpone worrying about that.

But, more important, Grabar has extended the two realms, political and religious, to an important third universal realm; that of the identification of the artistic and aesthetic with values for all humanity. This is where the UNESCO involvement can be most relevant and provide the catalytic matter. He considers that the mediaeval-Ottoman city by integrating within the space of its walls older remains of older beliefs has managed to achieve a base for universality, which in our time has been taken over by tourism that also expects accessibility to the performance of others without necessarily sharing their beliefs.

So allow me to restate the main components of the basic concept and working arrangement that I believe remains valid. The necessity of redefining significance and boundaries of the World Heritage property within the corpus separatum and according to accepted norms is at the heart of the matter irrespective of any political answer. Management of this newly defined area will be according to the UNESCO World Heritage Convention and holds true whether a single or two-state solution is agreed. The single-state solution needs no negotiation of sovereign boundaries for the remaining

⁴⁵ Melman, Yossi; A capital in suspension; Ha'aretz, 6 December 2009

⁴⁶ Zander, Walter; Israel and the Holy Places of Christendom; Weidenfield & Nicolson, 1971; Chapter 9 - *United Nations - United Religions - or Arab-Israel Condominium?*

⁴⁷ Correspondence with the author

space, while the two-state solution will need to consider that the *corpus separatum*, belonging to neither side politically, be re-divided equally by compromise and through negotiation between the two States accepting the coexistence for the religious sites; see maps on page 2. One can consider that for the remaining area of the West Bank, the 5 June 1967 tweaked borders might hold a consensus.

Although the current timing seems hopeless, nevertheless, we might begin with the physical ingredient of World Heritage. All the proposed actions concerning the adoption of the new World Heritage property can be implemented irrespective of political resolutions. Therefore the procedural timetable can start immediately, but to do this needs to harness all the wide-ranging fields of the UNESCO competence and be strengthened with a series of parallel activities to reinforce its professional and interfaith role in building on existing and accepted structures rather than special regimes.

Opening up the nomination of the World Heritage property⁴⁸ for a re-evaluation, extending the criteria for its inscription and developing a statement of Outstanding Universal Value⁴⁹, should include, inter alia, identifying the relevant criteria and requirements for management and protection⁵⁰. According to the Operational Guidelines, this debate could include the evaluation of an extended nomination through the process of harmonization in the context of themes and geo-cultural groupings and a comparative analysis of such a new proposal⁵¹. Jerusalem, while unique, is also part of a world narrative and should be seen as such. It might also encourage a more holistic approach and understanding by the stakeholders and outsiders alike.

Currently, the Old City and walls are a declared World Heritage site according to criteria (ii) (iii) and (vi) of the Operational Guidelines⁵². With the extension and re-evaluation of the cultural significance of the site it could encompass the first six criteria. By extending the image and boundaries we create the Ancient City of Jerusalem and its environs and encompass all the religious stakeholders of the city. Sites outside the Suleiman Old City will be included, as will those of the resurrection on Mount Olives, Valley of Jehoshaphat and Wadi-a Nar. Criteria (i), (iv) and (v) might be added together with the necessary Buffer Zone which could be part of the significance of the term 'valley' and which defines the very city. The possible sites that could reflect these criteria are given below.

⁴⁸ The word 'property' is used throughout as the term defined in the World Heritage Convention.

⁴⁹ The Operational Guidelines paragraph 49 determines that 'Outstanding universal value' means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. The Committee defines the criteria for the inscription of properties on the World Heritage List.

⁵⁰ Operational Guidelines paragraph 155

⁵¹ Operational Guidelines paragraphs 71 and 72

⁵² (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;

(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (the Committee considers that this criterion should justify inclusion in the List only in exceptional circumstances and in conjunction with other criteria cultural or natural);

(i) represent a masterpiece of human creative genius;

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

(v) be an outstanding example of a traditional human settlement or land-use which is representative of a culture (or cultures), especially when it has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

the Dome of the Rock – al-Haram ash-Sharif and Temple Mount retaining walls

the technological achievements of the water systems for Jerusalem including the aqueducts and Hezekiah's tunnel

the necropolis of Jerusalem including the rock-cut tombs

festive celebrations of religious holidays; walking in the footsteps of history; processions on the Via Dolorosa; views and images as depicted in canonical texts and artistic works.



Criterion (i) Dome of the Rock



Criterion (v) Rock-cut tombs

The intangible criteria (vi), turning insignificance to debated meaning are currently the *casus belli*, and would need to be extended based on mutual acceptance of the values for the recognition of the mosaic history of the city; a naive idyll or pragmatic reality? A common denominator of respect and dignity could possibly be established through an interfaith forum with the revival of the Pro-Jerusalem Society of Storrs to define this facet of the cultural significance, and without treading on the toes of the new UNESCO sister convention for the Protection of Intangible Heritage and Oral Masterpieces of the World. While in other places of conflict, there has been or a common language, or religion, or cultural identity, to help resolution and reconciliation, here the acceptance will need to take a quantum leap to be based on the simple common love and concern for the city as a place both physical and spiritual and the universality of its artistic and aesthetic identification as identified by Grabar.

Over the years the physical manifestations in the architecture have always shown this universality from the building materials imported from Lebanon by King Solomon, to the public architecture of the last centuries where each of the world communities have brought their own language and style.



The Russian Orthodox Church of St Mary Magdalene on Mount Olives
(photos by the Author)

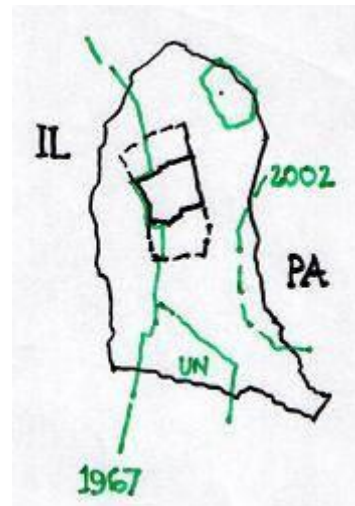


The Prussian Hagia Maria Sion Benedictine Abbey (Abbey of the Dormition-of the Virgin Mary) on Mount Zion

In real terms, this means not only extending the geographic boundaries but also the mental limits of acceptance. No property will now be inscribed on the World Heritage List without the necessary buffer zones and management planning. It is interesting to note that the British Mandate planning regulations identified this extended area as the Jerusalem archaeological zone, including the Kidron Valley, the Garden of Gethsemane, the Pool of Siloam, Mount Zion and the Valley of Hinnom and an extended zone to include the Mount of Olives and the village of Bethany. If a two-state solution is envisaged, the joint nomination of Israel and Palestine for *Jerusalem and its Environs* could be an inscription extending from Mount Zion to Bethany and from Mount Scopus to the outskirts of Bethlehem relating to the *corpus separatum*. Similarly, this might provide the sustainability for a peaceful, shared cultural significance of Jerusalem and Bethlehem.



Jerusalem between hills and desert - a new definition for the regional space including political nodes outside the property



The shared space of the public realm - a new definition for the World Heritage property

The disclaimer of Article 11 of the World Heritage Convention might easily form the basis for the changes and extensions for this trans-boundary nomination to the World Heritage List while allowing each of the parties to develop their indigenous – though parallel – scenarios. Comparison can be found in the joint inscription of the Historic Centre of Rome by the Holy See and Italy, which includes the addendum – ‘each according to its jurisdiction.’ This inscription includes non-contiguous sites under the

heading of the *Historic Centre of Rome, the Properties of the Holy See in that City Enjoying Extraterritorial Rights and San Paolo Fuori le Mura*.

The management mechanisms to deal with these issues and as required by the World Heritage Convention could be a tool to allow a more comprehensive solution for the *modus operandi* of Jerusalem. The accepted format of the management of World Heritage cities as described by Bernard Feilden and Jukka Jokilehto⁵⁵ includes a structure for administration, cost control and policy, legal instruments and programming. The maintenance programme should address the issues of preventive care and risk preparedness while staffing and personnel services should provide for the maintenance, usage and protection of the site under its control. With a little effort, these guidelines can be equally applied within the context of a wider municipal role and in this way a 'Site Commission' may be established according to these recommendations.

One component *sine qua non* are the citizens of the city, for they are the 'concerned parties' and stakeholders and are the spirit of any plan. The mapping of the stakeholders, their interests and the mechanisms needs to be prepared whereby their declared objectives can be reached. The management tool, applied 'bottom-up' as required by the Operational Guidelines⁵⁶ is the governance that is relevant to all World Heritage properties and a consideration 'for the people and by the people'. Rather than creating an *international* city, which would be unacceptable to many, the significance of Jerusalem and its surroundings as a *world* city as defined in the World Heritage Convention might be more acceptable.



The mosaic of communities in Jerusalem

(photos: author)

But this format requires the acceptance by all the authorities⁵⁷ of the norms of the UNESCO programmes and mechanisms, and specifically the World Heritage Convention to assist in defining the values of the city through the active facilitation of

⁵³ Schmitt, Thomas M., Global Cultural Governance; decision-making concerning World Heritage between politics and science; 10.3112/erdkunde.2009.02.01 Vol. 63 · No. 2 · pp. 103–121

⁵⁴ Abu-Lughod, J; The Islamic City: Historic Myths, Islamic Essence and Contemporary Relevance; International Journal of Middle East Studies, 1987

⁵⁵ Feilden, B., Jokilehto, J. (1993); *Management Guidelines for World Cultural Heritage Sites*, ICCROM, Rome

⁵⁶ Operational Guidelines paragraph 111

⁵⁷ The debate on the authenticity and integrity of the sites is obligatory and currently the authorities are a stumbling block in providing an acceptable statement. The existing situation is that the Israel Antiquities Authority and the Nature and Parks Authority are still the factotums of their activities, approving, planning, implementing, budgeting and monitoring projects and with the Government policy of privatization these authorities will need to re-evaluate their role in Israel. This problem, which has been brought to the High Court in instances outside Jerusalem, is a compounded political minefield inside the city.

the Director-General. This will be an important step in the safeguarding of the cultural heritage of the city as each constituent has a vital role to play, including commercial and environmental interests, the private and public realm together with religious and academic bodies. It can be relevant only with this active and positive motivation whereby each person and group adds their colour and perspective creating that dynamic and on-going tableau of Jerusalem.

To return to the constitution: "that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind." Grabar believes that the foolishness of the present political leadership is an obstacle to any procedural timetable and the way forward should be by imagining an ideal professional state and work from that to the nitty-gritty of practicalities.

People need the peace of governments and the legitimisation only they can provide. Considering that no such arrangement is imminent, the role of UNESCO is to provide the umbrella for local initiative and the encouragement to create at the grassroots level that intellectual and moral solidarity, by offering trust. The building of trust can be assembled on existing UNESCO programmes that might be harnessed in an integrative way such as: *DREAM Centres*⁵⁸, *Scenes and Sounds of my City*⁵⁹, *Growing up in Cities*⁶⁰ and the *World Heritage Education KIT*⁶¹, and a coordinated effort by the organization is of essence.

Other mechanisms like Urban Biospheres and environmental programmes which reach out to people, might also be relevant, while academic networking could be an umbrella for the UNITWIN programmes of higher education. An emphasis on people and their minds is a way to the heart.

This is to approach Jerusalem in the universal spirit of reconciliation within political compromise and religious coexistence. It is also to provide the courage for the solidarity on which political arrangements of governments will stand, and not the reverse. By minimizing the negative effects and increasing the awareness of the values of the city, great care in physical interventions should be taken and the right collective scale can be applied. How can this be achieved? Political despair, physical desolation and socio-economic misery are easy to come by and there is no lack of nationalistic agendas. There will have to be the mutual acceptance of 'concerned parties' in increasing the numbers of stakeholders to include as many groups as possible diluting the one-on-one conflict.

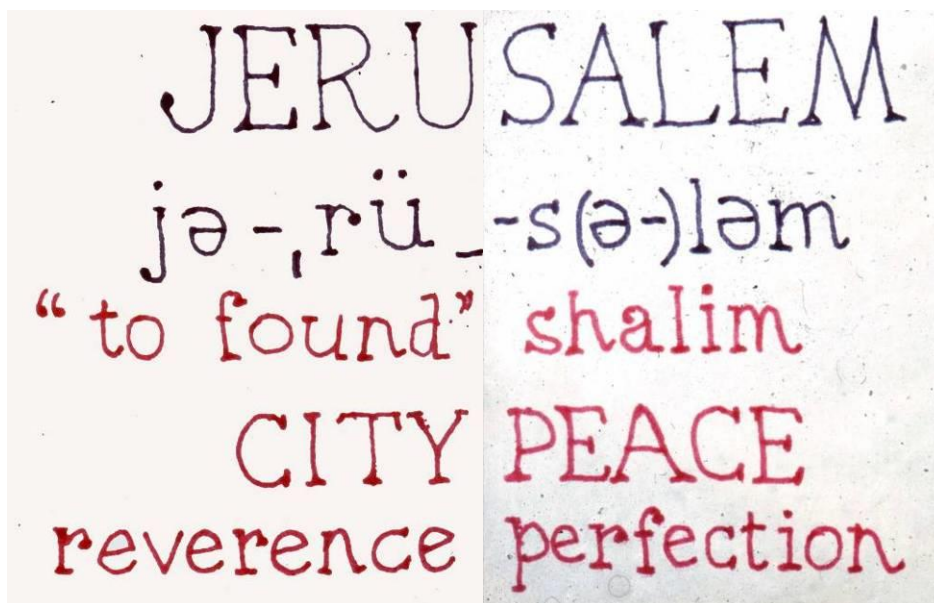
⁵⁸ The UNESCO/Tribute 21 DREAM Centres is an arts education programme for children – DREAM stands for Dance, Read, Express, Art, Music.

⁵⁹ The Scenes and Sounds of my City programme is part of the Young Digital Creators project. This programme provides an opportunity to discover what it would be like to live in another city.

⁶⁰ Growing Up in Cities is a collaborative undertaking of the MOST Programme of UNESCO and interdisciplinary teams of municipal officials, urban professionals, and child advocates around the world, working with young people themselves to create communities that are better places in which to grow up-and therefore, better places for us all.

⁶¹ The World Heritage in Young Hands KIT is sharing knowledge about heritage conservation with young people in the form of a journey through the world's magnificent cultural and natural heritage.

Jerusalem, a World City, sanctified by the three religions of Judaism, Christianity and Islam, is held in sustainable trust. It is only through changing the mindset is there a possibility to break the impasse. This requires courage and humility, respect and recognition from its citizens, those who inhabit the city and those who love the city. Jerusalem is not just a place, but an idea, a symbol that is no longer east and west or north and south but a heritage for all. What we need is to propose and introduce an element of consensus that will allow us to join forces for the celebration of the City of Jerusalem, its historic past and spiritual values, for future generations. These diverse parts deemed as a concinnous whole. Timing is decisive; all sides will need to accept compromise and coexistence, through reconciliation, a love and passion for the city and the recognizing of the narrative of each other.



The etymology of the word Jerusalem from the Hebrew is structured from two words each with a three letter root. The resulting cross-meanings reveal the profound significances of the city over the ages, from the Canaanite gods to the city of perfection at the end of time.

Postscript

The debate on Jerusalem is a microcosm of the global debate in the evolving and ever-transforming identities of all cities, as residents and communities change over time. The acceptance of the layering of the city and the renegotiating of its values for each generation is at the heart of the matter. This exegesis is a platform for continuing debate. As an emeritus member of the Board of Directors of the Jerusalem International YMCA, let me echo the aspirations of Lord Allenby at the dedication of the new buildings of the Jerusalem YMCA in 1933 declaring that "here is a place whose atmosphere is peace; where political and religious jealousies can be forgotten and international unity be fostered and developed."

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