

# Archaeological Activity in the Old City: Political and Religious Consequences



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Emek Shaveh is an organization of archaeologists and heritage professionals focusing on the role of tangible cultural heritage in Israeli society and in the Israeli-Palestinian conflict. We view archaeology as a resource for strengthening understanding between different peoples and cultures.

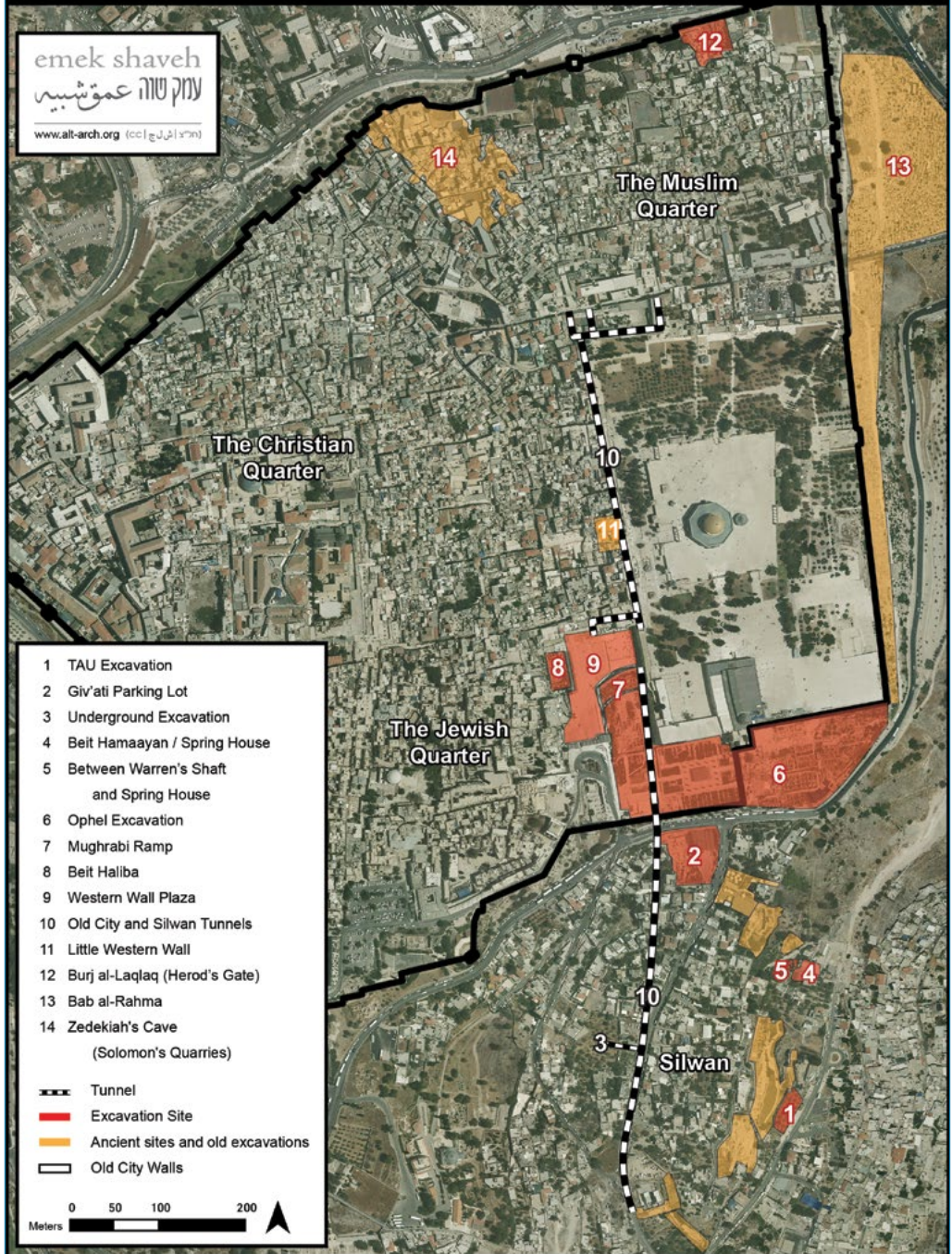
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# Main Archaeological Sites in Jerusalem's Historical Basin



Map 1

## Introduction

In recent years ancient sites in Jerusalem have become part of the general political and religious struggle around holy sites, particularly in the areas surrounding the Temple Mount/Haram al-Sharif. Growing tensions around Jerusalem's ancient sites are indicative of a process of radicalization in the city. In examining the transformations occurring in antiquities sites – e.g. their use for religious ritual, national ceremonies, or tourism – one must carefully account for the fine distinction between Jerusalem as an ancient city and Jerusalem as a holy city. Oftentimes, the difference between an antiquities site and a holy site is in the eyes of the beholder. For example, Israel decided that the Western Wall is a holy site, while the southern wall – which is really a continuation of the Western Wall – is part of an archaeological park. Nevertheless, the government's decision does not prevent tens of thousands of believers to treat the southern sections of the Western Wall as integral to the holy site and to partake in its sanctity.

Any physical alteration in the Old City, from the cutting of a window to the construction of a multi-level structure, requires the approval of the Israel Antiquities Authority (IAA). This jurisdiction was given to the IAA for every site or building defined as ancient (i.e. extant prior to 1700). The assumption is that any physical change affects the historical character of the city and therefore the IAA has the authority to determine development needs as they relate to antiquities (if and what will be built atop ancient remains) and the scope of their preservation. Organizations and individuals with political and economic interests wishing to alter the face of the Old City require the IAA's support and consent.

In this document, we examine the main organizations that are active in the antiquities site as well as in locations where ancient history and sanctity intersect, and analyze the political consequences of their activities. We demonstrate some of the ways in which archaeological sites undergo a process of sanctification or where the religious identity of a site is strengthened. When considering Jerusalem's history, one cannot separate the religious and the historical narratives. However, reinforcing the religious narrative has a decisive impact on how the visitor understands the city's importance. This in itself is not evidence of growing religious extremism; however, when analyzing the location and goals of archaeological excavations and the way in which they are presented to the public, what emerges is a picture of a city in the process of religious intensification.

At the end of the document we consider ways to balance sanctity, history, and residential needs and realities. Given the situation in Jerusalem, the need to strike a balance among these three elements is becoming more essential than ever.

## Major Influential Bodies

A number of groups or institutions have a substantial impact on the nature of the Israeli-Palestinian conflict and on the bolstering of its religious aspects. The main body is the **Office of the Prime Minister**, which has directly responsibility for the **Western Wall Heritage Foundation**, and is involved in promoting various tourism projects in the Old City and Silwan (e.g., the Bible Center as part of Kedem Center, and more).

One of the most powerful statutory bodies in the Old City is the **Israel Antiquities Authority** (IAA) which, as stated, is responsible by law to approve or deny any construction or development of ancient sites. The IAA has an annual budget of millions of shekels for excavations, which it derives from two main developers in the Old City: The **Western Wall Heritage Foundation**, and the **Elad Foundation**, which operates mainly in the Palestinian village of Silwan in East Jerusalem. As a result, the IAA is caught up in a conflict of interest between its mandate to preserve the antiquities on the one hand, and political pressures and economic interests on the other. As can be seen below, not only does the IAA fail to fulfill its role as an impartial professional body, but it is actually taking an active role in the growing fashion to present archaeological remains in a religious context. The IAA falls short of fulfilling its main role - the publication of excavations in scientific journals - particularly concerning excavations in Silwan and the underground tunnels linking Silwan and the area of the Western Wall. The activities of Elad, the Western Wall Heritage Foundation, the Office of the Prime Minister, the Israel Antiquities Authority and the Israel Nature and Parks Authority (whose activity is examined later in this report) have a decisive impact on the way the Old City is presented to and perceived by the public. Although the activities of these bodies have almost nothing to do with the Temple Mount/ Haram al-Sharif itself, they play a key role in reinforcing the perception of ancient sites as sites of religious importance, particularly in the vicinity of the holy precinct.

**The Islamic Waqf** is the body responsible (under Jordanian jurisdiction) for the Haram al-Sharif (termed by Muslims as Al-Aqsa, after the mosque) and is the strongest Islamic authority in Jerusalem. It is also the most influential Palestinian body in Jerusalem in general, and in the religious affairs around Al-Aqsa in particular. Although it is not directly connected to the Palestinian Authority, the manner in which it conducts its affairs and the fact that it holds many assets in the Old City and its surroundings, renders it highly influential amongst the Palestinian-Muslim public in matters concerning the struggle for Jerusalem. The Islamic Waqf has changed its policy in recent years: While in the 1990s it was responsible for the destruction of antiquities on the Temple Mount/Haram al-Sharif compound, in recent years it has collaborated with the Israel Antiquities Authority and coordinates its work with it.

Jerusalem's political, historical and religious importance among the international community means it is a special case in the Israeli-Palestinian conflict. UNESCO's recognition of the Old City of Jerusalem as a World Heritage Site that is not under the jurisdiction of any country, points to the global recognition of the city's uniqueness.<sup>1</sup> Moreover, it should be remembered that a significant portion of the land in the Old City is owned by various churches (whose significance is attested to by their location, e.g. along the Via Dolorosa in the Muslim Quarter) with 'mother countries' who view the value of these assets as extending beyond their real estate alone.



View of the Ophel excavations below the Al Aqsa Mosque

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1) Jerusalem was recognized as a World Heritage Site in 1981 at the request of Jordan, but unlike all other World Heritage sites, it is not in the category of any country, but stands alone. Meanwhile Masada, Acre and other sites in Israel are presented as Israeli heritage sites.

## The Western Wall Heritage Foundation at the Western Wall plaza and tunnels

A government meeting held in May 2015, timed to coincide with Jerusalem Day, resulted in a number of decisions intended at strengthening the city's economy and its status as the capital of Israel.<sup>2</sup> Among other things, the government decided to fund the Western Wall Heritage Foundation and the Western Wall Tunnels to the sum of 100 million NIS over the next five years.<sup>3</sup> The Western Wall Heritage Foundation is the most active body in archaeological excavations in the Old City. This is a foundation established by the Ministry of Religious Affairs in 1988 to foster, develop, and preserve the Western Wall and its tunnels.<sup>4</sup> The Western Wall Heritage Foundation is responsible for the excavations beneath the Muslim Quarter named the "Western Wall Tunnels," as well as for excavations beneath the synagogue "Ohel Yitzhak," also in the Muslim Quarter.<sup>5</sup> At the Western Wall Plaza, the Foundation has initiated the establishment of "[Beit HaLiba](#)"; plans for its expansion are currently under discussion in the various planning committees.<sup>6</sup> The Foundation is also responsible for rebuilding the Mughrabi ascent, which is on hold due to political pressure. Construction of this ascent is a charged political issue involving Israel, Jordan and the Islamic Waqf.<sup>7</sup>

### Western Wall Tunnels

The "Western Wall Tunnels" are the most extensive archaeological-tourism project in the Old City. The entrance to the tunnels is located in the Western Wall Plaza. The tunnels continue north ending at the Via Dolorosa in the Muslim Quarter, near the al-'Umariya School. The tunnels are not necessarily recognized as religious or sacred. However, according to regulations on safeguarding the Jewish holy places from 1981, the Western Wall and the adjacent plaza - including every overpass or underground passageway with an entry point at the plaza - are holy places.<sup>8</sup> The fact that the entrance to the tunnels is at the Western Wall plaza means that legally they are considered to be sacred spaces.

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2) Office of the Prime Minister, "The government approved a series of decisions aimed at strengthening Jerusalem and preparing for the Jubilee of the Unification of the City," May 19, 2015

3) Z. Zarhia, [the government to allocate 100 million shekels to upgrade the infrastructure of the Western Wall](#), *Haaretz*, May 26, 2015 (Hebrew)

4) "About Us," website of the [Western Wall Heritage Foundation](#)

5) Kletter, R. (2015), Ohel Yitzhak, Emek Shaveh

6) Emek Shaveh, "[The Jerusalem Planning and Building Committee will hear objections to Beit Haliba on Sunday, September 6](#)," September 2, 2015

7) Emek Shaveh, "[Why is the Mughrabi Ramp a political issue?](#)" September 9, 2014

8) Ministry of Religious Affairs, "[Regulations for the preservation of Jewish holy sites](#)" (Hebrew), 1981



Excavations of the Western Wall Tunnels began in 1969 and have continued to the present day. Over the years, there were occasional interruptions, but from 2004 onwards archaeological activities have continued almost non-stop.<sup>9</sup> The excavations are carried out beneath land owned by Jewish organizations and under the houses of Palestinians who live in the Muslim Quarter.<sup>10</sup>

The central significance of the Western Wall Tunnels for the Jewish people is that they exposed the northward extension of the Western Wall foundations. Visitors are impressed by a wall built of enormous stones - the outer foundations of the Temple Mount / Haram al-Sharif. This foundation wall is associated with King Herod's renovation of the temple in the first century BCE (in fact, he rebuilt it). The wall is the most impressive testimony to the magnificence and size of the Second Temple, destroyed in 70 CE. Along the extension of the Western Wall, tunnels and additional spaces were excavated, most of them from later periods.

There is a big discrepancy between the manner in which the Western Wall Heritage Foundation presents the tunnels to the public and the research findings from the excavations as they appear in the published scientific literature. The common assumption for most researchers is that the underground spaces were built throughout various Islamic periods. For example, the suggested date of the covered 'secret cave,' which now serves as the main entrance to the tunnels, is the Early Islamic period (Abbasid period, 8<sup>th</sup>-9<sup>th</sup> century CE onwards).<sup>11</sup> Excavators consider the main spaces of the Western Wall Tunnels to belong to later periods, particularly the Mamluk period onwards (beginning in the 13<sup>th</sup> century CE).<sup>12</sup> The streets and buildings beneath the Muslim layers are dated to the Late Roman period (2<sup>nd</sup>-4<sup>th</sup> centuries CE) or the Byzantine period (4<sup>th</sup>-7<sup>th</sup> century CE).<sup>13</sup> Additionally there are remains, particularly cisterns and baths, dated to the Early Roman period (also known as the Second Temple period). Archaeologists agree that most of the remains post-date the destruction of the Second Temple. However, the story

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9) For information about the tunnels project and its political significance, see: Emek Shaveh (2015), [Underground Jerusalem: The excavation of tunnels, channels, and underground spaces in the Historic Basin](#).

10) The first excavation began in 2004. See: H. Barbé and T. De'adle (2007), Jerusalem, [Ohel Yizhaq Synagogue](#), *Archaeological News* 119, Jerusalem; Regarding excavations in 2007-2010 see A. On, S. Weksler-Bdolah and R. Bar-Nathan (2011), Jerusalem, The Old City, Wilson's Arch and the Great Causeway, *Archaeological News* 123, Jerusalem.

11) Solomon, A and H. Barbé (2014), "When was the secret arch from the Western Wall built?" unidentified PDF publication, pp. 82-107 (Hebrew).

12) D. Bahat (1993), "The Western Wall Tunnels," *Qadmoniot* 101-102, pp. 38-48 (Hebrew); D. Bahat (2007), "New interpretations in the research of the Western Wall Tunnels," *Qadmoniot* 133, pp. 41-47.

13) Solomon and Barbé (2014); A. On and S. Weksler-Bdolah (2010), "Remains of the eastern Roman Cardo in the Western Wall Plaza," *Qadmoniot* 140, pp. 109-132.

told at the Western Wall Tunnels is completely different from the history emerging from the archaeological findings that surround the visitor. The tunnel tour deals almost exclusively with the history of the Temple Mount - the holiest place for the Jewish people. The route includes several stations which feature the Temple Mount at the center of the story: the enormous foundation wall for the Temple Mount / Haram al-Sharif, now identified with the original stones of the temple's foundation; doorways blocked over the years and identified as entrances to the Temple; and more. The story told by the guides almost completely ignores Jerusalem after the Jewish temple periods. There is almost no information on pagan-Roman or Byzantine Jerusalem, which form the foundations of the Old City today, or about the impressive remains from Islamic periods.



One of the underground spaces in the Western Wall tunnels

Along the route there are several synagogues and places of worship which visitors pass by or walk through. Typically, the guide points out the location and importance of the synagogues. During excavations in the Western Wall tunnels in the 1970s, an underground cavern was converted into a synagogue; today it is named after the first Western Wall rabbi - Rabbi Getz. The synagogue is located in the tunnel section identified as the closest to the Holy of Holies of the Jewish Temple. The proximity of the synagogue to the sanctuary endows it with a greater significance, particularly among certain ultra-Orthodox circles that use it as a place of worship.<sup>14</sup> The synagogue was renovated and re-consecrated in 2007.<sup>15</sup>

In addition, in the southern section of the tunnels, facing the Western Wall foundations and near Wilson's Arch, a women's prayer area known as 'Ezrat Nashim' was authorized in 2006. This area was not officially declared as a synagogue. Another place of prayer for women is located halfway through the visitors' route.

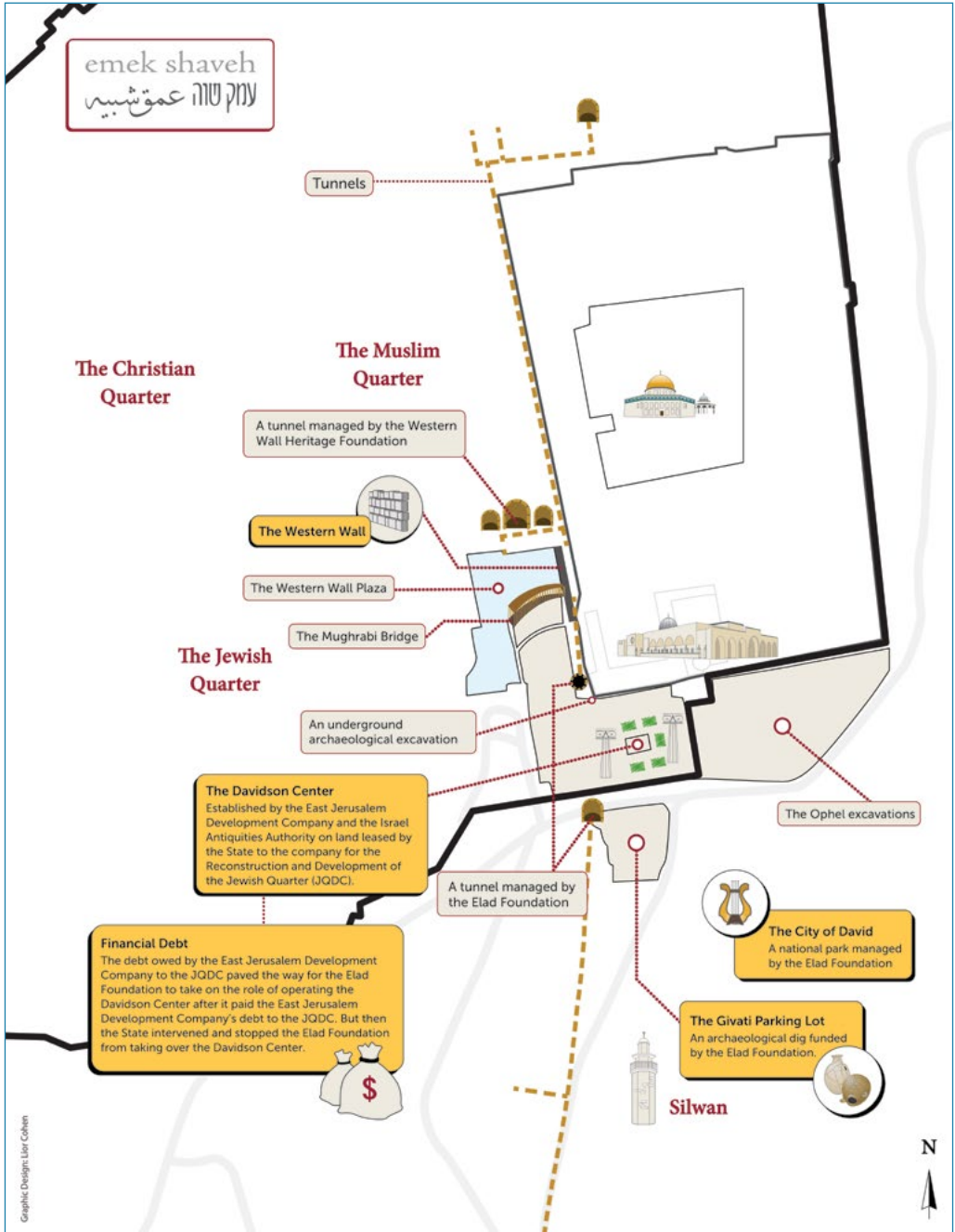
The historical story told at the Western Wall Tunnels reinforces a Jewish religious narrative, one that talks about a yearning for the Temple Mount while ignoring the non-Jewish chapters of the site's story. All of the following indicate that the Western Wall Tunnels are considered first and foremost a religious space: The location of the entrance near the Western Wall, the route along the foundations of the wall, the synagogues and the proliferation of places of worship along the route, the requirement to dress "modestly," and the placing of notes between the stones. It appears that the Israel Antiquities Authority was unable or did not attempt to strike a balance between the religious story on the one hand, and the archaeological story on the other.

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14) "[The Western Wall Heritage Foundation started renovating the synagogue in the Western Wall Tunnels.](#)" *Western Wall Heritage Foundation website*,

15) Shragai N., "[A new place to pray: 97 meters from the Holy of Holies,](#)" *Haaretz*, 25 September 2007 (Hebrew); Preservation Authority, "[Jerusalem, The Old City, Western Wall Tunnels, The Rabbi Getz Synagogue, Conservation and renewal](#)", *Israel Antiquities Authority website*.

# Davidson Center – Divided Between Women of the Wall and the Elad Foundation



## 'Ezrat Yisrael' in Davidson Center

Following the Western Wall Heritage Foundation's rejection of the demand by '[Women of the Wall](#)' to be given the right to conduct egalitarian prayer at the women's section of the Western Wall plaza, a compromise was reached to dedicate a prayer site south of the Mughrabi ascent, in an archaeological area known as the Davidson Center (Robinson's Arch area) to Conservative and Reform Jewish women. In 2013 a large podium was built over the archaeological remains, which until recently were part of the Davidson Center Archeological Park. The prayer area actually reduced the antiquities site, and it later became a location for Bar Mitzvahs and holding for prayers.

Archaeological excavations from the 1970s exposed buildings from different periods. The most notable are street remains dated to the Second Temple period (1<sup>st</sup> century CE), facilities associated with the Tenth Legion of the Roman army, remains from the Byzantine period (4<sup>th</sup>-7<sup>th</sup> century CE), the Umayyad period (7<sup>th</sup> or 8<sup>th</sup> century CE) and later Islamic Periods. The dedicating of a prayer area in an archaeological park which until that point served to tell the story of the Old City through archaeological evidence, reflects a growing pattern in Jerusalem of forfeiting a secular historical perspective in favor of a religious Jewish story. The public's growing regard for the area as a holy site is attested to by the Bar Mitzvah events taking place there, even by families that do not identify with the Reform or Conservative movements, as well as by the placement of notes in the crevices between the stones, as is the custom at the Western Wall.<sup>16</sup>

## Minister Uri Ariel promotes Elad Foundation

In early 2014, during the tenure of Uri Ariel (Jewish Home Party) as Housing Minister, the Company for the Reconstruction and Development of the Jewish Quarter (under the Ministry of Housing) which owns the Davidson Center signed an agreement to transfer the management of the archaeological park to Elad<sup>17</sup> (Map 1 no.6). Up until that point, due to the site's sensitive location by the Temple Mount / Haram al-Sharif, the site had always been managed by state authorities.<sup>18</sup> Uri Ariel, currently Minister of Agriculture, is the minister most closely identified with the struggle to change the status quo on the Temple Mount. As former Housing Minister, Ariel spoke about the need to build the Third Temple. On the other hand, the Elad Foundation makes no declarations regarding the Temple Mount. The foundation's activities around the area

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16) These are notes that Jews tend to place in the Western Wall in supplication to God

17) Emek Shaveh, "[Press Release: The Ministry of Housing acted against Attorney General in case of 'Davidson Center' in Old City of Jerusalem](#)," 24 March 2014

18) Government Decision No. 2925 of the Cabinet meeting on Thursday, December 19, 2004 about making the Western Wall Heritage Foundation a government organization. <http://alt-arch.org/en/press-release-the-ministry-of-housing-acted-against-attorney-general/>

allegedly focus only on archaeological activities that strengthen the Israeli public's relationship with the Temple Mount. For example, one of the key projects by Elad involves sifting the debris dug out by the Islamic Waqf during its development work on Al-Aqsa in 1996-1999. The project takes place in East Jerusalem, and visitors are welcome to sift the dirt and discover archaeological finds, whose scientific value is a matter of controversy.<sup>19</sup>

In April 2014, the Attorney General's Office petitioned the Court against the agreement between Elad and the Company for the Reconstruction and Development of the Jewish Quarter, and won in the Magistrates Court. In the appeal filed by Elad to the District Court, the latter accepted the position of Elad, and decided to transfer an adjacent site under its management.<sup>20</sup> Following that decision, it remains to be seen whether the State will appeal the District Court's decision in the Supreme Court. If not, Elad will manage the archaeological park.

Managing the Davidson Center will allow Elad to strengthen the link between the Palestinian village of Silwan – located just across from the Haram al-Sharif- and the Old City, particularly the Western Wall plaza. Visitors who come to the Davidson Center can now continue to Silwan through an underground archaeological route. Elad conducts public tours via the drainage channel that connects the two sites and that runs along the south-western corner of the Temple Mount / Haram al-Sharif compound. Elad continues to fund the digging of additional underground tunnels and routes, which will link the different sites that it manages. The Kedem Center (see below) – a tourist center that Elad seeks to set up at the entrance to Silwan (Map 1 no. 2) – will, according to the plan, link the 'City of David' National Park – which it established at the entrance to Silwan village – and the Western Wall plaza. Assuming that the organization will operate at the Davidson Center as it does in the City of David, it is expected that it will invest millions in archaeological excavations and in developing a tourist center, showcasing the one-sided Jewish archaeological presence. Such activity is likely to increase the inter-religious tension in the most sensitive spot in the region.

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19) Greenberg, R. and Y. Mizrachi (2012), [Archaeology on a Slippery Slope](#), Emek Shaveh

20) Hasson, N. "[Settler Group Wins Right to Run Jerusalem Archaeology Park After Appeal](#)," *Haaretz*, 13 October 2015



Prayer notes between the stones of the Western Wall in the tunnel underneath the Jerusalem Archaeological Park - Davidson Center

# Elad Foundation and the Nature and Parks Authority in Silwan Village

## Bible Center blurs distinction between archaeological evidence and faith

In May 2012 the Israeli government decided to look into the establishment of a complex called the Bible Center. Its construction, planned for the entrance to the village of Silwan,<sup>21</sup> is based on the 'Biblical Center in Jerusalem' bill from 2011, which authorizes the establishment of a corporation whose purpose is "gathering, preserving, developing and caring for the Bible and the cultural treasures, art, spirit and philosophy imbued in it, for the Jewish people and Israeli society."<sup>22</sup> The idea of building a complex that will feature biblical stories and their association with the people of Israel at the entrance to the village of Silwan, is based on a desire to promote the City of David Archaeological Park and its biblical message, which claims that the site is the birthplace of Israel, a nation of twelve tribes that became a unified people. Despite the intention to build the complex atop archaeological excavations, as of writing there are no significant remains from biblical periods. The Israeli government and the developers see the Bible Center as a key element in the struggle for the identity of Silwan and the areas surrounding the Temple Mount. Even if the archaeological remains are preserved and presented as evidence from other historical periods, they will be minor in relation to the structure towering above them and to the validity of the story told about the Bible and the people of Israel.

The construction plan for the Kedem Center which is due to house the Bible Center, has sat at various planning committees for at least six years; a final decision has yet to be made. The developers (Elad Foundation and the Nature and Parks Authority) sought to build a seven story complex of 16,000 square meters covering about 4 dunam. The height of the building, planned above the archaeological excavation area known as the 'Givati Parking Lot' (Map 1, no. 2), would reach an elevation of about two meters below the highest point of the nearby Old City walls.<sup>23</sup> In May 2015, the appeals sub-committee of the National Planning and Building Committee decided to significantly reduce the construction size and limit the uses of the building, so that they would serve only the purpose of presenting the archaeological finds located there.<sup>24</sup> After

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21) Office of the Prime Minister, "[Cabinet Approves Moving Forward on the Construction of a Bible Museum](#)," 20 May 2012

22) Proposal by MKs Roni Bar-On and Binyamin Ben-Eliezer for Biblical Center Law in Jerusalem in the 18<sup>th</sup> Knesset, 2011.

23) Emek Shaveh, "[The government has decided to build the "Kedem Compound" in Silwan](#)," 2014

24) Emek Shaveh, "[Press Release: Hard blow to Elad and Mayor's Kedem Center Initiative](#)," 8 June 2015



this decision was announced, Elad appealed to the District Court (September 2015) requesting to disqualify one of the committee members, and thus invalidating the decisions of the Appeals Committee. The precedent-setting decision could significantly obstruct Elad's ability to set up the Bible Center, as well as hinder any future plans to build over archaeological excavations for tourism.

## From King David to the Second Temple Period

The main story told to the hundreds of thousands of people who visit the City of David Archaeological Park in Silwan annually is that they are visiting ancient Jerusalem from the time of David, Solomon and the kings of Judah. This takes place despite criticism by scholars and the controversy over the evidence found at the site. In terms of archaeological research, the question of whether the findings confirm or refute the biblical stories remains open.

The excavations themselves, which have been carried out by the IAA for the past decade in Silwan and funded by Elad, emphasize the so-called "Second Temple period." This is a Jewish-Israeli term referring to a period of about 200 years during Roman rule in the area – from the first century BCE to 70 CE – ending with the failed Jewish rebellion against the Romans and the destruction of the Second Temple. Although Jewish tradition states that the Second Temple was built centuries earlier by the Babylonian exiles who returned to their homeland, the century and a half prior to its destruction – the days of the Judean Hasmonean kings and of King Herod – are considered to be the glory days of Israel in Judea. The key sights excavated in the last decade are the Givati Parking Lot in the north (where Elad intends to build the Kedem Center – see separate chapter below) and south of the site – al-Hamra Pool, called by the settlers the Shiloah Pool. The pool is adjacent to al-Bustan neighborhood excavated by the IAA in 2004-2005, and has been closed to residents ever since. Both of these excavation sites are strategic for the settlers. Shiloah/al-Hamra Pool is located at the edge of the slope of Wadi Hilweh before it turns into the al-Bustan neighborhood, defining the southern edge of the City of David archaeological site. The Givati Parking Lot, the slated location for the Kedem Center, is at the northern entrance to Silwan, facing the Old City and the Haram al-Sharif / Temple Mount.

Between the site of the pool and the Givati Parking Lot are underground tunnels, which are presented to the public as sections of a street and a drainage tunnel from the Second Temple period. There is no certainty that the drainage channel or other facilities discovered at the site are indeed from the Second Temple period, as there are no scientific publications which can corroborate these assumptions or form the basis for a discussion. The tunnels end at the foot of the Western Wall / Haram al-Sharif compound. Following their tour in the City of David, visitors walking through the drainage tunnel towards

the Western Wall plaza hear the guide explain that they are marching in the footsteps of ancient Jewish pilgrims on their way to the Temple Mount during the Second Temple period, although in the scientific literature this is only an hypothesis.<sup>25</sup> Even a public relations video from the Israel Antiquities Authority excavation of the tunnels in Silwan presents them as part of this ancient pilgrimage route.<sup>26</sup>

If Elad is given the authority to manage the Davidson Center, they will make the passage of visitors from Silwan to the Temple Mount even easier. The southern wall of the Temple Mount / Haram al-Sharif compound has three gateways with visible arches that have been blocked for centuries. These gates are identified as the Hulda Gates. Some scholars date them to the Second Temple period. Walking from al-Hamra/ Shiloah Pool – which according to City of David officials is where pilgrims purified themselves before walking to the Temple – to the southern wall of the Haram al-Sharif with the blocked Hulda gates, one almost reaches the final destination of the Jewish pilgrims in antiquity. The isolation of sites such as the Shiloah pool, the underground tunnel, and the Hulda Gates from their contemporary environment via fencing or underground paths, heightens the visitor's experience of walking in the footsteps of a Jewish pilgrim during Jerusalem's Second Temple period. The route, which is still being excavated, will end at the fortification wall that blocks (via the Hulda Gates) the entrance to the Temple Mount / Haram al-Sharif.

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25) See the film: City of David, "[Herodian Road From Shiloah Pool to the Western Wall](#)," 5 April, 2012

26) Israel Antiquities Authority, "[This is how the path was exposed from Siloam Pool to the Temple](#)," 26 January 2011



Tunnel underneath the village of Silwan

## The Nature and Parks Authority in the Bab al-Rahma Cemetery

The Muslim cemetery Bab al-Rahma is adjacent to the eastern wall of the Haram al-Sharif/Temple Mount compound (see Map 1 no. 13). The struggle over the identity of the cemetery and who is in control of it has been ongoing for over a decade. [The Public Committee against the Destruction of Antiquities on the Temple Mount](#), which brings together Israeli right-wing archaeologists, scholars and lawyers, is a major player in this battle. In 2005, the Committee petitioned the [High Court of Justice](#) against the State of Israel for failing to enforce the ban on burials in the southern part of the cemetery.<sup>27</sup> The basis for the claim is that the cemetery is a declared antiquities site and part of the “Jerusalem Walls” national park. Therefore, digging and burial constitute damage to the antiquities that supposedly lie beneath the graves.<sup>28</sup>

While the cemetery of Bab al-Rahma was included in the Jerusalem Walls national park, the latter does not include the Christian cemetery in the Valley of Jehoshaphat or the Jewish cemetery on the Mount of Olives. The mere fact that the Muslim cemetery was included in the park area now enables the Israel Nature and Parks Authority (INPA) to operate in the cemetery under the National Parks Act, and in so doing limit the access to, and strive to stop burial at, the site.

In August-September 2015, the INPA fenced off areas of the cemetery in order to prevent continued burial in its eastern section. The INPA argued that the fence is designed to prevent the expansion of the cemetery into the Jerusalem Walls national park. In the eyes of Palestinians in the city, fencing is a political response by the Israeli authorities to the Palestinian-Muslim presence alongside the Haram al-Sharif. After the fence was completed it was torn down, apparently by Palestinians. The Palestinian inhabitants consider this activity as a provocation by the Israeli authorities against the right to live and be buried in Jerusalem. A High Court decision from 2005, which requires the State to prevent burial at the cemetery means that the struggle over the identity of the cemetery and how it should be used is not likely to go away any time soon.

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27) High Court of Justice Petition No 7800/05, and 7192/04.

28) Shragai, N. “[The Battle over the path to the Ofel](#),” *Haaretz*, 16 May 2006 (Hebrew); Shragai, N. “[The State fought illegal Muslim burial at the foothill of the Temple Mount](#),” *Haaretz*, 21 June 2009 (Hebrew)



The Bab el-Rahme cemetery east of the Old City walls

## Israeli Activity and Influence on the Temple Mount / Haram al-Sharif

Israel is not physically transforming the Temple Mount /Haram al-Sharif; however, it is actively changing the face of the area surrounding it, including its foundations, in an attempt to deepen the precinct's identification with Jewish history at the expense of its Muslim identity and heritage. As we described earlier, this policy is manifested through archaeological activity in the tunnels that stretch underneath the Muslim Quarter, in the decision to transfer the management of the Davidson Center from the government to the settlers; in the restrictions on burials at Bab al-Rahma, and in the process of reinforcing the Jewish-religious narrative in archaeological sites in the Old City.

In the eyes of the average Muslim who walks through the Old City to attend prayer services at the Haram al-Sharif, the experience is one of passing through areas which were once an inseparable part of Palestinian-Muslim Jerusalem but have now been changed. For example, walking from the Palestinian village of Silwan in the south, one passes by the 'City of David' visitors' center and the various excavations, and continues to the Old City. Since the entrance through the Dung Gate – which is the closest entry point to the Western Wall plaza and Al-Aqsa – is closed to Muslim worshippers, they must walk through the Jewish Quarter or proceed around the Old City walls, then enter through Lion's Gate in the east –where Jewish presence and friction with Israelis is minimal. There too, however, Israel is trying to create a different atmosphere, as evidenced by the fence erected around the Bab al-Rahma Cemetery.

Arriving at the Temple Mount/Haram al-Sharif area from the north via Damascus Gate entails walking along **Ha-Gai / Al-Wad Street** which is becoming more Israeli of late through the purchase of homes by the settlers' group Ateret Cohanim and an increased presence of security forces. Hagai / **al-Wad Street** is one of the main streets leading from Damascus Gate to the Haram al-Sharif and the Western Wall. In recent years, the Antiquities Authority has begun conservation works along the street.<sup>29</sup> These works are likely to continue in the coming years. It should be recalled that the street draws Muslim, Christian and Jewish worshippers en route to the holy sites. Frequently, when tensions around the Temple Mount rise, violence erupts on the street itself,<sup>30</sup> leading to increased police presence and strict security checks. Thus, the route to prayer becomes rife with tension and suspicion.

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29) Emek Shaveh, [Ha-Gai/Al-Wad Streets](#), Archaeological Activity at Politically Sensitive Areas in Jerusalem's Historic Basin, Emek Shaveh, 2015

30) Y. Mizrachi, "[Why one Jerusalem street has seen so many stabbings](#)" +972, October 11, 2015

Thus we see that the events on the ground suggest a different reality from that described in statements by Israeli politicians about the stability of the status quo, and seem completely detached from the daily reality of Palestinian-Muslim worshippers in East Jerusalem.

## Palestinian Activity in Jerusalem

Until 2001, the Orient House served as a hub of Palestinian activity in East Jerusalem. The PA no longer has a physical presence in Jerusalem, since it was shut down 15 years ago by Israel. Despite this, the PA is involved in developments in the Old City and exerts its influence in various ways.

### The Islamic Waqf

The Waqf is the organization responsible for the administration of the Haram al-Sharif compound, and oversees vast property in the Old City and its environs. Authority over the Waqf rests with the Jordanian government, but it is identified as a Palestinian organization, even if the PA itself has no direct influence on it (the Waqf employees are mainly Palestinians). In addition, the Waqf is responsible for all of the Muslim holy sites in Jerusalem. For example, the entrance to the Shiloah channel in the Village of Silwan is under the auspices of Elad, but the exit from the tunnel is Waqf property. One of the main and most controversial activities attributed to the Waqf on the Haram al-Sharif is the renovation of the Al-Marwani Mosque in the 1990s and the antiquities destroyed in the process.<sup>31</sup> The destruction represents the most significant and notorious archaeological damage in the precinct in the modern period. Following years of criticism about the conduct of the Islamic Waqf on this matter and pressure exerted by Israel, in recent years there has been increased cooperation between the Waqf and the Antiquities Authority. Today, development and infrastructure work at the Haram al-Sharif is carried out in coordination and with the oversight of the IAA. This constitutes a significant change in the relationship between the two bodies, whose coordination had ceased for some time in 1996 (following the opening of the Western Wall Tunnels).<sup>32</sup> However, from a broader perspective, it seems that the Waqf's renovations on Al-Marwani Mosque were a blow to its status, and it allowed Israel to assume greater oversight and involvement in what is taking place on the Mount – at least in relation to infrastructure and development works.

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31) Y. Mizrachi, [Archaeology in the Political Struggle over the Temple Mount / Haram al-Sharif](#), *Emek Shaveh*, January 2015, 11-13

32) Idem.

## Denial of Jewish Ties to Jerusalem

From time to time, especially during periods of tension in Jerusalem, we witness declarations by Palestinian leaders regarding their exclusive historical right to the Haram al-Sharif/Temple Mount, and denial of Jewish ties to the site.<sup>33</sup> These kinds of statements by the Palestinian media and individuals in the PA have been widely covered in the Israeli, mainly right-wing, media.<sup>34</sup> Such statements strengthen the Israeli perspective, which fears Palestinian presence and power in the Old City. Although they do not inflict actual physical harm to the city, because Israel is the sovereign here, the Jewish-Israeli public perceives these statements as a one-sided distortion of history, and fear for the future of the Old City's Jewish heritage were the Palestinians eventually to gain sovereignty over part of it.

## Palestinian Activity in Jerusalem through UNESCO

The Palestinian Authority has influence in Jerusalem, due to the international recognition of its political rights in East Jerusalem and the Historic Basin. One of the key ways whereby the PA has leveraged power has been its membership in UNESCO (since 2011). This membership has complex ramifications in all that pertains to Jerusalem. As far as the UN is concerned, East Jerusalem and the area of the Old City are occupied territory, and therefore, recognition of Palestine means recognition of Palestinian sovereignty in the Old City of Jerusalem. Jerusalem is recognized by UNESCO as a World Heritage Site (1981) and as an Endangered World Heritage Site (1982). As a result, the organization sees itself as a stakeholder in the city, and in the past, UNESCO prepared a plan for protecting the Old City's cultural heritage (Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem).<sup>35</sup>

UNESCO activity in Jerusalem often encounters difficulties, due to its need to coordinate with various authorities: Israel, which controls the city, Jordan, which is responsible for the Temple Mount / Haram al-Sharif, and the Palestinian Authority.

UNESCO's recognition of East Jerusalem as part of Palestine enables the PA to work via the organization to advance decisions against Israeli policy in Jerusalem. Official draft resolutions must be submitted by the member states of the UNESCO Executive Board. The board comprises elected member states that serve for a number of years (usually between two and four). Since Palestine is not a member of the Executive Board, draft resolutions regarding Jerusalem are submitted in its name by states that support

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33) [The Rewriting of Jewish History](#), internet site, A Look at the Palestinian Press (Hebrew).

34) Idem.

35) Implementation of the plan began in 2004 by UNESCO, while its preparation was underway already in 2003.



it. For example, in October 2015, Algeria, Egypt, Kuwait, Morocco, Tunisia and the UAR submitted a draft resolution against Israeli violation of the freedom of worship for Muslims in Jerusalem and against the damage to Jerusalem as a World Heritage Site. The criticisms that were raised, most of them justified, were aimed against various projects and policies: The cable car over the Old City and the restrictions imposed on entry for Muslim worshippers to the Haram al-Sharif.<sup>36</sup> A clause was added to the draft resolution calling to treat the Western Wall plaza (known by the Muslims as Al-Buraq plaza) as part of the Haram al-Sharif compound. This problematic proposal went so far as to question the historical and religious right of the Jewish people to the Western Wall and to Jerusalem. In the eyes of most Israelis, as well as of many Jews around the world, the Western Wall is considered a remnant of the Holy Temple. Even if the draft resolution submitted in the name of the Palestinian Authority did not explicitly state that the Jewish people have no connection to the place, it certainly implied it. This clause presented the Palestinian Authority as denying Jewish heritage in Jerusalem. From an Israeli standpoint, the implications of such statements is that the Palestinians should not have authority over antiquities in Jerusalem, because they would place Jewish heritage and historical rights in danger of destruction and erasure.

## The International Community

Jerusalem has been at the center of international attention for two main reasons: Because it is the heart of the Israeli-Palestinian conflict, and due to religious-historical vested interests that many countries have in the city, including ownership of land. Oftentimes the lands belonging to the various churches receive protection from their home country. For instance, the German, French and Russian churches (as well as others) receive backing from the local consulates, and threats to their lands or rights lead to diplomatic pressure on the Israeli government. These interests often dovetail with the Palestinian struggle, while at other times they clash with it. For example, the decision of the Israeli government to build a military college on the Mount of Olives led to international pressure against the project, based on the claim that it represented a violation of international law, and that the construction would interfere with the potential of a political solution in Jerusalem. In addition, international professionals criticized the decision to build a military compound within the boundaries of historical Jerusalem.<sup>37</sup> Germany exerted additional pressure due to the proximity of the planned college to the lands of Augusta Victoria, which belongs to the German Lutheran Church.<sup>38</sup> It appears

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36) \*Decision proposal 32 to UNESCO Administrative Council\* 197, October 2015.

37) Hasson, N. "[Haaretz Probe: IDF Base to be built in East Jerusalem](#)," *Haaretz*, 15 February 2011

38) Drexler, H. "[Germans Oppose IDF Colleges in East Jerusalem](#)," *mynet*, 28 January 2013 (Hebrew).

that the international pressure helped remove the college construction plan from the agenda of the planning committees. In this case, the international interests represented by UNESCO matched the interests of the German Lutheran Church, and helped in the Palestinian struggle to halt the Israeli incursion into Palestinian territory.

Another expansion project that was prevented by the churches in the Old City is the Western Wall Tunnels excavations. Today, the route of the tunnels ends at the Via Dolorosa. The excavations do not continue northward towards Damascus Gate or Bab al-Zahra (Herod's Gate). The reason for this is not a lack of interest on Israel's part, but rather that the lands belong to the various churches. The Sisters of Zion Church, for example, is located directly on the tunnels' route. In the past, members of the Antiquities Authority tried to pressure church personnel to enable them to excavate beneath their structures and to connect the tunnels' route with the church basements. The Sisters of Zion Church basements, which serve as a museum, include remains from a Roman street from the 2<sup>nd</sup> century CE. Since the settlers and the government seek to continue the excavations beneath the Muslim Quarter in the direction of Damascus Gate, predictably this will place pressure on the various churches to enable them to do so.

Israel's feverish activity effectively turns the international community into an active party and stakeholder in the struggle over Jerusalem. On the one hand, the international community maintains its traditional position – the exertion of pressure on Israel to reach a political solution and not to change the face of the historical city. On the other hand, the multinational property in the city creates a complex web of relations and negotiations between Israel and the various countries over specific projects and interests.

## Summary and Conclusions: Antiquities Caught between Political and Religious Struggles in the Old City

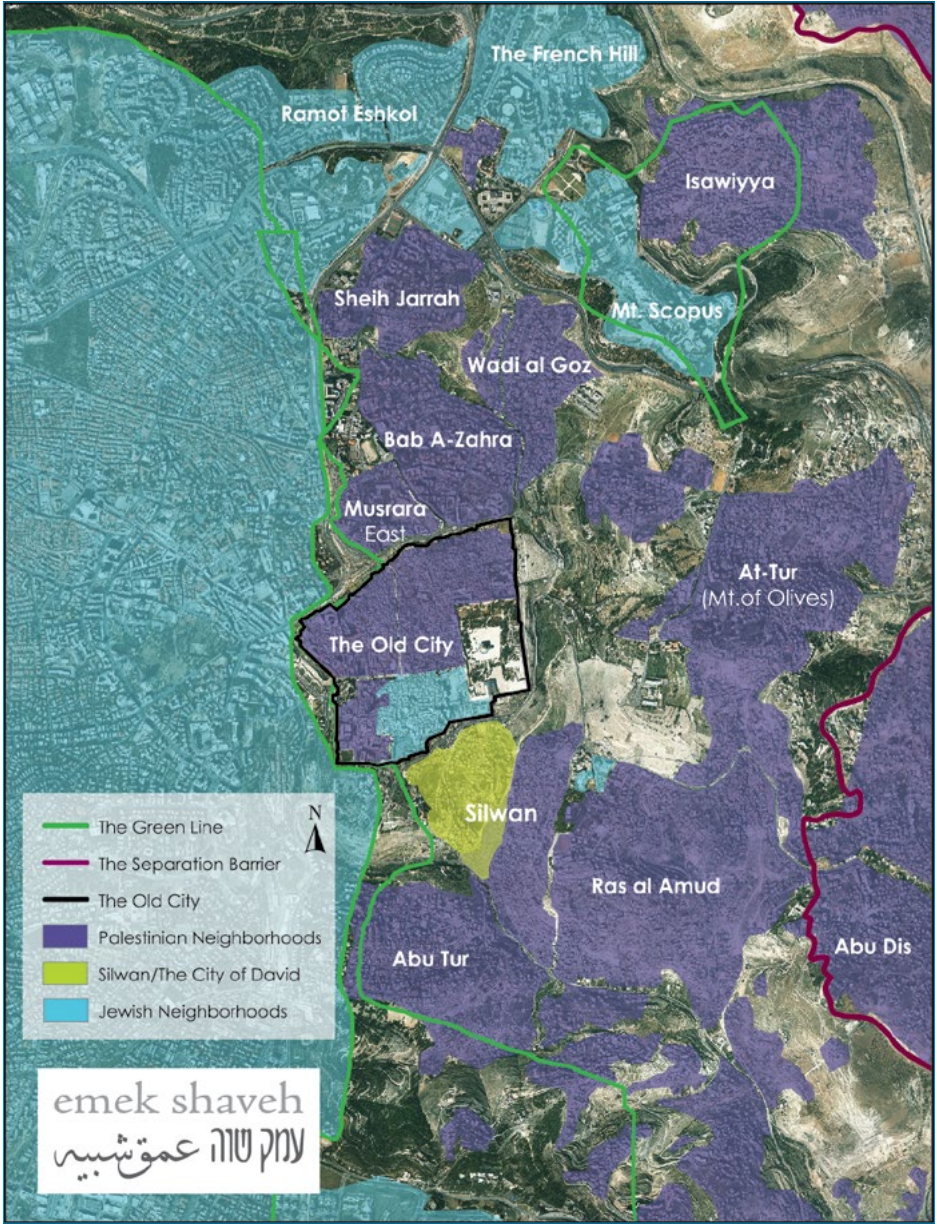
Jerusalem is a historical and a religious city, home to the most important holy sites for billions of people around the world. Given this, the intensification of the religious aspects of the conflict in Jerusalem is not surprising, and from an historical perspective, even predictable. The challenge to create a balance between the sacred and the profane is complex and sensitive, and poses a difficult undertaking for any authority that has ruled in the city in the past and in the present.

The struggle over the ancient sites in the Old City is part and parcel of the effort to determine the identity of the city and to control it. Religious extremism intensifies the religious component of the antiquities sites and in so doing, alters the character of the city. The number of stakeholders in Jerusalem is great, and includes key countries in the international community, the Palestinians, and the Israelis. Despite this, the main actors that influence Jerusalem's character and the way in which it is presented to the public are few, and are directly connected to the government of Israel and the Office of the Prime Minister. The significance of this is that organizations such as the Western Wall Heritage Foundation, the Israel Antiquities Authority and the Elad Foundation accrue great powers and responsibilities. As far as we understand, this situation is damaging to the creation of a multi-cultural fabric in Jerusalem and to the recognition of its historical narrative. However, if the Israeli government decides to change its present policy and to promote the pluralistic and historical narrative of the Old City, it can easily do so by cutting off funding to the religious organizations and by cultivating policies that will contribute to the preservation of a diverse cultural heritage in the city, to the benefit of all.

The Temple Mount / Haram al-Sharif and the Historic Basin that surrounds it are an inseparable part of the Old City. As long as Israel continues to heighten the Jewish identity of the Old City while eroding the status of other cultures and peoples within it, it will proceed in destroying the Haram al-Sharif's connection with its geographical and cultural environment. The mosques will remain in their places, but the steadily growing chain of Jewish-identified sites will isolate the compound, effecting what is in our view a change in the status quo. Preservation of the Temple Mount / Al-Aqsa compound as a holy place that belongs to Muslims would require Israel to change its patterns of activity in the Old City as a whole, and in particularly, around the precinct.

As this document has shown, decisions about what to excavate and what to preserve, as well as the manner in which sites are presented to the public (including both their historical and religious components) are not taken by the Antiquities Authority alone,

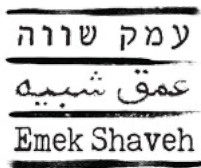
but also by developers and funders with a clear religious and political agenda. It is a closed circuit that causes public opinion on each side to retreat into the boundaries of its own “story,” cut off from the overall context and multi-faceted history of the city. For this reason, leaving such decisions in the hands of a few ideologically-motivated bodies is dangerous for Jerusalem, for its world heritage treasures, and for the shared life of its inhabitants. We believe that strengthening Jerusalem’s historical identity should involve conserving various monuments and sites and presenting them in all their cultural complexity. This is the only way to prevent extremism, one-sided presentations, and uncompromising claims of ownership over the entire city.



Worshippers at Wilson's Arch







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