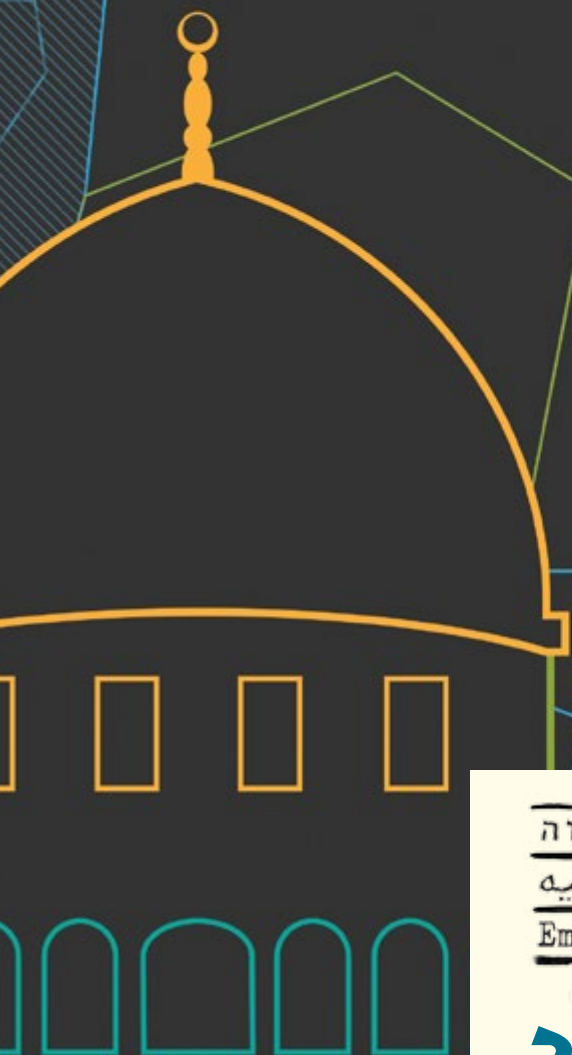


The Temple Mount/Haram al-Sharif – Archaeology in a Political Context



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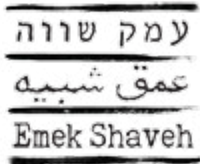
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Emek Shaveh is an Israeli NGO working to prevent the politicization of archaeology in the context of the Israeli-Palestinian conflict, and to protect ancient sites as public assets that belong to members of all communities, faiths and peoples. We view archaeology as a resource for building bridges and strengthening bonds between peoples and cultures.

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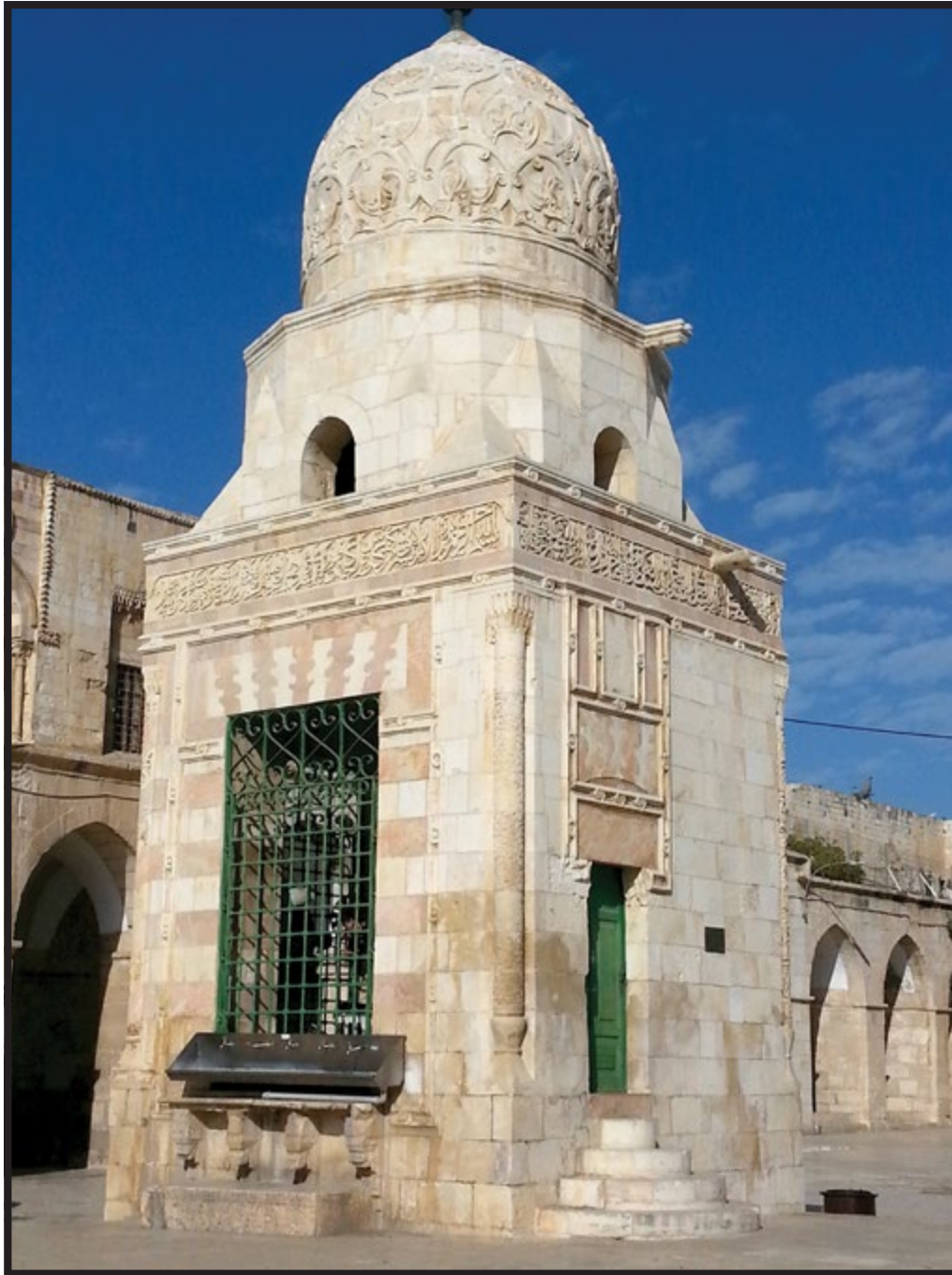
The Mughrabi neighborhood and the Temple Mount/Haram al-Sharif until 1967

Introduction

Immediately after the 1967 War, Israel's then Defense Minister Moshe Dayan declared that the Islamic Waqf would retain their authority over the Temple Mount/Haram al-Sharif compound. This statement and the fact that the Islamic Waqf continued in practice to manage the compound was perceived as an acquiescence by Israel to preserving the Haram al-Sharif's status as an Islamic holy site. Yet, even prior to Dayan's declaration, Israel had begun to put facts on the ground which would affect the independent status of the Temple Mount/Haram al-Sharif, particularly regarding the issue of access to the site.

Since the Six Day War, the area surrounding the Temple Mount/Haram al-Sharif has been subject to continuous development and attempts by both sides to modify the agreements reached in 1967. The activities most familiar to the public and which have had the greatest impact on the status quo are: the tunnel excavations, the renovations of the al-Marwani Mosque (also called Solomon's Stables) and the construction of the Mughrabi Ramp. But there have also been other, smaller-scale, actions that have contributed to creating a new reality in and around the Temple Mount/Haram al-Sharif.

Developments in the Old City and in the village of Silwan are known to contribute to the escalation of tensions in the area, particularly at the Temple Mount/Haram al-Sharif. In this document we will discuss the use of archaeological excavations, or excavations referred to as 'archaeological', in the political struggle over the Temple Mount/Haram al-Sharif and its environs. Given that any physical changes to the Old City and the surrounding area require the approval of the Israel Antiquities Authority (IAA) - which is responsible by law for the preservation of and oversight at antiquity sites and for approving construction or development - it is only natural that the field of archaeology has been placed at the forefront of the political struggle.



Sabil Qaytbay in the Temple Mount/Haram al-Sharif compound

Part I | The History of the Site: How the Temple Mount Became the Haram al- Sharif

Characteristics of the Site and the Religious Traditions Associated with it

The Temple Mount, or Haram al-Sharif in Arabic (meaning ‘the Noble Sanctuary’), is a 140 dunam area (45 acres) located at the southeastern corner of the Old City. Today it is used as a prayer and study site for Muslims and includes some of the oldest intact religious structures in the country. The Jewish tradition identifies the site as the place of Mount Moriah, where the patriarch Abraham went to sacrifice his son Isaac. The site is identified as the place where the Temple – last destroyed in 70 CE – once stood. The Muslim tradition identifies the site with the “Farthest Mosque” mentioned in the Quran in the beginning of Sura 17: “Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque, whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who heareth and seeth (all things).” Such is the description of the legendary journey by the Prophet Mohammed on his horse al-Buraq from Mecca to the “Farthest Mosque” whence the Prophet ascended to the heavens. Judaism and Islam both identify the rock in the Dome of the Rock mosque as the site of the biblical sacrifice of Isaac, according to the Jewish tradition, or Ishmael according to the Muslim tradition. It is also identified as the site where creation began (the Foundation Stone).

The Holy Precinct Today

The Haram al-Sharif/Temple Mount compound is a collection of magnificent buildings that exemplify the very best of local Islamic architecture from the last thousand years. The significance of the site as a holy place in the Islamic tradition led to the construction of almost one hundred buildings on the site, built between the 8th century CE and the 20th century. Apart from its religious significance, the precinct is a heritage site of international importance. This fact virtually goes unmentioned in the political and religious struggle over the precinct and has not been given due consideration.

Scholars differ over the dating of the Temple Mount/Haram al-Sharif’s foundations. Most are of the opinion that at least the southern and western sections are ancient (between the 1st century BCE to the 1st century CE). Other sections were

added later, in the Islamic period (7th century to 16th century CE) and even later. Nine gates lead to the site. One of them, Sha'ar Harahamim or Bab al-Rahme (the Golden Gate), is sealed off. The Mount's supporting walls feature two smaller gates that are not in use. Its southern wall features three sealed gates: the western section contains a single gate, adjacent to it a double gate and the eastern section a triple arched gate (Hulda Gates). These sealed gates face the excavations of the southern wall.

The most well known structures on the Temple Mount/Haram al-Sharif are al-Aqsa Mosque located in the southwestern corner, and the Dome of the Rock located in the center of the premises. In addition, the site contains buildings used as religious educational institutions (madrasas), memorials (the Dome of the Rock is one of them), towers, purification structures (al-Kas) and more. Some of the structures were built in the early Islamic period, the 8th century CE, some were built by the Mamluks during the 14th – 15th century CE, and others during the Ottoman period (16th-20th centuries CE). Several structures feature columns or capitals which, judging by their style, can be dated to the Crusader or to the Roman-Byzantine periods.

The Dome of the Rock is a memorial and today functions as a mosque. It is one of the oldest standing Islamic structures in the world. Preserved in its original state, not having undergone substantial modifications, it is considered to be an artistic and architectural wonder and a cornerstone in the history of Islamic art and architecture. Surrounding the interior is an inscription describing the construction of the mosque in the year 691 CE, during the reign of the Caliph Abd al-Malik Ibn Marwan (685-705) of the Umayyad Dynasty. Historians date the construction of the al-Aqsa Mosque in the south of the precinct to the beginning of the 8th century CE, either to Abd al-Malik's reign, or to his son's, al-Walid I (705-715). The structure was rebuilt several times and last renovated in 1035 CE during the Fatimid Caliphate, following the earthquake of 1033 CE.

Of the many domes on the Temple Mount, it is worth mentioning the Dome of the Ascension. Located north-west of the Dome of the Rock, it marks the spot associated with Mohammed's ascension to the heavens. The structure is dated to the 12th century, although some scholars say it was built in the 8th century. Another memorial is the Dome of the Prophet, also located north of the Dome of the Rock and built in the 16th century by Mohammed Bey. Like the Dome of the Ascension, some date its initial construction to the 8th century. Another dome

worth mentioning is the Dome of the Chain, which is located to the east of the Dome of the Rock and also apparently built in the 8th century by the Umayyad Caliph Abd al-Malik.¹

Other religious structures dating from the Ayyubid period (12th-13th century CE) onward adorn the precinct, for example, the minarets at the Gate of Bani Ghanim and minarets from the Mamluk period (the 14th century). Other unique structures from the Mamluk period are the Summer Pulpit (Minbar al-Saif) and the ablution fountain (called al-Kas). One of the most impressive and unique structures on the Temple Mount is the Madrasa al-Ashrafiya. Built in the 15th century, it is an example of Mamluk architecture at its best.²

The History of the Temple Mount/Haram al-Sharif

The Temple Mount was never methodically excavated and most of our knowledge of its history is derived from historical texts and an analysis of architectural styles.³ The three monotheistic faiths identify the site as the place of Solomon's Temple from the 10th century BCE. Some scholars also identify the site as a place of ritual from Canaanite Jerusalem (18th-10th centuries BCE).

The most distinct antiquity linking the site with the Second Temple is the Western Wall dating to the end of the 1st century BCE or the beginning of the 1st century CE. It is one of the walls built to support the Temple plaza above it.⁴ Archaeological excavations conducted to the south and west of the Temple Mount/Haram al-Sharif uncovered remains of capitals, ornaments and inscriptions which attest to the importance of the site during the early Roman period - the time of Second Temple. The archaeological finds from these excavations, including the rock with the inscription "To the Trumpeting Place," reinforce traditions

1) M. Rosen-Ayalon, "An ancient source on the construction of the Dome of the Chain on the Temple Mount" (Heb), *Katedra* 11, 1979, pp.184-185.

2) M. Hamilton, *Mamluk Jerusalem: An architectural study*, London, 1987.

3) M. Rosen-Ayalon, "The Early Islamic Monuments of al-Haram al-Sharif, Jerusalem: An Iconographic Study", *Qedem - Volume 28*, Jerusalem, 1989.

4) T. Hirshfeld, "[Discovery: Sections of the Western Wall were not built by Herod](#)," (Heb) *Ynet*, 23.11.11

that associate the Temple Mount with the site of the Second Temple.⁵ It appears that part of the precinct was built in that period; however scholars are divided over the dating of the gates. The southern wall features three sealed gates: a single gate, a double gate, and a triple gate. Some scholars date the southern wall and the Huldah Gates to the Second Temple period, while others date several gates in the southern wall to the 8th century CE, the Umayyad period.⁶

Scholars are also divided over the question of what was built atop the Temple Mount after the destruction of the Second Temple in 70 CE. The assumption is that in the 2nd century CE, a pagan Roman temple was built under orders by the Emperor Hadrian. This temple was most probably destroyed at the beginning of the Byzantine period (the 4th century CE), and the precinct remained abandoned until the beginning of the early Islamic period in the 7th century.⁷

As the Umayyad regime grew stronger at the end of the 7th century, the Temple Mount/Haram al-Sharif was developed as an Islamic prayer site. In addition to building memorial structures and the Al-Aqsa Mosque, the Umayyad regime encouraged pilgrimage to Jerusalem – most probably in an effort to prevent or decrease pilgrimage to Mecca – and in so doing enhanced the importance of the Haram al-Sharif in Islam.⁸ By the end of the Umayyad period (the middle of the 8th century), Jerusalem's political importance in Islam had diminished. Pilgrimage to the Temple Mount/Haram al-Sharif did not cease until the Crusader period (end of the 11th century CE).

Unlike the Byzantine Christians who turned the Temple Mount/Haram al Sharif into a rubbish heap, the Crusaders continued to observe the sanctity of the site,

converting Al-Aqsa mosque and the Dome of the Rock into a Church. The Crusaders named the southeastern section “Solomon’s Stables.” After the Crusaders’ defeat in 1187, the Muslims returned to the Temple Mount and from the Ayyubid period onward, promoted the sanctity of the site. During the Mamluk period (13th-16th centuries CE), Jerusalem was not a financial or administrative center but its religious significance intensified. Most of the structures on the Temple Mount we see today were built during the Mamluk period as were many structures in the area surrounding the Mount. The construction of religious monuments on the Temple Mount/Haram al-Sharif and its environs continued during the Ottoman period (16th-20th centuries CE) and in Jerusalem many Islamic endowments transferred their income to the Haram al-Sharif.⁹

5) B. Mazar, “[Jerusalem during the House of Herod in light of the excavations to the south and southwest of the Temple Mount](#)” (Heb), *Katedra* 8, 1977, pp.29-41; O. Peleg-Barkat, “The Herodian Architectural Decoration in Light of Finds from the Temple Mount Excavations” (Heb), Jerusalem, PhD Dissertation, 2007.

6) R. Shani and D. Chen, “On the Umayyad Dating of the Double Gate in Jerusalem,” *Muqarnas* 18, 2001, pp. 1-40.

7) B. Isaac, “Jerusalem from the Great Revolt to the Reign of Constantine,” pp.2-13; Y. Tsafir, “The Topography and Archaeology of Jerusalem in the Byzantine period,” pp.323-330 in Y. Tsafir and S. Safrai (eds) *The History of Jerusalem: The Roman and Byzantine periods (70-638 CE)*, Jerusalem: 1999 (Heb).

8) A. Elad, “[The Temple Mount in the early Muslim period](#),” In Y. Reiter (ed.), *Sovereignty of God and Man – Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, Jerusalem Institute for Israel Studies, pp.57-109 (Heb).

9) Y. Reiter, “Sanctity and Politics in the history of the Temple Mount,” *Sovereignty of God and Man – Sanctity and the political centrality on the Temple Mount*, Jerusalem: 2001, Jerusalem Institute for Israel Studies, pp.5-13. (Heb)



Al-Kas and the Dome of the Rock

Part II | Changes in the Status of the Temple Mount/ Haram al-Sharif from the 19th century to the Present Day

Access to the Temple Mount: Changing Policies

From the early 1st century CE through the end of the 19th century the Temple Mount/Haram al-Sharif had been off-limits to various populations. During Roman and Byzantine times Jews were prohibited from ascending the Mount. From the 7th century onward, with the exception of the Crusader period (12th century), the Temple Mount/Haram al-Sharif was closed to non-Muslims. This policy changed only in 1885, when high-ranking Christian visitors were permitted to enter the site. Another shift in policy took place in the early 20th century when the Mount was opened to non-Muslims. The prohibition on non-Muslims was reintroduced during the British Mandate period. Following the Six Day War (1967), it was decided to continue the British Mandate policy of maintaining the autonomy of the Islamic Waqf at the Mount. Today non-Muslims are permitted to ascend the Mount only through the Mughrabi Gate. Orthodox Judaism, including the Chief Rabbinate, opposes Jews' ascension to the Temple Mount for religious reasons - the concern that Jews might step on the site of the Holy of Holies (which no one was allowed to access in the times of the Temple apart from the High Priest on the Day of Atonement). The exact site of the Holy of Holies on the Temple Mount remains unknown. In the Second Intifada (2000-2005), the Waqf prohibited non-Muslim visitors from ascending the Mount entirely but then replaced it with a prohibition only on entering the mosques (Al-Aqsa and the Dome of the Rock).

Changes to the Precinct: From 1967 to the Opening of the Western Wall

Following the Six Day War, the State of Israel began a process of transforming the area west of the Western Wall and south of the Temple Mount/Haram al-Sharif. As a first step, the Mughrabi neighborhood that abutted the wall was completely demolished on the eve of the 8th of July 1967, two days after the end of the war. The neighborhood, first built in the 13th century, was completely destroyed apart from several houses on its western periphery, and the area was transformed

into the Western Wall prayer plaza.¹⁰ UNESCO criticized the destruction of the neighborhood, which had featured some of the most ancient and important Islamic structures in Jerusalem (al-Buraq Mosque, the Madrasa al-Afdaliya and others), and had played an important part in the history of the Old City and in defining the connection between the Maghreb and Jerusalem. According to the Muslim tradition, the first inhabitants of the quarter were Muslim soldiers in the army of Saladin.

Israel's consent to leaving the Waqf with the responsibility for managing the Temple Mount/Haram al-Sharif came with a few significant modifications. The Madrasa al-Tankiziya (the 'Mahkamah') building, located near the Chain Gate and overlooking the Temple Mount/Haram al-Sharif, was turned over to the Israeli authorities as were the keys to the Mughrabi Gate.¹¹ Israel's demand to be in control of the Mughrabi Gate was initially rejected by the Islamic Waqf, which had claimed that responsibility for the gates cannot be detached from the responsibility for the premises as a whole. But after some negotiations and pressure by the Israeli authorities, responsibility for the Mughrabi Gate was transferred to the Israeli police. These decisions, in addition to the decision to leave access via the Mughrabi Gate free of charge for non-Muslims have been the basis for the physical and administrative changes in the status of the Temple Mount and its surrounding area.¹² Police presence at the al-Tankiziya (Mahkamah) building means it can supervise activities on the precinct, while the Mughrabi Gate enables Jews to enter the Temple Mount. Access by Jews to the Mount has, over the years, expanded into a demand for additional rights such as the right to pray on the Mount.

In 1968, an archaeological excavation was initiated to the south of the Temple Mount/Haram al-Sharif. Conducted by the Hebrew University, it was one of the first major excavations in the area. The excavations around the southwestern corner of the Temple Mount/Haram al-Sharif yielded remains from various periods in the history of Jerusalem including burial sites from the Abbasid period,

10) Y. Reiter and J. Seligman, "1917 to the Present: Al-Haram al-Sharif/Temple Mount and the Western Wall," O. Grabar and B. Z. Kedar (eds.), *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade*, 2010, pp. 251.

11) N. Al-Jubeih, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in O. Grabar and B.Z. Kedar (eds.), *Where Heaven and Earth Meet*, p. 275-277.

12) *Ibid*, pp. 277-281.

structures from the Umayyad period, and remains from Byzantine and Roman times. In addition, remains and facilities were discovered dated to the Second Temple/early Roman period.¹³ The excavation area has been preserved as an archaeological park to the present day. Visitors must pay a fee to enter the area through the Davidson Center.

In 1969 excavations in tunnels, today termed the "Western Wall Tunnels," began, extending from the Western Wall plaza to the north and along the wall which delineates the Temple Mount/Haram al-Sharif. The excavations, carried out by the Ministry of Religious Affairs were not conducted in a scientific manner and lacked appropriate archaeological oversight.¹⁴ They created a new underground level around the Temple Mount/Haram al-Sharif; and even then were perceived as a threat to Muslim rights over the Temple Mount/Haram al-Sharif.

In 1981 tensions rose when workers on behalf of the Western Wall administration dug a tunnel in an area called "Warren's Gate" in the direction of the Temple Mount itself.¹⁵ Conflict ensued between representatives of the Islamic Waqf and the administration of the Western Wall. The Israeli authorities ordered the gate sealed with concrete. Criticism of the changes Israel had introduced to the area surrounding the Temple Mount was one of the reasons UNESCO decided to declare Jerusalem as a World Heritage Site in Danger in 1982.¹⁶

Another significant change in the status of the Temple Mount followed the signing of the peace treaty between Israel and Jordan in 1994, when it was stated that Israel recognizes the historical role of Jordan at the holy sites. It was decided that a permanent peace agreement between Israel and the Palestinians would take Jordanian interests and its historical responsibility for the holy sites into account. In practice, Jordan continues to pay the salaries of the Waqf employees, and is

13) H. Geva, "List of Major Archaeological Activities in Jerusalem, 1967-1992," *Ancient Jerusalem Revealed*, 1994, pp. 325-330.

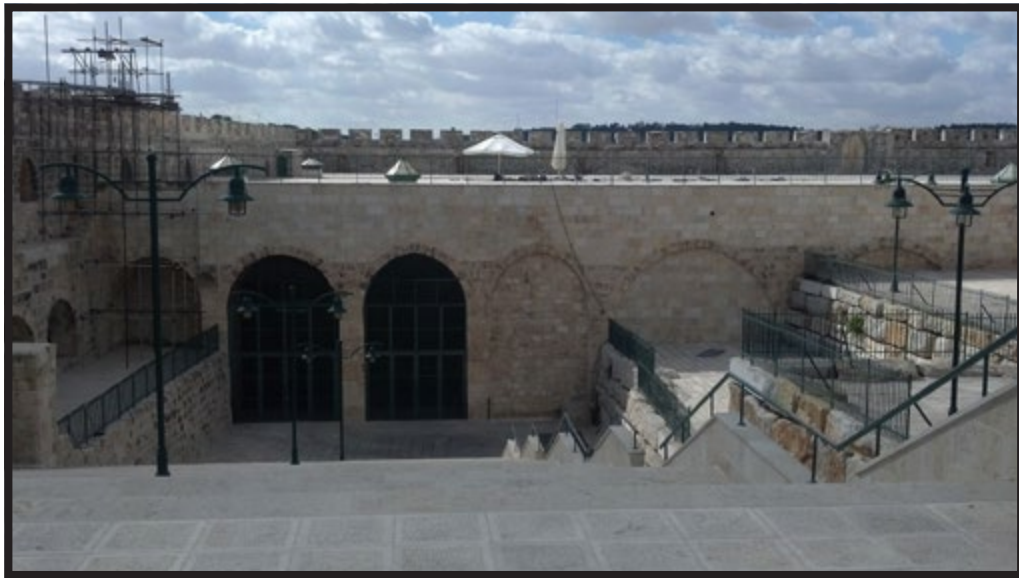
14) N. Al-Jubeih, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Kedar *Where Heaven and Earth Meet*, p. 276.

15) During excavations in the Western Wall tunnels, an opening leading to a cistern was discovered located under the Sabil Qaytbay, and thus the Western Wall workers found themselves under the Temple Mount esplanade, close to the Dome of the Rock.

16) N. Al-Jubeih, "1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967," in Grabar and Kedar *Where Heaven and Earth Meet*, p. 257.

the central authority with whom Israel negotiates all things concerning the Temple Mount/Haram al-Sharif.

Israeli excavations and destruction of built-up areas since 1967 in the area around the Temple Mount/Haram al-Sharif have completely transformed the landscape of the Old City. From densely built Palestinian neighborhoods reaching the walls of the Temple Mount/Haram al-Sharif, the area has been converted into a non-residential space, part of which (the Western Wall plaza) serves as a place for prayer, part of which is an archaeological park, known as the “southern wall excavations” (the Davidson Center), and large parts of which have given way to excavated tunnels creating historical attractions that center around the narrative of the Temple and its importance in the history of the people of Israel. Israeli activity has drawn massive Israeli presence to these places, and tensions at the Temple Mount/Haram al-Sharif and its immediate environs have increased.



The entrance to Al-Marwani Mosque

The Events of 1996: Renovations of Al-Marwani Mosque/“Solomon’s Stables” and the Destruction of Antiquities on the Temple Mount

In 1996, following the inauguration of the Western Wall Tunnels extending towards the Via Dolorosa, riots broke out in which tens of Israelis and Palestinians lost their lives. The riots impaired cooperation between the Israel Antiquities Authority (IAA) and the Islamic Waqf. Representatives of the IAA confess that since the beginning of 1996 it has been difficult to implement archaeological oversight over the Temple Mount/Haram al-Sharif.¹⁷ At the same time, works were carried out by the Islamic Waqf on the Al-Marwani Mosque to build a prayer area beneath the platform in the southeastern section of the precinct, east of Al-Aqsa Mosque.¹⁸ The renovation works at the Al-Marwani Mosque were conducted using heavy machinery that caused significant damage to antiquities. Many tons of earth removed from the site were dumped into the Kidron Valley, the Abu Dis dump, and other places. The works were probably conducted without archaeological oversight.¹⁹ The State Comptroller’s report from 2011 discusses failings in overseeing the works and in the process of obtaining licenses to conduct development works at the Temple Mount in the years 2001-2007: “Significant failings were found in implementing oversight over most of the works during the period to which this report refers (2001-2007). These works were undertaken without any prior coordination with the authorities in charge with law enforcement at the Temple Mount and without receiving the necessary approval or permits as required.”²⁰

It appears that amongst Israeli and Palestinian professionals no one questions the fact that antiquities were indeed destroyed in the course of renovating the Al-Marwani Mosque, but each side interprets the developments differently. Israel views the destruction of antiquities from the point of view of Israeli law and an understanding that the Temple Mount is in an area under Israeli jurisdiction. The Palestinians claim that not only had there been agreements between Israel and the Waqf concerning renovations of the Al-Marwani Mosque, but that the

17) G. Avni and J. Seligman, “The Temple Mount 1917-2001, Documentation, Research and the Preservation of Antiquities, Jerusalem,” 2001 (Heb); “[Solomon’s Stables, the Temple mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999-2001](#)” *Atiqot* 56, pp. 33-53.

18) The works were conducted in cooperation with the Islamic Movement in Israel.

19) J. Seligman, “[Solomon’s Stables, The Temple Mount, Jerusalem,](#)” *Atiqot* 56, p. 42.

20) State Comptroller’s report for 2010, ‘The issue of works at the Temple Mount’, 2011, pp.1843-1844.

Temple Mount/Haram al-Sharif should be regarded as an Islamic space which is subject to Jordanian law.²¹ According to Jordanian law, the Jordanian Antiquities Authority does not have the right to oversee works by the Islamic Waqf at the Haram al-Sharif, and the same is true for the Israel Antiquities Authority.²²

The Al-Marwani Mosque (“King Solomon Stables”) is located in a space bordering the Hulda Gates and the southern wall excavations conducted by Israel in the years 1968-1982. Following the opening of the Western Wall Tunnels, the Waqf grew concerned that Israel was planning to open the Hulda Gates in order to convert “King Solomon Stables” into a Jewish prayer site.²³ From the point-of-view of the Waqf, the Jews had objected to the renovations at Al-Marwani Mosque not because antiquities were destroyed, but because Jewish groups had designs on the space and were hoping to build a synagogue in the sacred precinct.²⁴

It is difficult to assess the degree of destruction to antiquities at the Temple Mount/Haram al-Sharif for several reasons. First, in the absence of an archaeologist during the works, there is no one to offer a professional opinion on the matter. Second, the strong criticism over the destruction at the site is probably motivated by a desire shared by many to see Israel gain full sovereignty over the Temple Mount/Haram al-Sharif. At the same time, the Waqf is working intentionally to strengthen Muslim control over the Mount. Its considerations are primarily political and protecting antiquities is not a top priority. Over the years many reports and articles were published discussing the magnitude of the destruction and the importance of the finds destroyed. It seems that most of the remains which were damaged date to Islamic periods, beginning with the Umayyad Dynasty (7th century) through to the Ottoman period (the 19th century). This is the opinion held by archaeologists from the Israel Antiquities Authority.²⁵ The assumption is that during the works conducted by the Waqf, some remains

21) J. Seligman, “[Solomon’s Stables, The Temple Mount, Jerusalem](#),” *’Atiqot* 56, p. 41.

22) For more information about the lack of involvement by the Jordanian authorities in the administration of the precinct see Y. Reiter & J. Seligman, “1917 to the Present: Al-Haram al-Sharif/ Temple Mount and the Western Wall,” Grabar and Kedar. *Where Heaven and Earth Meet* pp. 244-248.

23) Y. Al-Natshe, The Al-Marwani Mosque – “Between Past Goals and Future Threats,” Tourism and Antiquities Administration - The Waqf, Jerusalem 2012 (Arabic).

24) N. Al-Jubeh, “1917 to the Present: Basic Changes, but not Dramatic: Al-Haram Al-Sharif in the Aftermath of 1967,” in Grabar and Kedar. *Where Heaven and Earth Meet*, p. 281.

25) J. Seligman, “[Solomon’s Stables, The Temple Mount, Jerusalem: The Events Concerning the Destruction of Antiquities 1999–2001](#),” *’Atiqot* 56, pp. 33-53

dating to the Second Temple Period were also damaged, but it appears that these were few, and of an unknown quality.²⁶

In 2000 a “Public Committee against the Destruction of Antiquities on the Temple Mount” was established²⁷ and recruited an impressive list of Knesset members, public figures, leading writers and intellectuals, as well as figures identified with the Israeli Left²⁸ who had come out against the destruction of antiquities at the Temple Mount. Much of the criticism voiced by the committee focused on the destruction of remains from the Second Temple period. Although growing religious extremism and nationalism in Jerusalem has distanced many of the original committee members from the committee or from its activities,²⁹ the list of supporters can testify to the widespread interest amongst the Israeli public in the archaeology of the Temple Mount/Haram al-Sharif.³⁰

The renovations in the Al-Marwani Mosque led to growing pressure and criticism of the Israeli authorities and a demand for closer oversight over activities on the Mount. Although Jewish groups working to change the status quo at the Temple Mount/Haram al-Sharif had existed prior to the Al-Marwani renovations, since then, complaints about the destruction of antiquities have been used to galvanize support and serve as the main justification for those arguing to defend the Temple Mount and its heritage which, they allege, is being destroyed by the Islamic Waqf.³¹

26) Ibid, p. 45.

27) The internet site of the “[Public Committee Against the Destruction of Antiquities on the Temple Mount](#)” (<http://templemountdestruction.com/e/Home/tabid/160/Default.aspx>, accessed 15 Dec, 2014).

28) The Internet site of the “Public Committee Against the Destruction of Antiquities on the Temple Mount,” [Committee Members](#).

29) N. Hasson, “[Intellectuals deny association with Temple Mount Pressure Group](#),” *Haaretz*, 19 February, 2014.

30) See also the signatories of the petition, A call to prevent additional destruction of antiquities on the Temple Mount in Jerusalem (Heb.) (<http://www.echad.info/templemount/letter.htm>, accessed 15 Dec, 2014).

31) Information about the Jewish groups active at the Temple Mount can be found in a report by Ir Amim and the Keshev Foundation: Y. Beer “[Dangerous liaison – the dynamics of rise of the Temple movements and their implications](#),” (Heb) March 2013.

The Temple Mount Sifting Project in the Tzurim Valley

Since 2005, there is an ongoing project called “The Temple Mount Sifting Project” offering experiential activities for students and other visitors in an area outside the Old City, called “Tzurim Valley” at the foot of the Palestinian neighborhood of A-Tur. The soil for sifting purportedly originates in debris removed from the Temple Mount/Haram al-Sharif in the wake of major construction work conducted by the Waqf without archaeological oversight. The project receives the support of the Elad Foundation (a settlers’ organization that also manages the visitors’ center at the Mount of Olives and the archaeological site ‘The City of David’). The sifting project is not an archaeological excavation and has no scientific value. Its stated aim is to discover remains from the Temple or other Jewish antiquities, but in practice very little earth has been sifted, and from every possible perspective it cannot provide credible information about the extent of destruction at the Temple Mount/Haram al-Sharif. This is an example of a project that combines concern for antiquities with a religious, national and political agenda.³² The average number of visitors to the sifting project annually is approximately 20,000.³³ In October 2016, Prime Minister Binyamin Netanyahu declared government support for the project in response to a UNESCO decision on Jerusalem which was perceived by Israel as an effacement of Jewish history.³⁴ If this support is translated into funding it will mean an increase in the number visitors, presumably students and soldiers.

32) R. Greenberg and Y.Mizrachi “[Archaeology on a slippery slope: Elad's sifting project in Emek Tzurim National Park](#),” Emek Shaveh 2012; G. Barkai and Y. Zweig “The Temple Mount Sifting Project,” *New Studies on Jerusalem* E. Baruch, Z.Greenhut, and A. Faust (eds.), 2006.

33) Y. Shapira, State Comptroller, the Management and Operation of tourism site in the Old City basin in Jerusalem, State Comptroller’s Report 67a. p.39 (Heb), November 2016.

34) N. Hasson, [Amid UNESCO flap, Israel will Sponsor Rightist NGO's Temple Mount Project](#), *Haaretz*, 21 October, 2016.

Part III | Changes Around the Temple Mount/Haram al-Sharif and the Impact on the Status Quo

The summer of 2014 saw unprecedented developments in works conducted by Israeli authorities in the area around the Temple Mount/Haram al-Sharif.³⁵ In August, Israel began building a new temporary ramp for non-Muslim visitors to ascend the Temple Mount. Several days later, following pressure by Jordan, Prime Minister Binyamin Netanyahu gave instructions to dismantle the ramp stating that its construction was undertaken without the knowledge of the Prime Minister’s Office.³⁶ The subject of constructing an entryway is a political issue which first emerged when the previous Mughrabi bridge collapsed in 2004. Since then, Israel has been trying to reach an agreement with the Jordanian government and the Waqf about building a new bridge.³⁷ The issue of the Mughrabi bridge is linked to the question of who controls the entrances and passages to the Temple Mount/Haram al-Sharif. As mentioned, today the temporary ramp is the only place through which non-Muslims can enter the Temple Mount and is under the jurisdiction of the Israeli police.

The question of who controls the gates to the precinct is significant and any modifications constitute a change in the status quo. Israel frequently justifies restricting entry to or exit from the precinct citing “security needs” and claims this does not in any way undermine the status of the Islamic Waqf. But, the fact is that police restrictions do have major implications for the question of who is in charge of the Temple Mount/Haram al-Sharif and the freedom of worship on the Mount.

Both the decision to build the Mughrabi ramp without first coordinating with the Jordanian government and the Islamic Waqf, and the tensions around the gates demonstrate that even if these activities were undertaken without the knowledge of the Prime Minister’s Office, they were driven by efforts to increase Israeli control over access to the precinct and by a conviction that the time has come to create unilateral facts on the ground.

35) Emek Shaveh, “[Construction of a New Temporary Ramp Beside the Mughrabi Ramp](#),” 15 August 2014.

36) B. Ravid and N. Hasson “[PM orders removal of wooden ramp at Temple Mount, following pressure from Jordan](#),” *Haaretz*, 3 September, 2014.

37) A discussion of the Mughrabi Ramp by Emek Shaveh in “[Why is the Mughrabi Ramp a political issue?](#)” 9 September, 2014.



The interim Mughrabi ascent



The Hulda Gates

The 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 run 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.³⁸ That is, the fact that the tunnels originate at the Western Wall Plaza means that legally they are considered to be sacred spaces appended to the Western Wall.

Excavations of the Western Wall Tunnels began in the late 1960s and continued, with some interruptions, to the present day. Since 2004, the archaeological activities continue almost non-stop.³⁹ The excavations are carried out beneath land owned by Jewish organizations and under the houses of Palestinian residents of the Muslim Quarter.⁴⁰

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 constructed of massive 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 1st 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 major 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

38) [Regulations on Protecting Jewish Holy Sites](#), 1981.

39) For information about the tunnel excavations and their political implications see: "[Underground Jerusalem: The Excavation of Tunnels, Channels and Underground Spaces in the Historic Basin](#)", Emek Shaveh, September 2015.

40) The first excavation began in 2004, see H. Barba and T. Deadle, Jerusalem, "[The Ohel Yitzchak Synagogue](#)", *Archaeological News* 119, 2007; A. Onn and S. Wexler Bdolah and R. Bar Nathan, *Jerusalem, The Old City, Wilson's Arch and the Large Bridge*, *Hadashot Archiologiyot* 123, 2011 (Heb).

built throughout the 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, 8-9 century CE onwards).⁴¹ Excavators consider the main spaces of the Western Wall Tunnels to belong to later periods, particularly the Mamluk period onwards (beginning in the 13th century CE).⁴² The streets and buildings beneath the Muslim layers are dated to the Late Roman period (2nd-4th centuries CE) or the Byzantine period (4th-7th century CE).⁴³ 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 narrative related to visitors at the Western Wall Tunnels focuses almost exclusively on the history of the Temple Mount - the holiest site in the Jewish tradition - thus diverging from the story emerging from the antiquities. The tunnels 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, identified with the original stones of the temple; the doorways blocked over the years and identified as entrances to the Temple, and more.

Several synagogues and places of prayer are found inside the tunnels, which the visitors pass through or walk alongside. 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 Rabbi Getz, the first rabbi of the Western Wall. 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 in certain ultra-Orthodox circles that use it as a place of worship.⁴⁴ The synagogue was renovated and re-

consecrated in 2007.⁴⁵ 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 2006.⁴⁶ This area was not officially declared as a synagogue but it is visited by many devout women at all times of the day. Another synagogue is planned for an underground chamber referred to as the “Model House”. The construction of the synagogue is funded by the oil company belonging to the Israeli millionaire, Yitzhak Tshuva, and his daughter was hired as the architect.⁴⁷

One of the largest spaces in the Western Wall Tunnels excavated in recent years is a hammam (bathhouse) from the Mamluk period (14th century CE). This space, which has undergone extensive conservation, has been recently converted into an interactive museum. Called “The Journey to Jerusalem”, the museum is dedicated to telling the story of Jewish pilgrimage to Jerusalem throughout the generations,⁴⁸ thus completely ignoring the historical significance of the site in which it is situated.

The experience 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 Jewish sacred 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.

41) Solomon, A and H. Barbé, “When was the Secret Arch from the Western Wall built?” unidentified PDF publication, 2014, pp. 82-107 (Heb).

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

43) Solomon and Barbé, “When was the Secret Arch from the Western Wall built?” unidentified PDF publication, pp. 82-107 (Heb); A. Onn and S. Wexler-Bdolah (2010), “Remains of the eastern Roman Cardo in the Western Wall Plaza,” *Qadmoniot* 140, 2010, pp. 109-132.

44) “The Western Wall Heritage Foundation started renovating the synagogue in the Western Wall Tunnels.” Western Wall Heritage Foundation website, 3 June 2007.

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

46) Conservation Department, “[Conservation Works on Wilson's Arch](#)”, The Website of the Conservation Department at the Israel Antiquities Authority.

47) “[The Western Wall Administration: The Oil Company donated the money. Tshuva's daughter will design the project](#)”, Emek Shaveh, February 2016.

48) “[A tourist site dedicated to the Jewish people's longing for Jerusalem was launched in the Old City's Muslim Quarter in a 14th century structure from the Mamluk period](#)”, Emek Shaveh, August 2016.

Davidson Center - Antiquities at the Heart of the Struggle Over “The Egalitarian Wall” and the Elad Foundation

For Whom is the Egalitarian Wall at the Davidson Center Intended?

The Western Wall Heritage Foundation rejected a 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. As a result, a compromise was reached to dedicate a prayer site to Conservative and Reform Jewish women south of the Mughrabi ascent, in an archaeological park known as the “Davidson Center” (Robinson's Arch area). In 2013 a large podium was built over the archaeological remains. The prayer area reduced the antiquities site, and in recent years has become a popular place for performing bar and bat mitzvahs and prayers.

Archaeological excavations conducted in the area from the 1970s exposed structures from different periods. The most notable are street remains dated to the Second Temple period (1st century CE), facilities associated with the Tenth Legion of the Roman army, remains from the Byzantine period (4th-7th century CE), the Umayyad period (7th or 8th century CE) and later Islamic periods. The dedication of a prayer area in an archaeological park, which has hitherto served to tell the story of the Old City through archaeological evidence, reflects a growing pattern in Jerusalem of subordinating a secular historical perspective to the religious Jewish story. The public's growing regard for the area as a holy site is attested to by the bar and bat mitzvah events taking place there, even by families that do not identify with the Reform or Conservative movements, and the placement of notes in the crevices between the stones, as is the custom at the Western Wall.⁴⁹

Minister Uri Ariel Promotes the Elad Foundation at the Davidson Center

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 the Elad Foundation⁵⁰ (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.⁵¹ 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.⁵² On the other hand, the Elad Foundation makes no declarations regarding the Temple Mount. The foundation's activities around the area seemingly focus only on archaeological activities that strengthen the Israeli public's relationship with the Temple Mount. For example, one of Elad's key ventures is the aforementioned “Sifting Project” which 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 dispute.⁵³



The Davidson Center and al-Aqsa

49) These are notes that Jews traditionally place between the stones containing prayers, requests or supplications from the divine.

50) Emek Shaveh, “[Press Release: The Ministry of Housing acted against the Attorney General in case of ‘Davidson Center’ in Old City of Jerusalem](#),” 24 March 2014.

51) Government Decision no. 2925, from government meeting on 19 December 2004 regarding changing the Western Wall Heritage Foundation into a government foundation.

52) H. Barouch, [Minister of Housing: Build the Temple at the Temple Mount](#), *Arutz 7*, 4 July, 2013 (Heb).

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

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 Elad's position and decided to grant Elad the right to manage the site.⁵⁴ Following that decision, the state appealed the district court's decision to the high court. As of writing the present document, the high court has not yet ruled on the issue.

Managing the Davidson Center will allow Elad to strengthen the link between the Palestinian village of Silwan - located just across from the Temple Mount/Haram al-Sharif - and the Old City, particularly the Western Wall plaza. Visitors to the Davidson Center can now continue to Silwan through an ancient drainage channel that has been excavated and opened to the public. Elad conducts public tours via the drainage channel that connects the two sites and that runs along the southwestern 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 various sites under its management. The Kedem Center ((see below) - a tourist compound that Elad plans to build at the entrance to Silwan (Map 1 no. 2) - will, according to the plan, link the 'City of David' National Park with the Davidson Center and the Western Wall plaza. Assuming that the foundation will manage the Davidson Center as it does the City of David, it is expected to invest millions in archaeological excavations and in developing a tourist center showcasing remains associated almost exclusively with Jewish history. Such activity is likely to increase inter-religious tension in the most sensitive spot in the region.

The Elad Foundation and the Israel Nature and Parks Authority in the Village of Silwan

Bible Center Blurs Distinction Between Archaeological Evidence and Faith

In May 2012 the Israeli government decided to look into the establishment of a Bible Center inside the planned Kedem Compound which is slated to be built

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

at the entrance to Silwan.⁵⁵ Its construction is based on the 'Establish a Bible Center in Jerusalem' bill from 2012, 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."⁵⁶ The idea of building a complex that will feature biblical stories and their centrality for the people of Israel at the entrance to the village of Silwan underlines an attempt to promote the importance of the City of David Archaeological Park as a biblical site. Despite the plan to build the complex atop archaeological excavations, as of writing no significant remains from biblical periods have been discovered at Givati. The Israeli government and the Elad Foundation 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 from other historical periods will be preserved and presented to the public, they will be minor in relation to the structure towering above them and to the power of the story about the birthplace of the people of Israel and their historical rights to the land that will, no doubt, dominate the visitors' experience.

The construction plan for the Kedem Center which is due to house the Bible Center, has been vetted by various planning committees for at least six years. The developers (the Elad Foundation and the Israel Nature and Parks Authority) seek to build a 16,000 sqm., seven-story complex on an area of approximately 4 dunam. The height of the building, planned above the archaeological excavation area known as the "Givati Parking Lot", would reach an elevation of about two meters below the highest point of the nearby Old City walls.⁵⁷ In May 2015, the National Planning and Building Committee's appeals sub-committee decided to significantly reduce the size and limit the uses of the building.⁵⁸ But following political pressure by the Minister of Justice Ayelet Shaked, it was decided to hold a rehearing at the National Council for Planning and Building in March 2016. Once reconvened, the Council approved the maximal version

55) Prime Minister's Office: [Cabinet Approves Moving Forward on the construction of a Bible Museum](#), 20 May 2012.

56) Bill proposed by Ronnie Bar-On and Binyamin Ben-Eliezer: [Establish A Bible Center in Jerusalem](#), 2012, 18th Knesset.

57) [The Government Decided to Build the "Kedem Compound" in Silwan](#), Emek Shaveh, 2013.

58) [Press release: A Hard Blow to the Elad Initiative and the Mayor of Jerusalem concerning the Building of the Kedem Compound](#), Emek Shaveh, 7 June 2015.

of the plan - 15,000 sqm. - as it had been approved originally by the district planning committee.⁵⁹

From King David to the Second Temple Period

An examination of the archaeological excavations conducted in the past decade in Silwan by the Israeli Antiquities Authority and which are funded by the Elad Foundation reveals a trend to showcase the layer known to the Israeli public as the “Second Temple Era”. 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 - when the Jewish rebellion against the Romans failed and ended with the destruction of the Second Temple. Although according to the Jewish tradition, 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 King Herod - are considered the glory days of Israel in Judea. The key sites excavated in the last decade are the Givati Parking Lot in the north (where Elad intends to build the Kedem Center - see separate section) 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 the 2004-2005, and has been closed to residents ever since. Both excavation sites are strategic for the settlers. Shiloah/al-Hamra Pool is located at the bottom of the Wadi Hilweh slope before it becomes the al-Bustan neighborhood, delineating the southern edge of the City of David archaeological site. The Givati parking lot, the planned location for the Kedem Center, is at the northern entrance to Silwan, facing the Old City and the Haram al-Sharif/Temple Mount.

In between the pool and the Givati Parking Lot lie underground tunnels which are under excavation. These are presented to the public as the ancient “pilgrimage route”, the road which served the pilgrims on their way to the Temple, after they purified themselves in the Shiloah Pool. There is no certainty regarding the dating of the drainage channel or other facilities discovered at the site, nor have

any scientific papers been published which can corroborate this assumption or form the basis for a discussion.⁶⁰ Yet, even the Israel Antiquities Authority presents the tunnels as part of this ancient pilgrimage route, as can be seen in their public relations video.⁶¹

If Elad is given the rights to manage the Davidson Center, the “route of the Pilgrims” will, no doubt, become even more significant. The southern wall of the Temple Mount/Haram al-Sharif compound features 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 or to the early Islamic period. Walking the route which begins at the al-Hamra/Shiloah Pool to the Hulda gates, a visitor will be able to follow in the footsteps of the Jewish pilgrims in antiquity almost to the route’s final destination.



Archaeological excavations at the foot of the Southern Wall and mikvehs (ritual bathhouses) after conservation

59) [Press Release: Political Pressure led to reconsideration of the Kedem Compound – this time under more favorable conditions to the settlers](#), Emek Shaveh, March 14, 2016, and [Press Release: Decision to Approve Elad’s “Kedem Compound” Plan in Silwan Awakens Fear of Extreme Politicization of Planning and Building Institutions](#), Emek Shaveh, March 30, 2016.

60) See video: “[Herodion Road from Shiloah Pool to the Western Wall](#)”, City of David, April 5 2012.

61) The Israeli Antiquities Authority, “[The Discovery of the Route from the Siloam Pool to the Temple](#)”, 26 January, 2011 (Heb).

The isolation of archaeological sites in Silwan from their contemporary environment via fencing or underground routes, heightens the visitor's experience of walking in the footsteps of a Jewish pilgrim during Jerusalem's Second Temple Period. This experience is detached from the multicultural legacy of the Roman street (the one called the "Pilgrim's route" by Elad). The people at the Elad Foundation are creating an imaginary historical reality that is shaped by their religious beliefs and nationalist goals, rather than by the archaeological finds and other historical evidence.

The Israel Nature and Parks Authority at 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 charge of it has been ongoing for more than a decade. The Public Committee against the Destruction of Antiquities on the Temple Mount, which brings together Israeli right-wing archaeologists with 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.⁶² 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 antiquities.⁶³

While the cemetery of Bab al-Rahma is 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 fact that the Muslim cemetery was included within the park area now enables the INPA to manage the cemetery under the National Parks Act, and in so doing limit access to, and strive to stop burial at the site.

The INPA has 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 presence of Palestinian-Muslims near the Temple Mount/Haram al-Sharif. The fence was vandalized by Palestinians almost as soon as it was put up. Tensions over the

character of the cemetery and the use of the land continued into 2016. In December the INPA prevented the burial of a child in the central section of the cemetery who passed away following an illness.⁶⁴ The cemetery's location adjacent to the eastern wall of the Temple Mount/Haram al-Sharif is possibly Israel's main reason for taking these measures. It seems that the conflict over Muslim burial in the cemetery is part of the struggle over the character of the Old City in general and the Temple Mount/Haram al-Sharif area in particular.



Bab al-Rahma

62) High Court of Justice 7800/05 and 7192/04.

63) N. Shragai, [Temple Mount Politics Make Strange Bedfellows](#), *Haaretz*, 16 May, 2006 and Shragai, N., [The State Fought Illegal Muslim Burial at the Foot of the Temple Mount](#), *Haaretz*, 21.06.2009 (Heb).

64) Y. Avraham, "[Tension in Jerusalem: Funeral of a 9 year-old was terminated](#)", *Mako*, 6 December 2016 (Hebrew)

The Palestinians, the International Community and UNESCO

The Palestinian Authority (PA) owes whatever influence it has in Jerusalem to international recognition of its political rights in East Jerusalem and the Historic Basin. One of the key ways by which the PA has leveraged power has been its membership with 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 a World Heritage Site in Danger (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).⁶⁵

UNESCO's activity in Jerusalem is often met with difficulties because of the need to coordinate with various authorities: Israel, which is the sovereign country, 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 on Jerusalem are submitted in its name by states that support it. For example, in October 2016, Algeria, Egypt, Lebanon, Morocco, Oman, Qatar and Sudan submitted a draft resolution to the UNESCO Executive Board (Draft Resolution 200) protesting Israel's infringement on the Muslims' right of worship in Jerusalem and the undermining of Jerusalem as a world heritage site. Their criticism, most of which is justified, focused on different construction projects in the city, such as the Kedem Center in Silwan and Beit Haliba at the Western Wall. The draft resolution included a demand to dispatch a professional delegation that would investigate how best to protect historic sites in Jerusalem, sections concerning the protection of the Haram al-

Sharif, and objections to the restrictions placed on Muslim worshippers.⁶⁶ In the draft resolution, the Western Wall is referred to by its Islamic name, "al-Buraq", and "The Western Wall" appears in quotation marks. Yet, this draft resolution is relatively moderate, compared to the resolution passed a year earlier which referred to the Western Wall plaza as "al-Buraq plaza" completely ignoring the site's centrality in the Jewish tradition.⁶⁷ For Israelis and Jews around the world, the Western Wall is considered a remnant of the Temple. Even though it is not explicitly stated in the draft resolution, which was submitted in the name of the Palestinian Authority, it definitely implied that the Jewish nation has no attachment to the site. As far as Israeli Jews are concerned, the meaning of such a resolution is that the Palestinians and their allies are not to be trusted, and that therefore they should not be handed responsibility over Jerusalem's antiquities or sites that are sacred to multiple faiths. The way Israelis and Jews interpret this kind of statement is that given a chance, the Palestinians will destroy and erase Jewish heritage in Jerusalem and override the historic rights of the Jewish people.

65) The plan was drafted by UNESCO in 2003 and its implementation began in 2004.

66) Draft Resolution No. 25, 200th Session of the UNESCO Executive Board, October, 2016.

67) Draft Resolution No. 32, 197th Session of the UNESCO Executive Board, October, 2015.

Conclusion and Lessons

The Temple Mount is the most sacred site to the Jewish people. Despite this and because of it, large parts of the religious establishment are opposed to Jewish pilgrimage to the Temple Mount and to changing the status quo. The Temple Mount/Haram al-Sharif complex has been under the management of Islamic religious entities for almost 1,000 years, the most obvious expression of which is the diverse architectural styles characterizing the structures built on the precinct over the centuries.

The Temple Mount/Haram al-Sharif has seen many changes over time, but beginning with the 8th century, and particularly after the defeat of the Crusaders in the 12th century, it evolved as a holy site for Muslims. The most significant changes occurred immediately after the 1967 War: on the one hand Israel continued to respect the status of the Islamic Waqf on the Temple Mount, but on the other hand it created the conditions for changing this status. The most well known of these is Israel's control over the Mughrabi Gate and the positioning of a police headquarters in the Mahkamah building, which overlooks the holy precinct.

Immediately after the Six Day War Israel created a new area around the Temple Mount: The Mughrabi Quarter was destroyed, archaeological excavations took place all along the southern wall of the precinct, and later underground excavations extended from the Western Wall plaza under the Muslim Quarter, and along the western wall of the Temple Mount/Haram al-Sharif. During the excavations of the tunnels there was at least one incident when excavators penetrated under the area of the Temple Mount itself.

The next most significant change took place in 1996 with the opening of the Western Wall Tunnels and the works on Al-Marwani Mosque, in the area called "Solomon's Stables" underneath Al-Aqsa Mosque. Some Jewish groups seek to convert that space into a Jewish place of prayer. Encouraged by the political orientation of the present government, these groups are motivated to intensify their struggle to increase Jewish presence at the Temple Mount. In recent years, public criticism of the destruction of antiquities at the Temple Mount by the Waqf has increased and with it a delegitimizing of the Waqf's role in administering the site. These dynamics have led to the attempt, in the summer of 2014, to rebuild the Mughrabi Ramp and modify the opening hours at the gates to the Temple Mount/Haram al-Sharif.

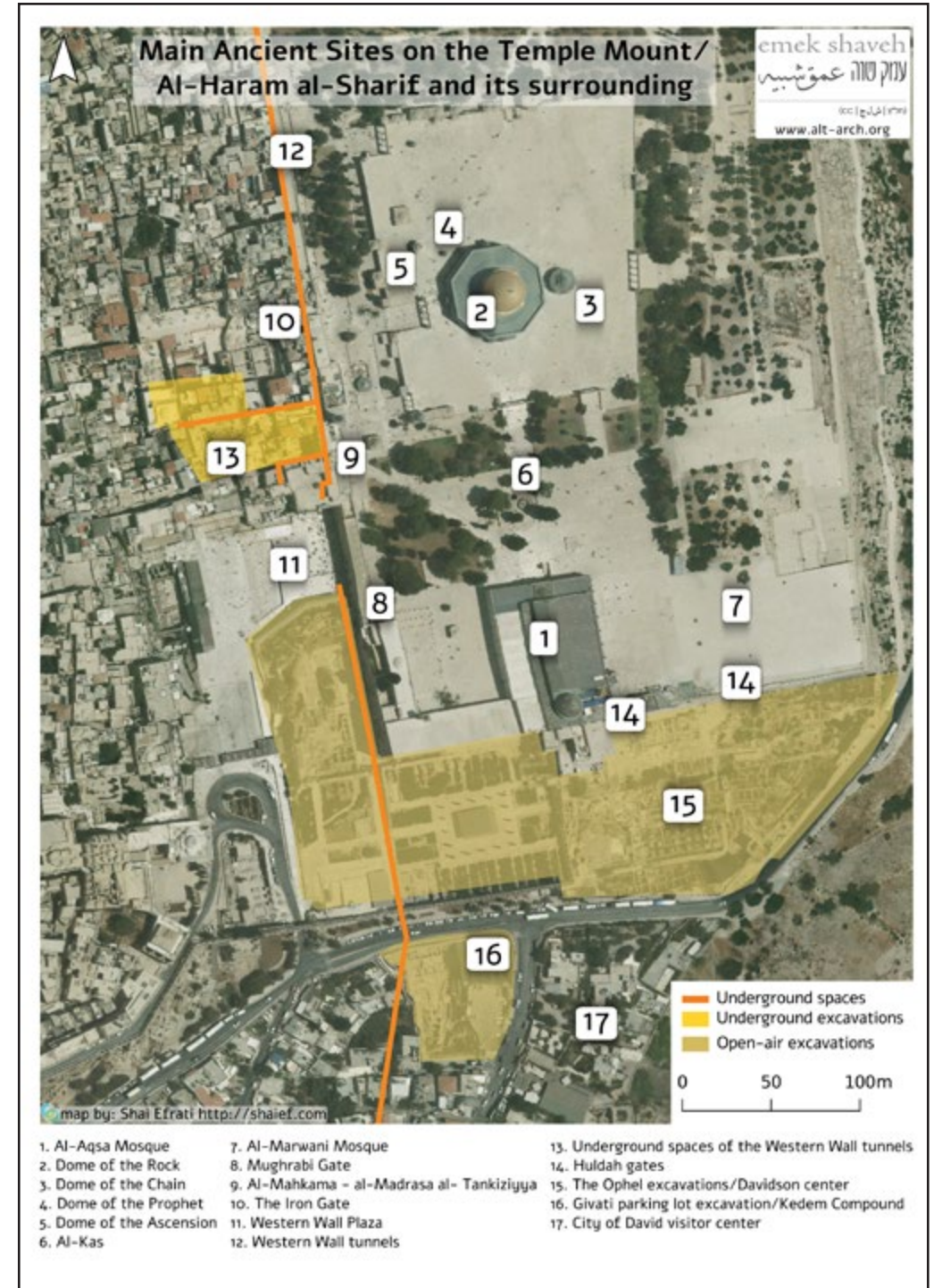
When reviewing Israeli involvement in East Jerusalem in general and in the area surrounding the Temple Mount/Haram al-Sharif in particular - i.e. the Old City and the village of Silwan - there can be no doubt but that Israel is interested in expanding its presence and entrenching its authority over the area. The Israeli authorities and settler NGOs invest their best efforts in transforming Silwan into a tourist site and into the Israeli settlement of "The City of David". At the same time, the Old City is undergoing unprecedented development of a nature which prioritizes Jewish belonging and the Jewish people's historic rights to Jerusalem. In Bab al-Rahma there are attempts to prevent the burial of Muslims through the application of the National Parks Law. The volume and pace of archaeological works and development for tourism is in striking contrast with the years of neglect of the Palestinian population. These processes in the city solidify an Israeli vision that ancient Jerusalem should remain under Israeli sovereignty forever.

The demand to change the status quo at the Temple Mount is a result of these processes. If Israel modifies the landscape in and around the Old City and expands and entrenches its presence in the area surrounding the Temple Mount, then it should come as no surprise that the next logical step would be to affect changes on the precinct itself. Even if Israel officially distances itself from Jewish groups who ascend the Temple Mount and are demanding a change in the status quo, its activities around the precinct and even in the Temple Mount itself reflect an intention to prepare the ground for a significant change in the current situation.

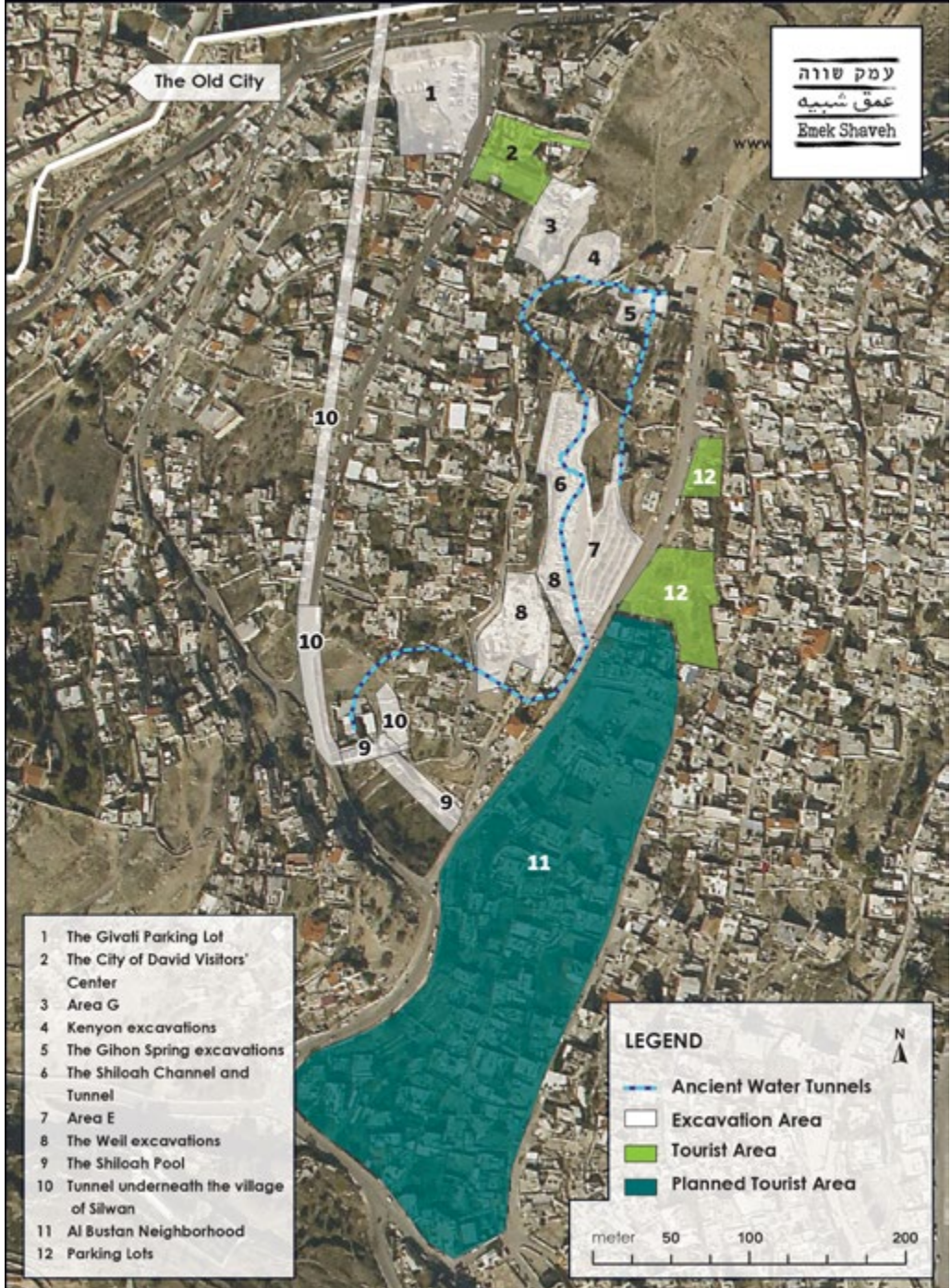
In the present reality, characterized by trends towards greater nationalism and religious intensification, it is necessary to take measures that will restore trust and cooperation between the sides. In our opinion, a significant part of the archaeological projects conducted around the Mount heightens tensions and creates a reality whereby the precinct is increasingly isolated from its Muslim believers. Israel ought to refrain from unnecessary archaeological excavations and cease the controversial tunnels project. It must allow freedom of worship, including Muslim burial within the Bab al-Rahma cemetery.

UNESCO has the capacity to become an international conciliator between the sides, although this would require the Arab countries to recognize that radicalization, even terminological, harms the Palestinian interest in Jerusalem first and foremost by contributing to radicalization on the Israeli side.

Maps



Archaeological Areas in Silwan



- 1 The Givati Parking Lot
- 2 The City of David Visitors' Center
- 3 Area G
- 4 Kenyon excavations
- 5 The Gihon Spring excavations
- 6 The Shiloah Channel and Tunnel
- 7 Area E
- 8 The Well excavations
- 9 The Shiloah Pool
- 10 Tunnel underneath the village of Silwan
- 11 Al Bustan Neighborhood
- 12 Parking Lots



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