

PALESTINIAN CULTURAL AND RELIGIOUS HERITAGE IN JERUSALEM



Painting by Abed Rahman Abu Arafah, *Damascus Gate* (1997)

INTRODUCTION



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The Old City of Jerusalem is distinguished from any other historic city for its universal value. It is home to the most sacred religious shrines in the world, including Al-Aqsa Mosque/Al-Haram Al-Sharif, Al-Buraq Wall also known as the Western Wall, and the Church of the Holy Sepulcher. Within its walls, one can find numerous mosques, churches, convents, *zawayas*¹ and mausoleums sacred to many believers worldwide.

Inscribed on the UNESCO World Heritage List (at the request of the Hashemite Kingdom of Jordan) since 1981, the Old City of Jerusalem and its Walls have a unique and valuable historic, religious and cultural heritage and identity, that was skillfully built over centuries, and demonstrates the diverse urban and architectural styles developed over centuries. UNESCO's 1982 listing of the Old City as "World Heritage Site in Danger" is a testimony to the international concerns about the conditions threatening the integrity and survival of this outstanding spiritual place and its unique social composition.

This Bulletin endeavors to give an overview of the rich cultural and religious heritage in Jerusalem, the efforts that have been made to protect it and finally the challenges and threats that endanger the survival of the city's distinct Palestinian identity.

¹ Place of sufi worship or study.

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1. HISTORICAL BACKGROUND

In recognition of Jerusalem's extraordinary significance for the three monotheistic faiths, manifested in hundreds of cultural, archaeological, and religious heritage sites, the *Status Quo* was introduced in the late 19th Century to describe the arrangements between different religions and religious groups over their holy sites.

The introductory *Status Quo* arrangement was established by the Ottoman Empire in 1852, when Sultan Abdul Majid issued an edict (*Firman*) concerning the Christian holy places in Jerusalem and in Bethlehem to forbid the various Christian denominations from any construction or changes to the existing "status" of these holy places to avoid conflicts over ownership and prayer rights. This arrangement later received international recognition at the Conference of Paris in 1856 and the Congress of Berlin in 1878, which extended the *Status Quo* arrangement to include other, non-Christian holy sites.

The *Status Quo* arrangement regarding Palestinian holy sites continued to be enforced during the era of the British Mandate (1920-1947). In 1947, the United Nations passed Resolution 181 to partition historic Palestine into two states and Jerusalem was declared a *corpus separatum*: an international city to be administered by the UN. A year later, the Zionist movement conquered 78% of historical Palestine and the State of Israel was created, controlling over 85% of Jerusalem. However, the entirety of the Old City, including all holy sites, came under the rule of the Hashemite Kingdom of Jordan, which abode by the historical and religious *Status Quo*, which was repeatedly reaffirmed, including in the October 1994 Israeli-Jordanian Peace Treaty.²

Over the years, the Palestinians also reaffirmed their commitment to the *Status Quo* on several occasions. The Holy See-Palestinian relations, for example, are governed by their 2000 agreement on which they jointly affirmed a special, internationally guaranteed statute on Jerusalem; safeguarding the regime of *Status Quo* in those Holy Places where it applies; freedom of religion, access and worship for all, and equality before the law of the three monotheistic religions.³

However, since 1967, consecutive Israeli governments continued to undermine the internationally recognized *Status Quo* agreement, resulting in numerous violations against Palestinian archaeological and cultural property, which have been systematically confiscated, looted and excavated by Israeli authorities. This has not only endangered their cultural heritage but also denied Palestinians the right to develop and access their historical and religious sites.

Since the Trump Administration's illegal recognition of Jerusalem as Israel's capital on 6 December 2017, the Israeli Government has escalated its aggression against the Palestinian people, including denying them their human and religious rights in the holy city.⁴

On 21 December 2017, the United Nations General Assembly Resolution ES-10/L. 22 approved by an overwhelming majority of 128 to 9 against with 21 absentees and 35 abstentions declaring the status of Jerusalem as Israel's capital as "null and void".⁵

While Jerusalem's cultural treasures are special to all of humanity, the Israeli government has since 1967 attempted to erase or neglect their universal character and forefront the Jewish character of the city's archaeological and heritage sites. This Israeli policy has been used as a political tool to maintain and entrench control over Palestinian land and resources and as pretext for its continued illegal settlement activity in contradiction to international law. In fact, much of the settlement enterprise in and around the Old City is concentrated around archaeological areas, including Al-Mughra-bi Quarter of the Old City, which was destroyed in its entirety right after the occupation and replaced with the Western Wall plaza, and the Silwan neighborhood, which Israel claims and renamed as 'City of David.'

² In Article 9 of the Treaty each party committed to provide freedom of access to places of religious and historical significance, Israel respected the special role of Jordan with regard to the Muslim holy shrines in Jerusalem, and both parties vowed to promote good relations among the three monotheistic faiths and religious understanding, freedom of worship, tolerance and peace.

³ La Santa Sede, available at https://www.vatican.va/roman_curia/secretariat_state/2000/documents/rc_seg-st_20000215_santa-sede-olp_en.html.

⁴ This includes forcible transfer of civilian population out of their city, home demolitions, colonial-settlement expansion and persecution of Palestinian civil society and political leaders.

⁵ In its preamble the Resolution states: "bearing in mind the specific status of the Holy City of Jerusalem and, in particular, the need for the protection and preservation of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions. Stressing that Jerusalem is a final status issue to be resolved through negotiations in line with relevant United Nations resolutions, and expressing, in this regard, its deep regret at recent US decisions concerning the status of Jerusalem"; <https://undocs.org/en/A/ES-10/L.22>.

Since 1968, UNESCO has denounced and condemned Israel's blatant acts of aggression against historic and holy sites in Jerusalem and asked it to refrain from it.⁶ It also condemned Israeli excavation works in the vicinity of Al-Aqsa Mosque/Al-Haram Al-Sharif and called on Israel to cease them immediately since they are in violation of the International Convention of 1972 Concerning the Protection of World Cultural and Natural Heritage.

2. PALESTINIAN CULTURE AND HERITAGE IN JERUSALEM

Despite attempts to suppress Palestinian national expressions of Jerusalem, it has been, and continues to be, a central subject matter for Palestinian artists, carrying deep historical and religious significance. In addition, Jerusalem has always been considered as the epicenter of Palestinian resistance, self-determination and identity. The historic city is the religious and cultural foyer of Palestinian heritage both tangible and intangible.

2.1 Tangible Heritage (Landmarks and Artefacts)

The Old City and Ramparts of Jerusalem is an inscribed site on the World Heritage List since 1981. It was requested as a world heritage site by the Hashemite Kingdom of Jordan, and is not assigned to any state on the UNESCO listing. The ramparts date back to the Ottoman era of the 16th century and enclose within it the most important religious shrines for the three monotheist faiths: Al-Buraq Wall/Western Wall), the Church of the Holy Sepulcher, and the Al-Aqsa Mosque/Al-Haram Ash-Sharif, amongst others.

The Old City is also well recognized for its beautiful urban composition, enriched with a variety of Mamluk and Ottoman-era buildings and structures. Its rich architectural heritage begins at the Holy Mosque and spreads throughout the other parts of the Old City. This heritage includes at least 28 mosques, with the Al-Aqsa Mosque compound alone housing 137 different structures, and the Via Dolorosa as well as 42 Christian churches, cathedrals, chapels and convents inside the Old City and another 38 just outside its walls or in its immediate vicinity. Religious and cultural heritage structures in and around the Old City further include⁷:

- About 21 *madrasas* (schools), including the Al-Arghunia, Al-Asaadiya, and Al-Umarya Schools.
- Bimaristans (hospices), the most famous of which was built by Salah Eddin Al-Ayyoubi in 1187 AD;
- 10 Sufi lodges (Sufis are practitioners of the tradition of *Sufism*, the inner, mystical dimension of Islam)
- 5 ribats (hostel, base or retreat for voyagers on major trade routes; homes of religious Sufi teachers; solidarity house for supporters of the two Holy Mosques) including the famous takiyya of Khaski Sultan built by Roxlana, the wife of the Ottoman Sultan Suleiman the Magnificent;
- 3 *hammams* (bathhouses): Ain Shifa, Al-Ain and Bab Al-Asbat'
- many structures of water to perform ablutions (*wadu'*), drink, and irrigate;
- 10 *khans* (space built around a central courtyard designed for hosting caravanserais, offering rooms for travelling merchants, stables for their steed, and storage for their goods) and several markets, including the Qattanin market created by Mamluk prince Tunkuz near the Al-Aqsa Mosque, Khan Al-Fahm, Khan Al-Ghadiriya and Khan Al-Khaskiyya;
- The Islamic Museum (inside the Al-Aqsa Mosque compound);
- 9 Cemeteries, some of which date back to the Mameluk (1250-1517) and Ayoubi (1171-1250) eras;
- Several springs and wells in Silwan (located adjacent to the Al-Aqsa Mosque compound).

Given Jerusalem's turbulent history of power and conquest, the Arab architecture is a centerpiece of the city's makeup and culture. The housing designs in the Old City, haphazard as they may seem, not only illustrate an evolution of Arab building that grew from the rural styles brought to the city, but also reflect the numerous influences of changing rulers. The vast majority Arab buildings in Jerusalem are constructed in the Islamic motif, creating a harmonious link with architectural heritage in the rest of the Arab world. The aesthetics of Jerusalem owe most of their iconic status to the Arab-Muslim tradition, with some buildings dating back up to 1,300 years. Arab Christians have also made their architectural mark on Jerusalem largely through the beautiful homes and villas that can still be found all over the city.

⁶ E.g., in the 15th session of its General Conference, UNESCO urgently called on Israel to desist from any archaeological excavations in the city of Jerusalem and from any alteration of its features or its cultural and historical character, particular with regard to Christian and Islamic religious sites (15 C/Resolution 3.343 of 1068), see <https://unispal.un.org/DPA/DPR/unispal.nsf/0/959CB89CA9F544D7852562CA0071DA82>.

⁷ See PASSIA (2014), *A Guide to Muslim & Christian Holy Places in Jerusalem*; Azab, K. *Cultural and Media Judaization of Al-Quds and its Heritage*. Available at: https://www.academia.edu/23655718/Cultural_and_Media_Judaization_of_Al_Quds_and_its_Heritage.

Finally, Jerusalem is also home to numerous archaeological landmarks lying beneath the surface, also on the UNESCO World Heritage List. These include ancient bathhouses, khans, streets, remains of houses and palaces from the Ottoman, Roman and Umayyad eras. Such archeological findings illustrate thousands of years of Arab Palestinian, Muslim and Christian presence in the ancient city of Jerusalem, yet are disregarded, damaged and at times destroyed by Israel's excavations and attempts at finding remains of the temples of Solomon and Herod.

Jerusalem has also served as a muse for many Palestinian artists who used a diverse range of methods, materials, and images to reflect the city's historical and political significance and express their identity, homeland and exile.⁸

Painting

Landscape paintings are popular in Palestinian art, especially with regards to Jerusalem (see for instance the works of Ismail Shammout, Mustafa Al-Halaj, Sliman Mansour, Nabil Anani, and Taleb Dweik). Both panoramic and detailed examinations of specific sites - most often the Dome of the Rock - are at times depicted in realistic, "primitive" terms or else in more lyrical, personal styles as in the case of painters like Taysir Barakat or Issam Bader. Typical scenes include the olive tree, symbolizing the ancient bond of the Palestinians with their homeland, and the hills of Jerusalem populated by Arab peasants, conveying the rural beauty of the Jerusalem countryside, such as in the works of Taleb Dweik. Others use Arabic calligraphy to emphasize Jerusalem's Arab identity. Calligraphy is a genuine Arabic and Islamic artistic tradition that links the literary heritage of the Arabic language with the religion of Islam. Particular famous for his artwork using calligraphy was Jamal Badran.



Painting by Taleb Dweik

Handicraft

Traditional handicraft, ornamental art, and Islamic decorative art are other forms of visual arts in Palestine. The craft of pottery was brought to Jerusalem at the turn of the 20th Century, when the tiles of the Dome of the Rock needed replacing and Ottoman specialists introduced the art to local residents. Tile making was another unique practice that came to Jerusalem in 1912 and subsequently spread widely throughout Palestine. The Qassiyeh factory, the first and most famous source of the exquisite tiles, used local materials and operated in East Jerusalem for over 50 years before the Israeli occupation forced its closure in 1969. However, the traditional floor tiles can still be found in many of the old houses.

The suqs (markets) in the Old City are another testimony to the history of craftsmanship and culture in the city, many dating back to Roman, Mamluk, and Ottoman times. Traditionally, merchants of the same profession used to gather in certain parts or alleys of the city, hence the names of these markets: "Each trade kept to itself; shoemakers here, tailors who sold 'ready-mades' there, jewel merchants, merchants who sold silk or cotton or sugar, all were to be found on their own separate streets."⁹ However, when residents began moving out of the crowded walled city to modern neighborhoods in the early 20th Century, it lost significance as a market for traditional crafts and trade. This was further accelerated with the industrialization of the handicraft industry and the 1967 occupation which cut off trade routes from Arab countries for many materials such as embroidery and carpets. With the increase of tourists, most merchants finally turned their traditional stores and groceries into souvenir shops.

Suq Khan Al-Zeit (Caravanserai of Oil): The partially open, partially covered suq starts inside Damascus Gate with the street on the right side. It was famous for selling olive oil and soap and its olive presses and soap making facilities. During the Roman and Byzantine eras, this road was called the *cardo*. Today, most of its Mamluk-era buildings offer all kinds of goods, spices, sweets, clothes, souvenirs, etc. or food.

Suq Al-Qattanin (Cotton Market): This market extends from Al-Wad Street (inside Damascus Gate to the left) down to Bab Al-Qattanin, one of the entrances to the Al-Aqsa Mosque compound. It was built by Tankiz Al-Nasiri in 1336-1337 AD and includes the Khan Tankaz and two baths. Most shops sold cotton and its products and the market's income was allocated to the Al-Aqsa Mosque Waqf and the Tankiziyya School.

⁸ The following overview is partially taken from PASSIA's *Jerusalem of Art* (2011), which is out of print but available at <http://passia.org/publications/100>.

⁹ H.F.M. Prescott, *Friar Felix at Large: A Fifteenth-century Pilgrimage to the Holy Land* (New Haven: Yale University Press, 1950, p. 180).

Suq Aftimos: This suq was established at the beginning of the 20th Century near the Church of the Holy Sepulcher. Named after its builder, the Greek Archimandrite Aftimos, it is a large open structure with a fountain in its middle. A significant leather-dyeing industry prospered adjacent to the Suq, hence it was also known as Suq Al-Dabbagha (Tanner's Market). Today, most of its shops cater to tourists.

Three other suqs, all roofed and with arched vaults with openings for light and ventilation, are located adjacent in the middle of the Old City and date back to the Roman and Ayyubid eras:

Suq Al-Attarin (Spice Market), which was endowed to Waqf by Salah Eddin, was traditionally specialized in oriental spices, herbs, and fragrances. *Suq Al-Lahhamin* (Butchers' Market), which was previously known as Suq An-Nahhasin (Coppersmiths' Market) as it was the place for blacksmithing and all kinds of copper and other metal items. *Suq Al-Khawajat* (Goldsmith's Market), traditionally home to many goldsmiths, was also known for textile trade.

At the southern end of Suq Al-Lahhamin is the small Suq Suwaikat Al-Husur (Straw Mats Small Market) composed of a few shops producing straw floor mats and bamboo baskets. Since the early 1970s, the market is marginalized as its traditional industry relocated to West Bank cities, mainly Jericho and Nablus.

Suq Al-Bazaar is at the end of the Muristan Street and historically centered on the remnants of the Bimaristan building or the Salahi Hospital, named after Salah Eddin. When the hospital stopped operating, it was used as a center for selling fruits and vegetables, and later became a souvenir market.

Literature and Libraries

The written word holds a special reverence in the Arab world and thus it comes as no surprise that Jerusalem has factored heavily into Arabic poetry and prose throughout history. The traditional Fada'il Al-Quds (Praise or Merits of Jerusalem) is a genre of literature that first cropped up in the years of the Crusades and the counter-Crusades. These works touched on the sanctity of the city through themes of prayer and pilgrimage, and enhanced the desire on the part of the Muslims to re-gain the city, which they had lost in 1099.

Following the 1948 War, Palestinian literature was increasingly inspired by the events surrounding the Nakba as well as its aftermath, and by the experience of Israel's 1967 military conquest and occupation of the West Bank and the Gaza Strip, including Jerusalem, which has acted as a frequent muse in Palestinian poetry.

With over 5,000 books and 12,000 manuscripts, the Khalidi Library (Al-Maktaba Al-Khalidiyya) that sits adjacent to the Haram Ash-Sharif is the largest of these.¹⁰ Another important institution is the Al-Budeiri Library, which contains upwards of 700 rare manuscripts and 2,000 books. The library came into being through the efforts and wealth of Sheikh Mohammad Ibn Budeir (1747-1805).¹¹ The Al-Ansari Library (1957), also known as Bayt Al-Maqdas, is located on Omar Ibn Al-As Street between Nablus Road and Salah Eddin Street. It contains all daily newspapers published in Palestine since 1967.¹² Finally, the library of the Al-Aqsa Mosque holds numerous manuscripts and published works on Islam's role in Jerusalem and Palestine. The Haram Ash-Sharif also houses the Islamic Museum, which boasts an impressive display of Qur'ans from all eras and all corners of the Arab World.

Folk Crafts

Besides arts, the multicultural aspects of Palestinian identity are also echoed in Palestinian folk crafts, which, historically, comprised of functional items, i.e., clothing, dishes, and storage containers. Traditional Palestinian pottery or cloth articles are hand embroidered with varying in patterns and colors associated with the particular village or district and its local history.¹³ The art of Palestinian embroidery has been preserved over the years, as well as the craft of pottery, which was brought to Jerusalem at the turn of the 20th Century, when the tiles of the Dome of the Rock needed replacing and Ottoman specialists introduced the art to local residents.¹⁴

¹⁰ Ajami, Jocelyn M. "A Hidden Treasure". *Aramco World*, Vol. 44, No. 6, November/December 1993.

¹¹ "Families of Jerusalem and Palestine – Al-Budeiri family of Jerusalem." www.Jerusalemmites.org.

¹² Bergan, Erling. "Libraries in the West Bank and Gaza: Obstacles and Possibilities". Presentation from Bibliotekarforbundet, Oslo, Norway.

¹³ Depending on the region, the patterns included representations of cypress tree, bunches of grapes, apple tree, cauliflower, cock, pigeon, rainbow, roses, birds, flower pot and extensive other such representations.

¹⁴ The Bethlehem and Jerusalem garments are similar regarding their fabrics, couching techniques, and motifs, which are commonly known as watches (sa'at) and represent the tree of life. Another distinguishing factor for costumes embroidered in the Bethlehem and Jerusalem areas is the variety of Syrian fabrics that were used to make the thob. Such distinctive, silk-mounted fabrics are striped with yellow, red, or gold.

2.2 Intangible Heritage (Palestinian Culture and Identity)

For many Arabs and Palestinians Jerusalem is not only the political, administrative, socio-economic center and spiritual heart of Palestine, but also a manifestation of their culture and identity. As Ali Qleibo puts it:

“The study of cultural identity falls at the axis of intangible and tangible heritage. It is the study of the actors’ customs, memory, and narratives, the spoken word and the silence. Such detailed ethnographic studies have their respective concepts, theories, and methodologies that provide the guideline for both the initial stage of research and the final codification of the acquired knowledge [...]

“The Jerusalemite is enigmatic [...]. Indeed, we are proud, and our sense of dignity and personal integrity takes priority over any other pragmatic consideration that, unwittingly, further distorts our fragile and vulnerable nature. To outsiders we appear cold, arrogant, and elitist. In fact, we are spontaneous, unpretentious, sentimental, and extremely emotional. [...] The Jerusalemite lady knows how to command respect, intimidate, and keep men at a distance.”¹⁵

In addition, performing arts in Palestine – music, dance, drama, and theater (initially story telling) – can be traced back hundreds of years to Arab medieval times and have always been important parts of traditional Palestinian life. Over the years they functioned as vehicles for promoting intercultural understanding, as international audiences have enjoyed and been educated by Palestinian musicians, theater and dance groups worldwide. Their performances often communicate the Palestinian narrative promote local heritage and national identity.

Dancing and music are integral parts of Palestinian culture. After the Palestinian Nakba in 1948 a new generation of Palestinian artists started composing music and writing songs to express their deep devotion to the homeland and their nationalistic aspirations, dreams and sorrows. Traditional Arab music instruments include the Oud, the Derbakeh, the Rababa, Kanun, Daf, and Kamaja (see below from left to right).



Dance

Among Palestinian performing arts, the Dabkeh stands out as an important folk dance that has become a performing means of expressing Palestinian national identity and pride. It has also been incorporated into Palestinian modern expressional dance, telling of the history, struggle and aspiration of Palestinian refugees by intertwining traditional Palestinian dance and theatrical choreography. After 1948, the dance has become increasingly politically symbolic, being performed impulsively at national celebrations and political events.



Dabkeh dancers

Theater

Palestinian theater traces its origins to the storytellers (*hakawati*), who travelled from village to village to perform a variety of stories with little costumes or requisites. Haifa and Jerusalem were notable among Palestinian centers of population for their rich offerings.¹⁶

¹⁵ Qleibo, A. (2015). “Jerusalem’s Identity and Intangible Heritage.” *This Week in Palestine*. Available at: <https://www.thisweekinpalestine.com/wp-content/uploads/2015/09/Jerusalem%E2%80%99s-Palestinian-Identity.pdf>

¹⁶ In the 1960s and 1970s troupes such as Al-Kasaba, Ballaneen Experimental Theater, and others emerged. Palestinians had now a dramatic forum for exploring social and political issues. This, however, induced Israeli authorities to raid, close, and censor the theater on numerous occasions and until this day they break up or ban events there.

Social Customs and Traditions

Palestinian culture consists not only of the separate appearances of art and artistic expressions, but also of a special way of life, a distinction that reflects “being Palestinian” and is manifested in aspects of language, religion, proverbs, popular beliefs, customs, cultural values and traditions.



Palestinian society is an Arab society in which the family is the key social unit that influences all aspects of life and it serves not only as the primary source of identity but also as a safety net. Palestinians place a high premium on generosity and hospitality, as does Arab culture in general. Guests - often unannounced - are always received with food, sweets and coffee and visits between family and neighbors are commonplace.

These various forms of intangible cultural heritage are a testimony to Jerusalem’s centrality in the hearts and minds of the Arab world. The living, breathing city with a remarkable history was named ‘the capital of Arab Culture’ by the Arab League in 2009. And yet, the celebration of culture in Jerusalem is not just oriented towards local Palestinian or Arab culture. It also considers the achievements of other civilizations and communities throughout history, in a city that has embraced so many different peoples, religions, languages and ideas.

The difficulties that surround access and rights for the city’s Palestinian residents have only increased their desire to maintain it as a part of their lives. Neither the Palestinian people’s dispersal into territorial cantons, nor 53 years of Israeli occupation assaults on and oppression in the fields of education, journalism, literature, art, religious practice, and folklore have succeeded in destroying Palestinian resistance through culture in order to preserve their identity and heritage, and protect their roots in Jerusalem and Palestine.¹⁷

Clearly, intangible heritage is as relevant to the survival of societies and communities as its tangible counterparts. And yet, the academic and legal fields of research highlighting Israel’s attempt to ‘Judaize’ the city often overlook the fact that the conflict poses a threat to expressions of Palestinian identity and collective memory as well as artifacts and buildings. In other words:

“Acts of deliberate destruction of cultural heritage have a transformative impact on the psyche of the population affected: their morale is damaged; they are intimidated; their traditions, skills, and cultural practices are halted, severely impeded, or lost through conflict-related deprivation and enforced displacement; and the cultural underpinnings (in the form of identity, beliefs, and dignity) of their very existence as a group, a community, or a nation are dismantled.”¹⁸

In occupied Palestine including East Jerusalem, certain measures have been put in place to regulate and codify the protection of intangible heritage. On 7 October 2017, the Palestinian Ministry of Culture (MoC) released the National List of Elements of the Intangible Palestinian Cultural Heritage.¹⁹ Further, on 18 May 2015, UNESCO and the MoC drafted the Law for the Safeguarding of the Palestinian Intangible Heritage²⁰ to ensure the elaboration of a comprehensive and context-specific draft law aligned with the 2003 UNESCO Convention. However, the law has yet to enter into force.

Despite the attempts to destroy Jerusalem as an Arab artistic center after 1948, the sector has survived and has slowly seen an attempt at revival. The Arab perspective towards the city has undergone a dramatic shift, though not only in the visual arts, but also in every facet of cultural life.

¹⁷ PASSIA (2011), *Jerusalem of Art*. Available at: <http://passia.org/publications/100>.

¹⁸ Chainoglou, K. (2017). ‘The Protection of Intangible Cultural Heritage in Armed Conflict: Dissolving the Boundaries Between the Existing Legal Regimes?’ *Santander Art and Culture Law Review*, (3) 109-134.

¹⁹ Palestinian Ministry of Culture (2017), National List of Elements of Palestinian intangible cultural heritage, available at: <http://www.moc.pna.ps/files/server/strategic/amad-11.pdf>.

²⁰ UNESCO, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/0BF619B05D2958F885257EE60055779B>.

3. VIOLATIONS AGAINST RELIGIOUS AND CULTURAL HERITAGE IN JERUSALEM

3.1 Israeli Attempts to Erase Palestinian Culture from Jerusalem

In addition to the effects of structural inequality on access to cultural activities and in an attempt by Israel to entrench its illegal annexation of occupied East Jerusalem, Israel, the occupying power, continues to undertake steps and adopt policies that aim at changing Palestinians' cultural rights and violating their freedom of expression. Firstly, Israel has continuously tried to erase the Arab Palestinian presence from the map of Jerusalem, most notably by changing the historical street names. Indeed, "Street names belong to the urban texture, and their introduction into local geography is a measure of administrative control."²¹ 2015 witnessed unprecedented and shocking violations as Israel forced the "Temple Mount" name on signs at the gates of Al-Asbat, Al-Magharbeh, Al-Silsilah, Al-Hadid and Al-Majlis leading onto the Al-Aqsa Mosque compound. The signs below illustrate this flagrant aggressive policy of Judaization, completely ignoring the fact that Al-Haram Al-Sharif is Al-Aqsa Mosque.



Israeli signs at the gates leading to the Al-Aqsa Mosque

Israel limits Palestinian local economic development and prevents Palestinian residents of the city from increasing their purchasing power. The annual per capita income for a Jewish Israeli family in Jerusalem is 42,000 USD a year, roughly 9 times the average income of a Palestinian family. Some 26% of Israeli Jewish families compared to 72% of Palestinian families in Jerusalem live below the poverty line.²² However, Palestinian residents are subject to the same high living costs. This inequality thus creates a gap between the expenditures spent on necessities (rent, food, bills etc.) and the budget that is left for leisure (related to cultural activities) for Palestinian families compared to Israelis families.²³

Control and surveillance in the field of education in occupied East Jerusalem largely influences Palestinians' right to cultural expression. Israeli authorities' interference with Palestinian textbooks allows them to control, censor, and rewrite the national and historical narrative of Jerusalem. At times, the occupying authorities have imposed the Israeli academic curriculum on Palestinian schools, replacing it with contents that justify Israeli colonialist policies. This is a form of settler-colonization of the mind, by which the Israeli authorities aim to belittle Palestinian identity and change the identity of the occupied city. This is done by removing national symbols such as the Palestinian flag or the Ministry of Education logo from the Palestinian textbooks, and by ignoring key historical and geographical facts like reference to the land as 'historic Palestine'.²⁴

In another attempt to erase Palestinian identity in the city, the Israeli authorities frequently prevent the organization of Palestinian cultural events, often on the pretext that they were organized or funded by the Palestinian Authority (PA). Most recently, during the holy month of Ramadan (May 2020), Israeli police threatened to arrest and fine a Jerusalem *musaharati* if he would not stop one of the oldest Ramadan traditions, which is walking the streets in residential areas before dawn and beating a drum to wake up people for their *suhour* meal before they begin their sunrise to sunset fast.²⁵ Since 1967, Israeli authorities have closed more than 120 Palestinian institutions in Jerusalem,²⁶ of which 88 were

²¹ Azaryahu, M & Kook, R. (2002), "Mapping the nation: Street names and Arab-Palestinian identity: three case studies," *Nations and Nationalism*, 8(2) 195-213.

²² Association of Civil Rights in Israel (2019), "East Jerusalem Facts and Figures 2019," available at: https://fef8066e-8343-457a-8902-ae89f366476d.filesusr.com/ugd/01368b_20dc66c3a088465286ce4c6d5a87c56c.pdf.

²³ Jafari & Abdullah (2019), *East Jerusalem Economic Cluster Report*. Palestine Economic Policy Research Institute, p. 1-50.

²⁴ Alayan, S. (2017), "White pages: Israeli censorship of Palestinian textbooks in East Jerusalem," *Social Semiotics*, p. 1-21.

²⁵ "Israeli Forces threaten to arrest Ramadan Musaharati in Jerusalem," *Palestinian Chronicle* (2020). Available at: <https://www.palestine-chronicle.com/israeli-forces-threaten-to-arrest-ramadan-musaharati-in-jerusalem/>.

²⁶ According to Al-Makdasi Foundation. See <https://www.middleeastmonitor.com/20140217-israel-has-closed-120-palestinian-institutions-in-jerusalem-since-1967/>.

closed down completely, while the others had to transfer their operations from occupied East Jerusalem to other areas in the West Bank, mainly Ramallah, after the creation of the PA. Most prominently, Orient House was closed in August 2001, which had served as the *de facto* headquarters of the PLO in East Jerusalem and was a focal point as well as national address of Palestinian cultural and political life.

3.2 Excavations & Tunneling

Today, Israeli archaeological excavations in East Jerusalem are taking place at an unprecedented rate. They form part of Israel's unilateral policy of creating facts on the ground to consolidate its control over East Jerusalem and to irreversibly ensure its exclusive control over the holy city. Excavations do not just prioritize the discovery and rehabilitation of Jewish heritage sites in the Old City; they also disregard, minimize and erase evidence of the other historical non-Jewish civilizations that have contributed to the unique character of the Holy City. Since 1995, Israel has been pushing its 'Judaization' agenda by way of developing tourist and archaeological projects in and around the Old City, with catastrophic consequences for its Palestinian inhabitants.

For example, the Israeli authorities have tried to transform the remains of the Islamic Umayyad palaces just south of Al-Aqsa Mosque/Al-Haram Ash-Sharif. The Davidson Centre²⁷, built in 2001, turned the entrance of the palaces into a museum with an extremely Judaized narrative.²⁸ In addition, on 12 February 2012, the Israeli District Planning authorities approved a new visitors' center in Silwan to serve the so-called 'City of David' underground national park. As part of this decision, an entire area consisting of a playground, a community center and a café was destroyed,²⁹ and the digging of underground tunnels is threatening the structural integrity of many of the houses situated in the neighborhood above.³⁰



Israeli excavations outside Al-Aqsa Mosque compound

²⁷ The Davidson Center is a museum and archaeological park that is linked to municipal infrastructure without the necessary permissions. Its tools of education include films, guiding pamphlets, exhibitions, and wooden, plastic and virtual models of the "Second and Third Temples". Kilani, Wasfi (2016), "Israeli Violations against the Holy Places and the Historic Character of the Old City of Jerusalem". Available at: <http://www.passia.org/publications/278>.

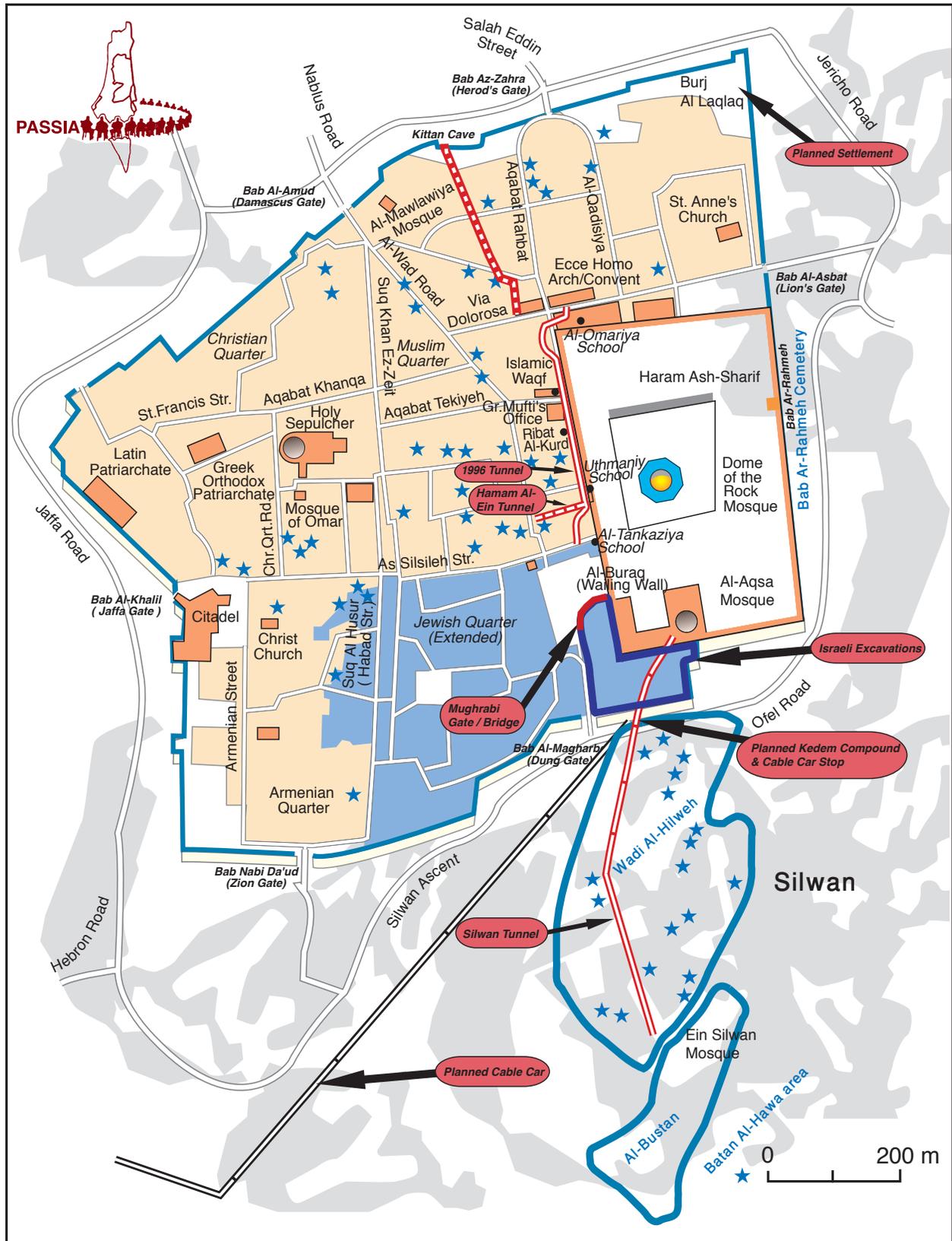
²⁸ In 2013, the Israeli authorities granted extensive governing rights over the Davidson Centre to the right-wing settler organization El'ad that champions Jewish settlement in East Jerusalem. Since then the remains of the palaces are falsely advertised as Jewish temple remains and ignore other relics. El'ad facilitates the 'Judaization' of Jerusalem by falsely describing archeological findings as 'Jewish temple remains', especially the Umayyad era remains located around the Al-Buraq Wall. PASSIA, 2016; Haaretz, 2016. Available at: <https://www.haaretz.com/.premium-right-wing-israeli-group-elad-received-millions-from-shadowy-private-donors-1.5413604>.

²⁹ PASSIA (2018), "Jerusalem Chronology". Available at: http://passia.org/media/filer_public/f9/e3/f9e3cfba-4a48-44e3-b3fa-1445047d6c2a/jerusalem_chrono_2018.pdf.

³⁰ In order for the project to take place, Israel issued military orders to demolish Palestinian homes, stores, and other properties, claiming the land has historical and archaeological value to the Israelis, or that the residents did not have the necessary legal documents and Israeli issued construction permits. The case of Silwan illustrates how the Israel uses its own archaeological missions as a weapon to eliminate any non-Jewish narrative or connection to the land and destroy the Palestinian character of Jerusalem. Excavation projects like these are an evident violation of Palestinian's cultural and heritage rights. "Silwan, a Palestinian community torn apart by Israel's dig to find 'lost city'", *Middle East Eye*, 23 February 2018. Available at: <https://www.middleeasteye.net/news/silwan-palestinian-community-torn-apart-israels-dig-find-lost-city>.

PALESTINIAN CULTURAL AND RELIGIOUS HERITAGE IN JERUSALEM

Israeli Settlement and Related Activities in and around the Old City, 2020



	Area expropriated for the reconstitution of an extended Jewish Quarter, 1968		Structurally damaged building
	Properties taken over by Israeli settlers		Existing Israeli Tunnel
	Major religious and public buildings		Planned / Under Construction Israeli Tunnel

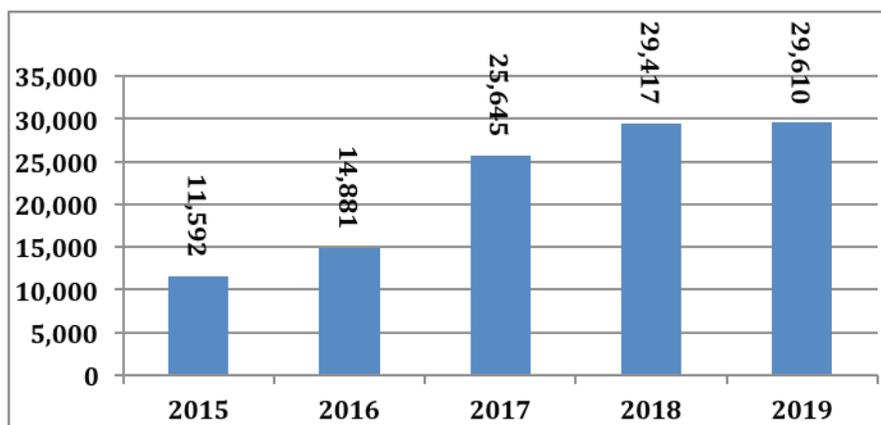
Since 2004, the IAA has pursued its goal to link the so-called ‘City of David’ to the Western Wall plaza through a network of underground tunnels. This includes “excavated galleries, ancient drainage channels, and large underground spaces that were cleared of their contents. [...] Since 2007, excavations have been taking place within the Al-Buraq Wall/Western Wall Tunnels and in the spaces that extend westward to El-Wad (Hagai) Street, beneath the residential houses of the Muslim Quarter”.³¹ All these Israeli excavations and tunneling are threatening the Old City’s integrity. Israel is in breach of the Fourth Geneva Convention’s prohibition against destroying property and of its duty to ensure the protection and conservation of this World Heritage Site.

By moving tourist attractions underground, visitors are not required to acknowledge the Palestinian presence above ground, and their educational visit ignores the Arab Palestinian history in the city. The tunnels facilitate a visitor route that largely eclipses other religious heritage sites in the city. In short, the IAA is attempting to create an underground version of Jerusalem that is completely disconnected to the multicultural and conflicted reality over ground.³²

3.3 Unlawful Entrance into the Al-Aqsa Compound & the Mughrabi Ascent Controversy

In an act of blatant provocation, Israeli Jewish extremists have continuously forced their way into Al-Aqsa Mosque/Al-Haram Ash-Sharif to “tour” the site on an almost daily basis under heavy police guard, and preform unlawful Talmudic prayers. In the last 3 years, the number of Israeli Jewish extremists assaulting the Al-Aqsa Mosque/Al-Haram Ash-Sharif has dramatically increased. Figures from the Islamic *Waqf*³³ Department on Israeli violations of the Al-Aqsa Mosque show that since 2017 more than 84,000 Israeli Jewish extremists have invaded the premises of the Mosque.³⁴ These provocations take place in spite of the existence of a Jewish edict which prohibits Jews from entering the Al-Aqsa Mosque/Al-Haram Ash-Sharif. In addition, since 2017 systematic and forceful closures of the Aqsa Mosque/Al-Haram Ash-Sharif, banning Muslim worshippers from exercising their right to worship, the first such closures Israel has imposed on the holy site since 1967.

Number of Jewish Extremists Entering Al-Aqsa Mosque Compound



Source: Waqf Department

In addition, tensions have cumulated around the wooden walkway built on stilts, which leads to the Mughrabi Gate – the only entrance for non-Muslim visitors to Al-Aqsa Mosque/Al-Haram Ash-Sharif.

Since the ramp collapsed in 2004, its restoration has become a sensitive issue.³⁵ Israel claims to have greater authority

³¹ Emek Shaveh, “Underground Jerusalem: The excavation of tunnels, channels, and underground spaces in the Historic Basin”, 10 September 2013. Available at: https://alt-arch.org/en/jerusalem_underground/

³² Kilani, Wasfi (2016), “Israeli Violations against the Holy Places and the Historic Character of the Old City of Jerusalem”. Available at: <http://www.passia.org/publications/278>.

³³ Islamic land and property trust.

³⁴ “Over 29,000 Jewish ‘fanatics’ forced their way into Al-Aqsa in 2019: Waqf”, *Jerusalem Post*, 1 January 2020. Available at: <https://www.jpost.com/Israel-News/Over-29000-Jewish-fanatics-forced-their-way-into-Al-Aqsa-in-2019-Waqf-612803>.

³⁵ Its preservation and restoration is of chief concern for UNESCO, which voted to keep the Old City of Jerusalem and its Walls on the World Heritage Sites in Danger list in 2008, UNESCO, Old City of Jerusalem and its Walls, available at: <https://whc.unesco.org/>

over it than Jordan and the Islamic *Waqf* Department since it is outside of the compound and adjacent to the Western Wall. However, this violates the 1994 peace treaty, which anchored Jordan's custodian status *vis-à-vis* Haram Ash-Sharif as undisputable, and ought to apply also to the Mughrabi ramp in its connection to the Mughrabi Gate. Not to mention that the aforementioned esplanade was built over the once prominent Palestinian neighborhood of Mugharbeh, another epicenter of Palestinian communities and heritage that was destroyed as part of Israel's expansion into East Jerusalem.³⁶

In 2011, UNESCO decided that all parties should be involved in the ramp's design process, and that none should take any unilateral action that could affect the character of the site.³⁷ Yet in 2014, the Israeli Jerusalem Municipality together with the IAA and the Company for the Reconstruction of the Jewish Quarter authorized construction of a new structure, which was then halted following backlash from Jordanian officials and the Palestinian people.³⁸

Israeli attempts at changing the *Status Quo* on Al-Aqsa Mosque/Al-Haram Ash-Sharif including the Al-Buraq Wall/Western Wall are a violation of the internationally recognized status of the whole city. The restrictions to freedom of worship imposed on Palestinian Christians and Muslims, as well as other Israeli policies aimed at forcibly displacing Palestinians from their homeland is a crime against humanity under international law.³⁹



Al-Aqsa Mosque Compound/Al-Haram Ash-Sharif

en/decisions/I590/.

³⁶ Emek Shaveh (2014). "Why is the Mughrabi Ramp a political issue?" Available at: <https://alt-arch.org/en/why-is-the-mughrabi-ramp-a-political-issue/>.

³⁷ UNESCO, Convention Concerning the Protection of the World Cultural and Natural Heritage, available at: <https://www.un.org/unispal/document/auto-insert-198014/>.

³⁸ Keinon, H. (2014), "PMO orders dismantling of unauthorized foot bridge to Temple Mount's Mughrabi Gate", 3 September 2014. Available at: <https://www.jpost.com/Arab-Israeli-Conflict/PMO-orders-dismantling-of-unauthorized-foot-bridge-to-Temple-Mounts-Mughrabi-Gate-374344>.

³⁹ Rome Statute Art. 7(1)(d). Available at: https://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf.

4. PAST AND CURRENT EFFORTS TO PROTECT HERITAGE IN JERUSALEM AND THEIR LIMITATIONS

Considering the severity of the violations to Palestinian cultural and religious heritage in Jerusalem mentioned above, it is worth looking at some of the past and current protection programs that have contributed to the Palestinian inhabitants' resistance against the illegal Israeli occupation.

Many of these projects have facilitated the structural development of Palestine's existing heritage protection mechanisms, be it through institutional capacity building, staff training, or refurbishment and rehabilitation. From 2009 to 2012, the UNDP, UNESCO, UN Women and FOA established a Joint Program in the context of the UN Millennium Development Goals (MDG), which focused on government institution capacity building and economic development.⁴⁰

In 2015, the European Commission funded a UNDP project for the 'Safeguarding of cultural heritage in the Old City of Jerusalem World Heritage Site', which saw the rehabilitation of the Madrasa Al-Kilaniya, the Hammam Al-Ayn and the Hammam Al-Shifa as well as a training program at Al-Quds University for maintenance and management of the revitalized sites.⁴¹ The British Council in partnership with the Kenyon Institute also run a project, entitled the 'Preserving Palestinian Heritage'.⁴²

Furthermore, the EU funded a UNHABITAT project on the renovation of Dar Al Consul complex building in the Old City of Jerusalem. The rehabilitation of the historic Dar Al Consul building into a residential and civic complex was done in cooperation with the Church of the Custody of the Holy Land, the owner of the complex.

Moreover, Al-Aqsa Mosque/Al-Haram Ash-Sharif has been subject to numerous donations for restoration projects and initiatives both by the Hashemite Kingdom of Jordan and as part of UNESCO's action plan for the safeguarding of the Old City of Jerusalem and its Walls.⁴³ Such initiatives have been an important financial lifeline for maintaining Christian and Muslim heritage in the city, allowing local businesses and institutions in the field to benefit from international resources and knowhow. In addition, these international programs compliment a network of Palestinian organizations whose efforts to protect the religious and cultural heritage of Jerusalem has not gone unnoticed.⁴⁴

However, despite these efforts, there is a range of limits to protecting Palestinian heritage in Jerusalem as described in the following.

a) National legal framework suppressing Palestinians' cultural rights

Israel remains an occupying power with specific obligations to the local population. In 1967, it enacted the Protection of Holy Places Law, which provides, *inter alia*, the protection of the Holy Places in Occupied Jerusalem. However, in 1980, the Knesset codified Israel's illegal annexation of East Jerusalem by enacting the "Basic Law: Jerusalem-Capital of Israel."⁴⁵ The Antiquities Ordinance of 1929, which was enacted during the British Mandate, was repealed and replaced with Israel's Antiquities Law of 1978 which defines an antiquity as 'any object, whether detached or fixed,

⁴⁰ A key achievement of this project was the initiation of the national database on intangible cultural heritage and the inventory of moved artefacts. The joint programme was an important asset in the context of Palestine's 2011 successful bid for full membership at the UNESCO. MDG Achievement Fund (2012), *Occupied Palestinian Territory: Culture and Development*, available at: <http://www.mdgfund.org/node/736>.

⁴¹ UNDP (2013), "Safeguarding Cultural Heritage in the Old City of Jerusalem". Available at: <https://www.ps.undp.org/content/papp/en/home/projects/safeguarding-cultural-heritage-in-the-old-city-of-jerusalem.html>.

⁴² The project sought to 'expand access to the largest private collection of Arabic Manuscripts in Jerusalem' that is the Khalidi Library, which is part of the Islamic Waqf properties in Jerusalem. British Council (2013), "Preserving Palestinian Heritage". Available at: <https://www.britishcouncil.org/arts/culture-development/cultural-protection-fund/projects/preserving-palestinian-heritage>.

⁴³ UNESCO, "Old City of Jerusalem and its Walls". Available at: <https://whc.unesco.org/en/soc/621>.

⁴⁴ In 1994, Taawon established the Old City of Jerusalem Revitalization Program (OCJRP), which aims to increase the sustainability of local Palestinian communities through protecting the historic built environment. The project "engages community members around the preservation of their city's heritage, strengthening their identity in the process". The yearly Al-Kamandjati Festival, and the architectural project 'Lifta: a response to the systematic marginalization of Palestinian narratives' by AAU ANASTAS are other examples of how local businesses contribute to maintain the livelihood of Palestinian heritage in the Old City.

⁴⁵ 1980 Basic Law: Jerusalem, Capital of Israel, passed by the Knesset on the 17th Av, 5740 (30th July, 1980) and published in Sefer Ha-Chukkim No. 980 of the 23rd Av, 5740 (5 August, 1980), at 186.

which was made by man prior to 1700, including anything subsequently added which forms an integral part thereof'. This includes buildings as well as archaeological sites. Such an ambiguous definition has serious implications for the Old City's current urban fabric, which is built upon layers of ancient civilizations.⁴⁶ In 1989, the Israeli Antiquities Authority (IAA) was established and is in charge since then.⁴⁷

b) Non-compliance with international law and/or governing bodies

Since 1967, Israel has been accused of numerous and continuing violations of international law in East Jerusalem, including in the field of the protection of cultural property. This includes the seizure of Madrasa Al-Tankaziya, and the destruction of the Palestinian Archaeological Museum, 135 houses in the Al-Mughrabi neighborhood adjacent to Al-Buraq/Western Wall, and the Afdali Mosques as well as their *zawayas*, which were property of the Islamic *Waqf*. It is estimated that hundreds of excavations have been conducted in occupied East Jerusalem, most of which are politically motivated and go against international law.⁴⁸



Madrasa Al-Tankaziya

Further, Israel refuses to comply or engage with the supranational organizations whenever and if ever these organizations attempt to apply the international rule of law in the context of the Israeli-Palestinian conflict. Israel did not sign the Rome Statute of the International Criminal Court (ICC) nor the Second Protocol of The Hague Convention (1999), which states that a state occupying power must “prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property.” Israeli museums display many artifacts originating the Occupied Territory, including East Jerusalem, in further defiance of the ICOM's Code of Professional Ethics of 1968.⁴⁹ In 2018, Israel even chose to leave the UNESCO due to the organization's alleged bias against it.

⁴⁶ According to Article 2 of the Antiquities Law, all antiquities discovered after the adoption of the law are the property of the state. No excavations are made, no entrance to the sites is allowed (Article 9), no trade in antiquities is authorized (Article 10), and no antiquity may be removed outside of Israel (Article 22), without permit from the IAA. Antiquities of “national” value may be involuntarily purchased from their owner (Article 19) or a museum (Article 26) by the IAA. The declaration of a site as an archaeological or antiquities site imposes severe restrictions on making unauthorized changes (Articles 28-31) however the site may be expropriated from its owner (Articles 32-33). Finally, the Antiquities Law criminalizes the destruction of any antiquities (Article 37). Therefore, any alterations to these sites including: excavation, construction, preservation, renovation of walls requires not only the permission of the IAA, but also the approval of a Ministerial Committee for Holy Places. United Nations Office on Drugs and Crime, available at https://unodc.org/res/cld/document/isr/antiquities-law_html/isr_antiquities-law_engorof.pdf.

⁴⁷ Emek Shaveh (2018), “The Rights of Residents Living in Antiquities Sites,” available at: https://alt-arch.org/en/residents_antiquities_rights/.

⁴⁸ Among such excavations is the digging of a tunnel under the Buraq Wall of the Al-Aqsa Mosque compound, which was condemned by UNESCO and the UN Security Council Resolution 1073 of 28 September 1996. Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/EE9FD45E870EF244852563B5004AC1C6>.

⁴⁹ Article 7 of ICOM's Code (2017). Available at: <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.

Israel is bound to comply with its obligation under international law and ensure freedom of access to the Holy Places that came under its control following the 1967 war, and is under an obligation to restore the cultural property illegally damaged, seized or removed from occupied East Jerusalem.

c) Economic impact on the tourism industry

In Jerusalem, with its abundance of historical, religious and cultural sites, tourism and heritage go hand in hand. In addition to representing an important lifeline for the national economy, tourism is also as a means to preserve the Palestinian character of Jerusalem. Not exactly thrilled about it, Israel has taken steps to create bureaucratic obstacles for the Palestinian tourism industry in the Holy City.

An example of this is the Israeli movement permit system that regulates the inflow of Palestinian tourists and pilgrims to the Christian and Muslim sites in Jerusalem, denying the vast majority of them access to their holy places, thus also lessening the number of Palestinian visitors to the city. Moreover, extensive police presence and on-site security checks limit the number of pilgrims able to visit the holy sites, especially during religious holidays.⁵⁰

On its own tourist websites Israel markets occupied East Jerusalem within the “Israel” brand, using names such as “Temple Mount” to describe the Al-Aqsa Mosque compound/Al-Haram Ash-Sharif and referring to the occupied West Bank as “Judaea” and “Samaria”.⁵¹

Since Israel prohibits the relevant Palestinian ministries from operating in East Jerusalem, the local tourism sector remains not only strangled by the loss of land, lack of control over borders, and restrictions on movement, but is also completely severed from the rest of the West Bank. These obstacles, supported by Israeli colonization policies, including the construction of the separation barrier, settlements, and settler enclaves, make long term planning impossible.

d) Administrative issues related land ownership

Palestinian Christian and Muslim heritage sites in Jerusalem suffer the consequences of Israel’s complex and at times contradictory administrative environment. The five-year Israeli government plan for East Jerusalem, approved on May 13, 2018, allocated US\$14 million and calls for complete land registration of 50% of all unregistered lands in East Jerusalem by 2021 and 100% by 2025. The underlying intention is to eventually collect higher taxes from Palestinian areas and hand over unidentified absentee lands to settler organizations.

The land issue in East Jerusalem is extremely complicated due to the fragmentation of ownership and property rights – from endowments to protected tenancies – that have evolved throughout the centuries. Complicating things further is the extension of the Israeli Absentee Property Law into East Jerusalem, forcefully turning many East Jerusalem property owners into absentees because they were denied residency status as they were absent during the Israeli 1967 census.

In addition, internal disputes over property rights between the Israeli Land Administration, the Jerusalem Municipality, the Church, and the Islamic *Waqf* Department often complicate simple transactions and/or projects for financing renovations.⁵²

⁵⁰ PLO NAD (2015), *The Annexation of Tourism: Israel’s policies and their devastating impact on Palestinian tourism*. Available at: http://dmop.pt/wp-content/uploads/2015/04/Annexation_of_Tourism.pdf.

⁵¹ Israeli Government Tourist website, available at: <https://www.citiesbreak.com>.

⁵² The Israeli Jerusalem Municipality has been trying to revoke an important internationally recognized legal agreement that exempts church properties from paying the Israeli property tax arnona. Taxing these properties would not only go against the Status Quo, but it would also be a violation of the UN Partition Plan (1947), and Israel’s Agreement with the Holy See (1993). In 2018, the Municipality froze the churches’ bank accounts to exert pressure on the Israeli Finance Minister to support the taxation, albeit unsuccessfully. In March 2020, when the Greek Orthodox Church sought to sell some of its land to private investors, it had to appeal to the District Court after the Municipality refused to issue the necessary documentation until the back-taxes were paid. Bachner, M. (2018), “Jerusalem Municipality freezes millions from UN church bank accounts”, *Times of Israel*. Available at: <https://www.timesofisrael.com/jerusalem-municipality-freezes-millions-from-un-churches-bank-accounts/>. Surkes, S. (2020). “Jerusalem court rules in favor of developers in case of former church land”, *Times of Israel*. Available at: <https://www.timesofisrael.com/jerusalem-court-rules-in-favor-of-developers-in-case-of-former-church-land/>.

In such administrative disputes, the Islamic and Christian *Waqf* authorities in Jerusalem may decide to collectively boycott the land registration process, Turkey and Jordan could impede it to some extent by preventing Israel and individual land owners from accessing the deeds they possess to lands in Jerusalem, notably in the Old City and its immediate environs, in support of such a boycott. Western churches could similarly support a boycott in order to pre-empt land registration that would likely affect the large number of church properties owned by foreign states in Jerusalem, and fear Israeli expropriation.

CONCLUSION

There is much to say on the question of Palestinian cultural and religious heritage in Jerusalem. Mapping out the history of the built environment in the city, recalling stories of ancestral Palestinian families who have populated the hills of Jerusalem for centuries, and shedding light on the structural and ideological methods by which Israel is pushing its 'Israelization' agenda has been the subject of many books, documentaries, and academic work.

This bulletin sought to contribute to the existing literature on the question of preserving the Palestinian identity of Jerusalem through research about the challenges that local and international heritage protection initiatives face since Israel illegally occupied and annexed the city in 1967. From breaching international law, to creating administrative barriers for the local tourism industry and building renovations, it is clear that the Israeli occupation is a major threat to Jerusalem's Arab, Palestinian, Muslim and Christian identity and heritage.

And yet, the unique and rich Palestinian history of Jerusalem is inscribed in every stone and mosaic, heard in every song, and seen in every olive tree painting that constitutes the tangible and intangible cultural heritage of Jerusalem. Current and future efforts to protect this heritage ought to continuously prioritize conservation and educational initiatives and work towards a better understanding and respect of the historical Palestinian identity of the holy city of Jerusalem.

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