

## The Future of Palestinian Cultural Heritage

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## مستقبل التراث الثقافي الفلسطيني

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The future of cultural heritage in the Middle East ought to concern all who are interested in human cultural heritage, whether that interest lies in archaeology, architecture and the built environment, and/or traditional cultural practices. The WAC Inter-Congress in Ramallah in August, 2009 provided a much-needed platform for the discussion of the present and future treatment of Palestinian cultural heritage. The location of the conference enabled participation by a much broader range of Palestinian experts and students than is usual in scholarly meetings. Concerns about travel, security, the political implications of attendance and perceptions about "overcoming structural violence," which was the theme of this very successful meeting, caused some foreign scholars to stay away. The authors of this paper, who are the co-organizers of the joint Israeli Palestinian Archaeology Working Group (IPAWG), introduce the following papers by Taha, Fahel, al-Houdalieh, el-Jubeh, Sayej and Yahya. They also provide perspective on the context of the meeting, the future of cultural heritage in the Palestinian Occupied Territories, the database and draft agreement created by members of IPAWG, which includes the possibility of future artifact repatriation; and the conundrum of structural violence that imperils past, present and future alike.

مستقبل التراث الثقافي في منطقة الشرق الأوسط يجب ان يهتم جميع من يهتمون بالتراث الثقافي الانساني، سواء كان هذا الاهتمام يكمن في علم الآثار أو العمارة أو البيئة المبنية ، وأو الممارسات الثقافية التقليدية. مؤتمر الأثريين العالمي في رام الله في آب/أغسطس عام 2009، قدم المنصة الرئيسية التي تشد الحاجة إليها من أجل علاج حاضر ومستقبل التراث الثقافي الفلسطيني. وقد سمح مكان انعقاد المؤتمر بحضور مشاركة أوسع نطاقاً بكثير من الخبراء والطلاب الفلسطينيين مما هو معتاد في اجتماعات العلماء والخبراء. تسببت المخاوف بشأن السفر، والأمن، والآثار السياسية المترتبة على الحضور والتصورات حول "التغلب على العنف الهيكلي"، والذي كان موضوع هذا الاجتماع الناجح للغاية، جعل بعض العلماء والخبراء الأجانب يبقون بعيداً. واضعوا هذه الدراسة، وهم منظموا فريق العمل الأثري الفلسطيني الإسرائيلي، عرضوا الدراسات الخمس التالية. كما انهم قدموا منظوراً في سياق الجلسة، مستقبل التراث الثقافي في الأراضي الفلسطينية المحتلة، قاعدة البيانات، ومسودة مشروع الاتفاق والتي تم انشاؤها من قبل اعضاء فريق العمل الأثري الفلسطيني الإسرائيلي والذي يتضمن إمكانية إعادة القطع الأثرية في المستقبل وحل لغز العنف الهيكلي الذي يعرض الماضي والحاضر والمستقبل للخطر، على حدٍ سواء.

### What didn't happen.

In our view, the WAC Inter-Congress in Ramallah in August, 2009 was an unqualified success. However, not long before the meetings, that success was far from assured. In June, 2009, the authors, Lynn Dodd and Ran Boytner, viewed the website of the WAC Inter-Congress in Ramallah and wondered openly about the future of the conference. The website had been publicly available for more than a year but at that time, merely a month or so before

the conference was due to start, few sessions had been posted and the organizers still were making arrangements. This seemed unusual to us because our experience with past WAC conferences led us to expect that dozens of papers and sessions would be submitted. We knew the committee had made an effort to get the word out about this conference. We ourselves received multiple postings and forwarded messages to students and colleagues about it. Hence, we became curious about the reasons why registrations might be slow in coming.

Anecdotal research leads us to believe that there are a range of explanations. The timing of the meeting in summer was a significant issue. Many archaeologists conduct field work in the summer and are unable to leave their projects to attend conferences. It was also clear that some perceived Ramallah as a dangerous place so that having the Palestinians come out of the West Bank to meet would have been a more desirable strategy. The memory of the 2006 Second Lebanon War (or July War) between the Israelis and Hezbollah, and of the Israeli Gaza campaign at the end of 2008 (Operation Cast Lead) were still quite fresh in people's minds, and these memories led to a feeling of unease about future unpredictable violence in this part of the world. Concerns over personal safety were compounded by confusion about the permissibility of travel to the Ramallah. Many were unaware how to travel to this city and some were unsure of its proper geographical location, just north of Jerusalem. The legal status of Ramallah is also not well known and many archaeologists were confused about the necessity of documentation and the proper process one needs to follow (visas, border crossings, etc.). Some colleagues expressed concern over the fact that Israeli archaeologists are legally barred from traveling to the West Bank (by Israeli law) and thus, unless they made advance arrangements through official channels, would not be able to attend the meeting. Finally, a number of archaeologists expressed concern with the meeting theme, defined as "Structural Violence", which was perceived as introducing an anti-Israeli bias that prescribed the tone and goals for any potential outcomes of this conference. The theme was perceived as limiting discussions, assigning blame and not maintaining an open atmosphere in which differing views might be accommodated.

The Israeli-Palestinian conflict serves as the background both for WAC's choice of location, the conference theme, and the concerns expressed by colleagues about attending this academic meeting. In the following paragraphs we would like to explore some of the concerns and shed some light on the complexity of the meeting's location, theme, and outcomes, among which is this journal issue that offers our session's participants an opportunity to voice to their individual opinions and to provide new information about Palestinian archaeology, in its current state and in the future.

**Timing:** The decision to hold the WAC Inter-Congress during the summer months was partly a result of the exigencies of funding and planning. Initially the meeting was planned for Autumn, 2009. However, the organizing committee was forced to make a change to a later date for a range of reasons. A benefit of planning the conference in the summer months was that many foreign archaeologists (that is, archaeologists living outside the Middle East) would be in the region for their own field projects. It was hoped that enough of them could plan their field schedules to allow attendance at this mid-August meeting. In other words, one reason for the change of date to the summer was to allow cost efficiencies by enabling members of the many international expeditions in the region attend, as they are already in the area. While this clearly made attendance more difficult for those archaeologists who, while interested in the subject have projects outside the region, the plan was an attempt at inclusion for those working in the region, which included nearly all the members of the organizing committee. Attendance would have been fairly cost effective for the very large

number of participants in regional expeditions to attend; a meeting during any other season would have been very costly. Hence the choice of dates was an attempt to maximize potential attendance at the meeting.

**Non West Bank Location:** The decision to hold the WAC Inter-Congress in Ramallah was a political one. In part, the choice of location was designed to enable attendees to gain first-hand knowledge about the emerging Palestinian archaeology and the Palestinian Authority control. It was also designed enable attendees to hear and learn from the multiple voices of Palestinian archaeologists, both professionals and students. Because of both economic and political restrictions, very few Palestinian archaeologists can travel abroad (whether to locations near or far) to attend international conferences. Students are even more restricted and even fewer can afford to travel abroad. In this context, the choice of the *de facto* Palestinian capital was a sensible one that was in accord with the organizers' goals.

**Access for Israelis:** Israeli law explicitly forbids Israeli citizens from entering urban Palestinian centers in the West Bank. The choice of Ramallah as the WAC Inter-Congress location was – whether explicit or implicit – excluding Israelis from participating (but see letter from Uzi Dahari (2009), Associate Director of the Israeli Antiquities Authority which refers to a process through official channels that might have enabled Israelis to participate with advance planning). Efforts by Israeli and Palestinian archaeologists to use video conferencing as means to overcome this exclusion were attempted, but were not successful.

No one who is truly committed to the free exchange of ideas in an academic setting can accept the exclusion of a group of legitimate colleagues from a scholarly conference as acceptable or as an expression of ethically supportable standards for freedom of speech. If the meeting were held in Ramallah, Israelis might be excluded. If the meeting were held outside the West Bank, then most Palestinian participants would have been excluded. The conundrum is an expression of political realities that archaeologists were unable to alter. Given the economic strength of Israel and the presence of its many scholars and students in international conferences, we support the choice to hold this meeting in Ramallah as an acceptable compromise that was designed to enable the participation of fellow archaeologists whose participation in such academic meetings is normally constrained. Although this solution constrained Israeli participation, it allowed participation by a substantial number of Palestinian students who had never been able to attend such a meeting, and also engaged some members of the public, so that the dual goals of enhancing the status of archaeology within Palestinian society and of hearing multiple voices of the Palestinian archaeological community were achieved. Finally, WAC meetings have been and will be held across the globe in many locations. In our view, it would be beneficial if the WAC organizers would choose to hold a future Inter-Congress in Israel as well, not only for the sake of political parity, but significantly, to provide another venue in which locally-resident and locally-invested archaeologists can meet and discuss their joint interests in the archaeology of this region, irrespective of modern national borders.

**Structural Violence:** Paul Farmer (2004: 307) summarized the definition of structural violence as follows: “Structural violence is violence exerted systematically—that is, indirectly— by everyone who belongs to a certain social order: hence the discomfort these ideas provoke in a moral economy still geared to pinning praise or blame on individual actors.” While individual acts may be innocuous on their own, in the context of structures, they have the effect of robbing people of their ability to achieve their full potential – whether through hunger or poverty, by being deprived of citizenship or access to acceptable education, or

through racism and sexism, among other possibilities (Bernbeck 2008:393). A meeting that focuses on conditions of structural violence in one arena, such as this one small region of the Middle East, should allow us to become more acutely aware of the pervasiveness of structural violence in our own society, in other contexts, and even in our own lives; and that has intensely personal implications. Even if we overlook the structures of violence in which we participate in our daily lives--even in lives that are lived in the most virtuous possible manner--we still are implicated in what Cohen (2001: 14) calls the triangle of atrocity. Simply by knowing about the situation, we become enmeshed as an observer along with the perpetrators and the victims.

Many in the Middle East – and especially the actors in the Israeli-Palestinian conflict – believe they are victims of structural violence. Archaeologists generally are poorly trained to objectively evaluate such claims, which in and of itself may be a reason to focus on the concept of structural violence. However, unfamiliarity with the concept itself makes it difficult to see the possibilities of dispassionate anthropological inquiry into the idea of structural violence. Instead, the meeting's theme, structural violence, is perceived as a political tool that is being used to demonize some while sanctifying others. Where polarizing dichotomies are present, dialogue is discouraged. Instead, those who feel they are victims and those who feel they are being demonized advocate or resist (respectively) dramatic structural changes where clear winners and losers emerge.

The choice of Ramallah as the location for the WAC Inter-Congress meeting constituted a very strong message by the organizers about the need to provide a substantial platform on which Palestinian voices could be heard. The meeting was designed to enable recognition of an emerging Palestinian paradigm for archaeology and to focus on their interest in and efforts at securing, documenting, and preserving the archaeological and cultural heritage resources which have been placed in their care (as a result of the Oslo Accords) and which they see as the patrimony of a future sovereign state of Palestine. In our view, the structural violence theme was not well understood by most potential participants and therefore it discouraged participation because the meeting was perceived as being about something other than archaeology, specifically, about politics. It is worth considering carefully whether it is naïve for archaeologists to claim some archaeological meetings are not political. While it is difficult to claim that technically specific meetings which consider the typology of ceramic vessel shapes are political, in the aggregate archaeological activity has potential political import. Therefore, every act of archaeological inquiry, like every flap of Buckminster Fuller's butterfly's wings, has implications for the broader world, whether in the aggregate or in particular because we live in a world where the past and its tangible remains are employed in political ways (e.g. Gathercole and Lowenthal (eds.) 1990; Meskell (ed.) 1998, Kohl 1995, Pollock forthcoming, Bernbeck 2008). Still, this perception that the meeting would be "political" made true dialogue possible among fewer people and, at least potentially, robbed our Palestinian colleagues of constructive engagement with views with which they disagree. Not surprisingly, discussions about the needs and wants of the Palestinians' nearest neighbors (the Israelis) were largely absent. The result of unfamiliarity with, or suspicion of, structural violence, the concept chosen for the Ramallah Inter-Congress; the resulting assessment of the meeting as politically- rather than archaeologically-focused; and the apparent barriers to Israeli free passage to the meeting's location in Ramallah--all these factors created a *de facto* exclusion (on the basis of national citizenship in the case of the Israelis) and hence an ironic demonstration of structural violence, albeit in an asymmetrical way (for discussion of asymmetrical conflict, see Blank 2003; Hammes 2004; but see Echevarria 2009).

Our reasons for constructing the session in which the authors in this volume participated included a desire to learn about and enhance Palestinian cultural heritage and its preservation. Indeed, one goal of this session was to hear from well-informed archaeologists about the plans and investments they have been making in the domain of cultural heritage. Also, we sought to make space to present the results of, and receive comment on, a multi-year, collaborative Israeli-Palestinian effort to discuss how best to preserve cultural heritage in the future (for discussion of the Israeli Palestinian Archaeology Work Group, please see below).

### **What happened.**

In the end, there was a critical mass of participants and a rich range of papers by foreign and Palestinian authors was submitted, so that the Inter-Congress went forward. The meetings were well-attended by Palestinian archaeologists and cultural heritage professionals at all levels, senior, mid-career, and student. Foreign archaeologists from across the world participated (for additional details, see Hole 2010). The students themselves organized an entire session and arranged several informal events (see following link for additional details: <http://www.usc.edu/dept/LAS/religion/arc/nextgen>). Archaeologists working in education, government, and NGOs developed sessions and contributed papers. Field trips displaying the research work within each of these arenas were arranged to Samaria, Jericho, Tell Balata, the Haram es-Sharif/Temple Mount and Silwan in East Jerusalem. The authors in this volume represent that diversity: they work in academia, government, and NGOs.

These authors accepted our invitation to participate in the opening session of an international roundtable on the second day called "The Future of Palestinian Cultural Heritage." As the original session organizers, the authors introduced the distinguished panel of participants, took part in the session conversation ourselves, and mediated the interaction among the audience and the panel members in the lively discussion that followed the formal presentation portion of the session.<sup>1</sup> As a means of introducing the papers from this session, we take the opportunity to repeat the task of introduction.

**Lynn Dodd:** archaeologist and co-organizer of the Israeli-Palestinian Archaeology Working Group (IPWAG), which funded research on a database documenting archaeological work done in WB from 1967-2007 and which facilitated an unofficial dialogue among Israeli and Palestinian archaeologists that asked them to envision recommendations for archaeology could inform future negotiations between the two sides. She is curator of the Archaeology Research Center at USC and Lecturer in Religion.

**Ran Boytner,** co-organizer of the Israeli-Palestinian Archaeology Working Group (IPWAG) and Director for International Research at the Cotsen Institute of Archaeology at UCLA and an adjunct professor of anthropology at USC.

The authors in this section, in alphabetical order, are:

**Gabriel Fahel** is a legal advisor to the Palestine Liberation Organization (PLO) and the Palestinian National Authority (PNA). He advises the PLO and the Ministry of Tourism and Antiquities on permanent status issues with Israel which concern tourism, archaeology and cultural property matters.

**Salah al-Houdalieh** is the Director of the Institute of Archaeology and Associate Professor of Archaeology at Al-Quds University. He received his doctorate from Heidelberg Univer-

sity. He has wide field experience in both Palestine and Jordan, and he has published several books and articles in national and international journals. Currently, he is finishing several articles, one of which is "The Sacred Place of Sheikh Shihab ed-Din".

**Nazmi al-Jubeh** was the Co-Director of Riwaq: Centre for Architectural Conservation. His doctorate was awarded in Tübingen and from 1997 to 1999 he was the Chairman of the Department of History at Birzeit University. He is well known for his expertise on Jerusalem and its holy sites. He has published several books and many articles on history, archaeology, politics and architecture.

**Ghattas Sayej** is a Palestinian archaeologist working abroad. He is advisor to the southern part of Norway (West-Agder County) with responsibilities in an oversight agency like the Palestinian Department of Antiquities. In addition, he consults about cultural heritage protection.

**Hamdan Taha** received his PhD at the Free University of Berlin. He is the director of the Palestinian Department of Antiquities and Cultural Heritage.

**Adel Yahya** has been the director of the Palestinian Association for Cultural Exchange since 1997. He taught history and archaeology at Birzeit University and has written books and numerous articles in both English and Arabic, on topics including Palestinian archaeology and history.

Together, we took up an opportunity to review and envision the diverse resources for conceptualizing, protecting and developing Palestinian material cultural heritage in areas currently under either Palestinian control or Israeli military control, and in the future. For the Palestinians on this panel, the Palestinian cultural heritage extends from the Stone Age to the end of the Ottoman period in the Southern Levant.<sup>2</sup> The participants were invited to focus on tangible efforts directed toward ancient architectural and archaeological heritage in which they have been involved or which they are interested in developing. In terms of looking backward, there have been multiple projects designed to assess the inventory or status of ancient sites by a range of local and international cooperative endeavors in the past decade and a half. Looking forward, the authors were invited to consider how available resources, such as the Palestinian Authority Archaeological Database, might be augmented. This ambitious project is housed within the Palestinian Department of Antiquities and Cultural Heritage. It is a geospatial system (using GIS software) that has a map-based site inventory.

A second resource is the West Bank and East Jerusalem Archaeology Database created by Rafi Greenberg and Adi Keinan from Tel Aviv University (Greenberg and Keinan 2007; 2009). This database identifies the archaeological sites in the West Bank and East Jerusalem where work was undertaken from 1967 to 2007 either under the auspices of the Israeli Antiquities Authority or by the Civil Administration of Judea and Samaria, which is administrative entity of the Israeli military in the West Bank (the Israelis use their official term "Judea and Samaria" instead of "West Bank").

The Israel Antiquities Authority does not have purview over archaeology in the territories that were taken over in June, 1967 (particularly the West Bank and Gaza). Until the Israeli withdrawal from Gaza in 2005, and continuing today in the West Bank, there has been a dual system of Israeli archaeological oversight. The Israeli Antiquities Authority (IAA) provides permits, conducts salvage excavations and supervises academic excavations within the pre-

1967 borders of the state of Israel, in Jerusalem, and the Golan Heights. The Archaeology Staff Officer for the Civil Administration of Judea and Samaria fulfills the same functions for the West Bank and for Gaza – prior to the Israeli withdrawal in 2005. The explanation for this dual system lies in this portion of the New Delhi agreement of 1956:<sup>3</sup>

“In the event of armed conflict, any Member State occupying the territory of another State should refrain from carrying out archaeological excavations in the occupied territory. In the event of chance finds being made, particularly during military works, the occupying Power should take all possible measures to protect these finds, which should be handed over, on the termination of hostilities, to the competent authorities of the territory previously occupied, together with all documentation relating thereto.”

Since 1967, the Archaeology Staff Officer has been empowered by the State of Israel to make all decisions that relate to archaeological work in the occupied territories (with optional consultation of a committee that the officer appoints).<sup>4</sup>

While the activities and budget of the Israel Antiquities Authority are matters of public record, any type of public oversight of the work of the Archaeology Staff Officer is absent.<sup>5</sup> The records of the Archaeology Staff Officer are not publicly accessible and the criteria and methods used to determine which sites were excavated, by whom and for what purpose (salvage, academic, etc.) often cannot be determined. Only a small portion of excavations and surveys overseen by the Archaeology Staff Officer has been published while the many hundreds of sites excavated in the West Bank since 1967 are still unpublished.<sup>6</sup>

While the IAA maintains its own national storage facility, the Archaeology Staff Officer has a completely separate storage facility for collections excavated under their jurisdiction. Similar to permits and research data, the IAA storage facility is open to the academic public while access to the Archaeology Staff Officer facility is restricted and access is governed by military law and regulations.

The future division of archaeological jurisdiction within the territories now controlled by Israel in which Palestinians comprise the current population majority plays an important part in some potential outcomes for the Israeli-Palestinian conflict. At present, four possible but different scenarios can be envisioned:

**Greater Palestine:** In this scenario, the Israeli-Palestinian conflict ends when Palestinians prevail militarily, win the conflict, and take over all territories presently under Israeli control (including all pre- and post-1967 borders). In this scenario, all archaeological heritage would fall into the hands of Palestinians and would be owned and managed by a sovereign Palestinian government.

**Greater Israel:** In this scenario, all – or the vast majority – of Palestinians living within the territories presently controlled by Israel would be forcibly removed (the so-called “ethnic-cleansing alternative”). This scenario will not end the conflict, but will eliminate the need for military administration of ethnically Palestinian populations. It is assumed that the forced removal will be accompanied by the annexation of the cleansed territories to the state of Israel and thus, all archaeological data and materials will be transferred from the responsibility of a disbanded Archaeology Staff Officer to the jurisdiction of the IAA, at which point all the contents presumably will become a matter of public record.

**The One State Solution:** In this scenario, Palestinians in the occupied territories will demand to be annexed to the state of Israel and will become full citizens with complete voting rights in the state of Israel. In this case, the military administration in the West Bank would cease to exist as there would be no more occupied territories, only territories occupied by Israeli citizens. All archaeological materials would be moved to the IAA and would become public records.

**The Two State Solution:** In this scenario, the Israeli-Palestinian conflict ends with a final peace agreement ('final' here means that there has been a settlement of all claims by both sides at the signing of the peace agreement). A sovereign state of Palestine (roughly) would exist within the West Bank and Gaza and a sovereign state of Israel (roughly) would exist within its pre-1967 borders. In this scenario, negotiations for a peace agreement will have to include the fate of cultural heritage. The negotiators would have to consider which side owns what materials, what access each side may have to such materials, and what jurisdiction each side would have over archaeological sites and material cultural heritage in its territories.

The work of the Israeli-Palestinian Archaeology Working Group (IPWAG) began by considering each of the options mentioned above, and all participants agreed that the two-state solution would be considered the desired result. In other words, all the recommendations of IPWAG are predicated on the future existence of two sovereign entities (Israelis and Palestinians). As a result, each sovereign entity, that is, each state would become the owner of the material cultural heritage that lies within its borders. Israel, through its Antiquities Authority, has exercised this sovereignty since 1948. The Palestinians, through their Department of Antiquities, have had limited control over cultural heritage in restricted parts of the West Bank since 1994. But, the creation of a new sovereign entity (Palestine) amid a two state solution, creates crucial needs to identify the specifics of cultural heritage that needed to be negotiated. For instance, those negotiators who are tasked with drawing the borders want to know whether an ancient site that is exceptionally important to one state or the other lies on one side of the border or the other. Additionally, if international law is applied during these negotiations, then both sides will want to know what cultural heritage might be subject to repatriation (for more on this, see below). In other words, the negotiators on both sides will need resources to tell them precisely *for what* they are negotiating. A work group within IPWAG was assigned to this task, and the results were a comprehensive database that includes the locations of all sites excavated in the West Bank and Jerusalem from 1967-2005 (Greenberg and Keinan 2007; 2009). A publicly-accessible, searchable version of the database is available online at the following URL address: <http://digitallibrary.usc.edu/wbarc>. This database informed internal group discussions that yielded a position paper (a white paper) for decision makers on both sides to consider. The text of this document is available online at the following URL address: <http://www.usc.edu/dept/LAS/religion/arc/sh/>.

Several of the authors in this journal issue have participated in preparation for negotiations or actual negotiations about archaeology and cultural heritage (al-Jubeh, Taha, Fahel) and they are especially well-positioned to inform us about the concerns that have made agreements over archaeology much more complex than would be the case if all cultural heritage sites were treated equally and were administered by a single local Palestinian authority (rather than being subject to a split arrangement of either Israeli or Palestinian or shared oversight). Other authors in this issue have served as members of IPWAG (Yahya, Sayej, al-Jubeh). Several of the authors refer to this draft agreement document directly (Yahya) or indirectly (Fahel, Taha, al-Houdalieh).

The work of the IPWAG database work group was not welcomed by the Archaeology Staff Officer. Requests for access to data were denied. Eventually, a legal action was lodged under Israel's Freedom of Information Act and the work group was granted access to this data. This information is now in the public domain through the interactive, GIS, Google Map-enabled database hosted by the University of Southern California (<http://digitallibrary.usc.edu/wbarc/>).

The legal rationale behind the development of this research and public information resource is clearly stated in Gabriel Fahel's paper. Negotiators on both sides need to have access to information resources in order that negotiations can proceed in a productive manner. Nazmi al-Jubeh argues that successful negotiations are those that result in a fair agreement in which the same principles are applied to both sides. This, he argues, ultimately will serve the interests of both the Israelis and Palestinians best, because it will ensure greater protection for the cultural heritage that matters to both parties. This was not the situation that resulted from the Taba Agreement, or Oslo II Agreement in late 1995, which created a complex, ultimately unworkable, multi-tiered system of administering everything including cultural heritage sites.

Participants were invited to assess whether adequate information resources exist to determine claims made under international law for ancient material cultural heritage in future negotiations with Israel. These research enterprises are a starting point for the information resources needed to manage, protect, research, develop access to, and negotiate terms for cultural heritage in this region. Thus far, neither the Palestinian Department of Antiquities and Cultural Heritage database, nor the West Bank and East Jerusalem database reflect the totality of ancient material cultural resources in the West Bank and Gaza. The sites of Gaza are still not completely described in the Department of Antiquities and Cultural Heritage database, in part because of the fractured political situation in which cooperation among the administrative entities in the West Bank and Gaza has broken down following the election of Hamas in Gaza.<sup>7</sup> None of the sites in Gaza are included yet in the archaeology database at the USC Digital Library either. Additional research (and funding support) is needed to accomplish that goal.

Where additional investment in the arena of cultural heritage is required, participants were asked to discuss the nature and scale of resources necessary to achieve particular outcomes. Frameworks relevant to the management and oversight of ancient cultural heritage in the context of a future independent state, include formal mechanisms (antiquities laws) and non-binding recommendations by professional groups and international bodies (e.g. ICOMOS, UNESCO), and community investment and student education. Efforts need to be directed toward creating new perceptions and presentations of material cultural heritage, which are areas of interest and concern for all the authors in this volume. Additionally, participants were invited to consider past and current efforts that have yielded tangible outcomes designed to preserve ancient material culture and sites, such as architectural preservation projects; site rehabilitations and stabilization investments; development of cultural activities, centers or interpretive materials for the local and tourist population; educational investments in the current and future generation of archaeologists, heritage interpreters, and preservation specialists; and past, present and future investments in tourism infrastructure. The unanimous response by the authors is that that investment and action is needed in all these areas. There are numerous opportunities for contributions by people with energy, skills, talent or other resources. Public awareness and investment in cultural heritage is a domain in which a great deal of work remains to be done according to Sayej, Taha, and el-

Jubeh. One essential public is the generation of current and future students, whose education is a special concern of al-Houdalieh.

The session took the form of a roundtable discussion that was structured as presentations of varying lengths by invited participants and session organizers with opportunities for discussion and questions from other Inter-Congress participants. This journal issue takes a similar form in the sense that some of the participants offer formal papers while others share with us their opinions and perspectives born of long experience as cultural heritage specialists and as veterans of attempts to secure a negotiated future for the cultural heritage of Palestine. Creating space and time both for contributions delivered by panel members and for the public discussion that followed, were major motivations that prompted us to arrange this session. A lively and extended discussion followed the session in Ramallah. Audience participants made contributions of considerable importance to the session and these discussions will be mentioned in summary form below.

One topic of discussion was the outcome of the IPAWG process and database work group mentioned above. The session's organizers and the participants in IPWAG were well-aware that the broader Israeli and Palestinian cultural heritage and archaeological community would have to support the terms of the draft agreement that was published as a white paper, in order for the unofficial, non-binding dialogue effort to have any relevance for future negotiations. An informal process of consultation was always envisioned between IPAWG members and the colleagues and officials in their home communities (Israelis to Israelis and Palestinians to Palestinians) and this process began well before a final draft of the draft agreement/white paper was circulated publicly in November, 2007. A meeting was planned during September, 2008 to be held in Ramallah as a parallel effort to that Israeli public forum, in order to solicit the reaction of the broader Palestinian archaeology community. For various reasons, this could not be arranged until August, 2009. From the authors' perspective, this meeting was long overdue.

More than a year prior, a public Israeli consultation process took place at a forum in the Van Leer Institute in Jerusalem in April, 2008 (for debate within Israeli media regarding that meeting, see review and comments, see Benvenisti 2008a; b; Greenberg 2008; Silberman 2008). An open invitation was issued to members of the archaeological community, which in Israel included members of the academic and government communities. Many academic archaeologists attended alongside representatives of the Israel Antiquities Authority, including its director, Shuka Dorfman and its deputy director for archaeology, Uzi Dahari. With the exception of those who delivered the official position of the IAA, colleagues across the political spectrum expressed support for the principals contained in the draft agreement/white paper. The principals and recommendations were recognized for what they were: best practice concepts that would preserve cultural heritage that was important to everyone. The official position of the IAA was at odds with one section of the agreement that addressed movable artifacts. The IAA opinion was conveyed by Uzi Dahari at that April, 2008 meeting when he took exception to the fate of the Dead Sea Scrolls and stated "The Dead Sea Scrolls are the property of the Jewish people across the generations and they will remain in our hands...They are ours, and the international convention is not relevant to them" (Rapaport 2008). The international convention that Dahari refers to here is the Hague Convention which prohibits the permanent seizure of arts and science institutions and their collections.

It is important to note that the Dead Sea Scrolls to which Deputy Director Dahari refers are a subset of the total collection of scrolls. The ones at issue are those which were in the col-

lection of the Rockefeller Museum that was captured by the Israeli military in 1967. In other words, the iconic scrolls that tourists view at the Shrine of the Book are not the ones subject to this process because either they were found prior to the date when the Israeli occupation began in the West Bank or they were never in the collection of the Rockefeller Museum. The pieces under discussion are thousands of small fragments presently stored in controlled environments and they have been photographed and published in facsimile editions and in the forty volumes of the series *Discoveries in the Judean Desert*, edited by Emanuel Tov.

The principals and recommendations in the draft agreement provide for the repatriation of all covered archeological materials. Members of IPWAG considered the special case of the Dead Sea Scrolls, recognizing their extraordinary symbolic meaning for Israelis. The Palestinian members of the group all felt that these artifacts should be treated like any other movable artifacts. The Israelis all stated their opinion that the members of their society and their officials would consider these ancient artifacts to lie outside the bounds of normal cultural heritage negotiations. Despite considerable discussion, no specific agreement among IPWAG members was achieved for a joint recommendation about their fate. IPWAG members were only able to agree that any decision about the Rockefeller Museum collection of the Dead Sea Scroll fragments would be a highly political one and would be decided in the context to the give-and-take of actual peace negotiations between politicians.

Aside from the Dead Sea Scrolls, IPWAG members agreed on full repatriation of all artifacts to the sovereign political entity in which the site from which they were recovered was located prior to June, 1967. If the artifact had been fully published then the repatriation process would move ahead immediately. If complete publication has not occurred, then scholars will have five (5) years from the date of signing the Final Status Peace Agreement to work with the artifacts in preparation for publication, before the artifacts would be returned. This process would be similar to the terms contained in the peace agreement between the Israelis and the Egyptian.<sup>8</sup> Artifacts that Israel had excavated from Sinai were returned to Egypt through this mechanism. Unfortunately, accesses to these repatriated materials is highly restricted by Egyptian authorities and many Israelis suspect similar restrictions may apply to artifacts – especially Dead Sea Scrolls – that might be repatriated to Palestine.

This concern over future access and the sense of importance accorded to the Dead Sea Scrolls collude to create a culture of possession around these artifacts. Official Israeli government representatives refer to the Dead Sea Scrolls as the “deeds to the state of Israel.”<sup>9</sup> These artifacts have been transformed in the Israeli (and more broadly, Jewish) imagination into national symbols and they are now accorded protection and reverence akin to political actors. Possession of these documents is of surpassing importance to the Israelis in comparison to any other collection of documents of like age or content.<sup>10</sup> Defense of all pieces of these artifacts is becoming equated with defense of the rights of Israeli statehood and of the principles upon which the state of Israel was founded.

The authors anticipate that the Israelis, on a political level, will seek other solutions to solving the issue of the Dead Sea Scrolls. This may include differentiating between ownership and use (for instance, Palestinians might own the scrolls but Israelis might get to use them), exchange of rights (Israelis would be allowed ownership of scrolls and in return would have to relinquish rights over other possessions), or general political concessions (Israelis would retain the scrolls and in return would make adjustments in the borders).

Hamdan Taha, as director of the Palestinian Department of Antiquities and Cultural Heritage, pointed to the necessity for this political process to occur in order for any of the recommendations to be adopted. On the Palestinian side, there needs to be a push to ratify the proposal through the Palestinian council in order for it to become the official Palestinian position. The members of the panel were clear in stating that this draft agreement is still unofficial. However, it is the only statement which reflects both Israeli and Palestinian interests and, in so doing, accepts restriction on the sovereignty of each in Jerusalem, for the purpose of establishing a Heritage Zone in which development will occur following documentation of the extraordinarily important cultural heritage resources of Jerusalem. The draft agreement was created by experts who were seeking to preserve their shared interests in the cultural heritage of this region. Now, the official bodies need to take these bilateral recommendations and transform them into jointly negotiated positions that can be included in a final status agreement.

In addition to addressing the conversion of politicians to a position that is pro-cultural heritage, a great deal of conversation centered on education and outreach to the next generation in schools and through the students, to the families at home. The goal of this education and outreach is to create a culture of awareness and a feeling of attachment to and investment in the cultural heritage resources of a future state of Palestine. Some members of the audience advocated a bottom up approach, by working through the schools and in communities. Other audience members advocated a top down approach in which new national curricula would be developed and implemented.

A closing comment during the discussion, which extended through the appointed discussion period and the tea break scheduled to follow, indicated the need for coordination and communication, not only between the Israelis and the Palestinians, but among the Palestinians themselves. There are several different areas in which archaeologists and cultural heritage specialists are working, among these academia, government, and NGOs. All three have slightly different agenda and participants commented that it might be useful to establish a process that encourages at least an annual communication or meeting among those working in these three different domains, all of whom are trying to do their best work under difficult conditions.

## **Conclusion**

This journal issue is a valuable opportunity to expand awareness of the conversations that occurred in Ramallah. These exchanges centered both on goals that have been achieved and those which are still under development. Goals which have been achieved include the establishment of a Palestinian Department of Antiquities and Cultural Heritage during the mid-1990s following the first Oslo Agreement, the on-going documentation in GIS form of the archaeological sites in the West Bank (and to a lesser extent, in Gaza and East Jerusalem); and the creation of a publicly-available document that relates points of agreement among Palestinian and Israeli cultural heritage and archaeology experts solely regarding cultural heritage and archaeology. Many other important goals remain unrealized and they offer scope for action by those who want to preserve the cultural heritage of this region. The authors in this volume discuss in considerable detail the nature of the resources that are needed, from both inside and outside the Palestinian archaeological community. This is an important message to all those who attended and may want a reminder, and also to all those who could not or would not attend. Everyone can play a role in ensuring access to and preservation of cultural heritage in this region.

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## Notes

- 1 We thank Susan Pollock for her help in facilitating the dialogue after this session.
- 2 Israeli law omits artifacts dating later than 1700 AD and animal and plant remains dating after 1300 AD. Additionally, human remains are not considered to be antiquities.
- 3 The full text of this document, entitled Recommendation on International Principles Applicable to Archaeological Excavations, can be viewed through these URLs: <http://www.icomos.org/unesco/delhi56.html> or [http://portal.unesco.org/en/ev.php-URL\\_ID=13062&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13062&URL_DO=DO_TOPIC&URL_SECTION=201.html).
- 4 The full text of the Hague Convention and the 1954 and 1999 protocols is available at this URL: [http://portal.unesco.org/culture/en/ev.php-URL\\_ID=35156&URL\\_DO=DO\\_PRINTPAGE&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=35156&URL_DO=DO_PRINTPAGE&URL_SECTION=201.html).
- 5 The reports of the IAA are available online and the IAA is subject to reporting requirements imposed by the Freedom of Information Act of 1999. [http://www.antiquities.org.il/about\\_eng.asp?Modul\\_id=4](http://www.antiquities.org.il/about_eng.asp?Modul_id=4).
- 6 Details of the known publications are included in the West Bank and East Jerusalem Archaeology Database at the USC Digital Library, which is available at this URL: <http://digitallibrary.usc.edu/wbarc/>.
- 7 Hamdan Taha pers. comm. August 9, 2009
- 8 See <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Israel-Egypt%20Peace%20Treaty>.
- 9 Ehud Danoch, Israeli Consul General in Los Angeles, made this statement during his speech at the opening of the Dead Sea Scrolls exhibit at the San Diego Natural History Museum in 2007.
- 10 Examples might include the Genizeh archive or early complete copies of the bible, such as the Codex Sinaiticus or Leningrad Codex.

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