

The Palestinian–Israeli Draft Agreement on Archaeological Heritage

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مسودة مشروع الاتفاق بين الفلسطينيين والإسرائيليين على التراث الأثري

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This paper describes the Palestinian-Israeli Draft Agreement on Archaeological Heritage and its conception, highlighting the main points of agreement and the recommendations made.

تصف هذه المقالة مسودة مشروع الاتفاق الفلسطيني-الإسرائيلي بشأن التراث الأثري ومفهومه , وتسلط الضوء على النقاط الرئيسية والمهمة في هذا الاتفاق كما تقدم بعض التوصيات .

The draft agreement on the Holy Land's Archaeological Heritage came about in the context of a project to analyze challenges and threats to Palestinian cultural heritage and the heritage of the country as a whole. It was the outcome of a comprehensive discussion between a small group of Palestinian and Israeli archaeologists regarding those challenges that lasted almost two years. The unofficial group was able to agree upon a vision of the future of the region's heritage in the form of recommendations and points of agreement in the context of a negotiated and confirmed settlement of the larger Palestinian-Israeli conflict. The different points of agreement and recommendation reached were based on the following assumptions:

1. The solution to the Arab-Israeli conflict will take the form of two independent states (Palestine and Israel).
2. The two states will interact peacefully between themselves and with their neighbours.
3. The archaeological resources of the Holy Land, as elsewhere in the world, are not renewable, and thus should be mutually respected. The national territories of the future state of Palestine and the state of Israel constitute a unified archaeological landscape divided by political borders, and both states will hold special responsibility to preserve local archaeological heritage as its significance extends far beyond national borders.

It was those convictions that led that group to the following conclusions and recommendations, which will hopefully constitute the foundations of any future official agreement between the two sides on this very sensitive issue.

Main Points of agreement

The agreement calls for the repatriation of all artefacts excavated or looted since 1967 to the state in which they were unearthed, stating that:

The artefacts excavated subsequent to June 4, 1967, should be returned to the state in which their original archaeological context is located, either Israel or Palestine, along with all documentation related to their excavation.

This will apply not only to materials excavated by the Israeli Civil Administration's Department of Antiquities, the official body in charge of antiquities in the West Bank and Gaza in over more than 40 years of Israeli occupation, but also for all objects and items that can be proven to have been stolen or dug illegally in the West Bank during this time. As some people have pointed out correctly, this will essentially be a one-way transfer of objects and materials from the state of Israel to the future state of Palestine, as Palestinians have hardly any materials excavated from Israeli territory. The agreement also calls for housing all the material returned to the Palestinian side in a safe environment, which will mean helping the concerned Palestinian authorities build new museums, storage facilities, and conservation laboratories etc. It calls on the international community to help the Palestinians create such faculties and provide them with the necessary equipment and personnel.

On the subject of sovereignty and responsibility after the resolution of the Israeli-Palestinian conflict, the group calls for full control by each side of the heritage located within its own sovereign territory. The agreement states: "After resolution of any repatriation issues, all archaeological artefacts are the sole responsibility of the sovereign state in which they reside." But the agreement continues that:

Either state may loan, cede access and consider joint exhibition. Archaeological sites and artefacts according to the agreement should be treated equally by both states regardless of their period, religious, ethnic, national or cultural affiliations.

There is agreement that these principles apply also to sensitive archaeological sites and materials such as Jerusalem and the Dead Sea Scrolls. However the team of experts calls for a special protective "Heritage Zone" around the oldest part of Jerusalem, extending to the city's 10th century boundaries. Archaeological sites in the zone would be accessible to all, and any research carried out or authorized by either side would have to be done with full transparency and full consideration of the importance of this zone.

Recommendations

In addition to the points of agreement that would constitute the foundation for a future resolution of the problem, the group arrived at the following joint recommendations:

1. After the resolution of the conflict, joint Israeli-Palestinian, and regional archaeological and heritage projects should be encouraged.
2. Both states will make their archaeological sites accessible to the public without discrimination.
3. States are encouraged to use multilingual interpretative presentation and maps – particularly in Arabic, Hebrew, and English.

4. In cases of archaeological heritage that require special facilities which do not exist in the present infrastructure of either state, two options are to be considered: (a) outside entities shall assist financially and professionally in the set up of the required facilities; or (b) such archaeological heritage may be loaned to a party capable of providing adequate care.
5. In light of the destruction of archaeological material by looting it was recommended that legal and enforcement parity between the two states be established by legislation in both states that will either a) forbid commercial traffic in archaeological heritage or b) confine commercial traffic to government bodies.

The participants in this process are well aware that their conclusions and recommendations may be received with a great deal of pessimism and will be considered by many as premature, if not out of context with regard to the present political stalemate, but they remain convinced that it provides a positive vision for the future of the two countries and the region's threatened cultural heritage.

The response of most Palestinian and Israeli archaeologists to the agreement has for the most part been positive and congratulatory, but some spoke against the document, saying that it is premature and gives more weight and precedence to nationalistic and patriotic considerations in determining the fate of the region's heritage. The answer to that accusation is that we have learned from bitter experience that the absence of dialogue and coordination between concerned parties, as well as arrangements that do not satisfy the nationalistic ambitions of the parties, will only harm the region's cultural heritage in the end.