

The Impact of Israeli Occupation on the Conservation of Cultural Heritage Sites in the Occupied Palestinian Territories: The Case of ‘Salvage Excavations’

AHMED A RJOOB

Palestinian Ministry of Tourism and Antiquities

Palestinian archaeological sites are among the most excavated and fragile sites in the world. After Israel occupied the Palestinian Territories (OPTs) in 1967, the responsibility for archaeology was placed in the hands of the Israeli military, exacerbating the deterioration of Palestinian heritage. International law has been breached and Palestinian heritage abused by countless illegal Israeli archaeological investigations, destruction of heritage sites, and illicit trafficking of artefacts. Although The Hague Convention (UNESCO 1954) is an important tool for protecting the heritage of occupied people, it has a vague definition of ‘salvage excavation’. Israel has used this vagueness to serve its illegal actions of building settlements and roads, and the destruction of archaeological sites in the OPTs.

In 2000, during the al-Aqsa Intifada, Palestinian heritage was destroyed by the military operations of the Israeli army. They deliberately demolished the historic centres of Nablus and Hebron, and subsequently constructed the separation wall inside the OPTs, causing unprecedented and irreversible damage to Palestinian heritage. The separation wall also cuts off hundreds of archaeological sites annexed to Israel or to illegal Israeli settlements in the West Bank.

International law considers it the explicit duty of Israel, since they are the occupying power, to combat clandestine excavation and to conserve and protect Palestinian heritage. Since 1967, Israel has monopolised archaeological activities in the OPTs, without taking into consideration basic protection and conservation means used worldwide. Thus the basic human rights of Palestinians have been violated and their heritage severely damaged,

depriving them of appropriately conserving, investigating, and enjoying their own heritage.

KEYWORDS conflict, Palestine, Israel, salvage excavations, legislation

Introduction

Archaeological investigations carried out during the last century have unearthed the richness and the multi-cultural diversity of Palestinian cultural heritage (for example, Conder & Kitchener 1882; DACH Database 2008; Smith 1998, 58–74). These discoveries make the south Levant one of the most interesting archaeological areas in the world. Archaeological surveys list more than 12,000 archaeological and cultural heritage sites in the Occupied Palestinian Territories (OPTs) (Taha 2004, 31; DACH Database 2008). Due to this wealth, intensive archaeological activities have been undertaken by Israel in the period following their 1967 invasion. These investigations have targeted heritage sites that do not fall under Israeli jurisdiction and are in flagrant violation of international conventions on the preservation and conservation of cultural heritage during conflict and include the following:

- 1) The removal by the occupation authority — or clandestinely by both Israelis (i.e., commanders, soldiers, civilians) and Palestinians — of objects of scientific, historical and archaeological importance.
- 2) The carrying out of illegal archaeological excavations. Not only are such excavations forbidden by international law, but the data and objects coming from such contexts are inaccessible to Palestinian researchers, and are often used in a 'culture-historical' framework to re-enforce the illegitimate occupation.

These activities have been conducted for a wide variety of ambiguous ideological and political purposes (Abu el-Haj 2001, 148–58). The opportunities that made such areas available to 'research' were not accidental, but the result of deliberate colonial acts. These have included the construction of military outposts, settlements, their infrastructure and bypass roads, and the construction of the separation wall (Chamberlain 2005).

Numerous sites have been irreversibly destroyed or damaged by the Israeli occupation. Some notable examples are the destruction of the Moroccan quarter in the old city of Jerusalem (Abu el-Haj 2001, 130–62), the transfer of archaeological finds from the Palestine Archaeological Museum in East Jerusalem to the Israel Museum in West Jerusalem, the siege of the Church of the Nativity in Bethlehem (Sub Laban 2004), and the destruction and demolition of classified buildings in the old towns of Hebron and Nablus, especially in 2003 and 2004.

Although all such activities merit individual attention, this paper focuses only on archaeological activities, and in particular on the excavations undertaken by Israel in the OPTs. These are misleadingly labelled 'salvage excavations'. This use of such sanitary language to describe crimes against cultural heritage has not escaped critique (Oyediran 1997, 41–44; Chamberlain 2005). Due to the vastness of the topic, the geographic scope of this paper is restricted to the West Bank (WB), excluding Jerusalem and the Gaza Strip.

Issues of legality

It is impossible to discuss archaeological heritage management without considering the context in which the work is being undertaken. Palestine has been under illegal military occupation since 1967 (Security Council Resolutions Nos 242 & 338, United Nations 1973; 1967). As with any occupation this is a crime involving the deprivation of one of the most basic human rights: the right of self-determination on civil and political rights as guaranteed by the Declaration of Human Rights (Universal Declaration of Human Rights, United Nations 1948; articles 2 & 10). It is self-evident that a context of illegality can only produce illegal acts.

This section presents an overview of the international conventions under which Israel, as an occupying power, is bound to protect the cultural heritage of the occupied territories. Many instruments have been developed by the international community to protect the cultural heritage during armed conflict, such as The Hague 1907 convention which prohibits occupying powers from the destruction, pillage and theft of cultural property (The Hague 1907, articles 47 & 56). The Fourth Geneva Convention (United Nations 1949) article 33 prohibits occupying powers from destroying all types of properties in the occupied territory, stating that 'in case of armed conflict, cultural objects must be respected and safeguarded from possible effects of war'.

The *Convention for the protection of cultural property in the event of armed* (UNESCO 1954), however, is the most important instrument of international law. Article 4(3) insists that contracting parties must prohibit, prevent and, if necessary, put a stop to, any form of theft, pillage or misappropriation, and any acts of vandalism directed against cultural property and to refrain from requisitioning movable cultural property (UNESCO 1954, article 4).

UNESCO's *Recommendation on international principles applicable to archaeological excavations* of 1956, which has been signed by Israel, explicitly stipulates that the occupying power must refrain from carrying out archaeological excavations in the occupied territory (UNESCO 1956). However, the 1970 UNESCO *Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property* was not ratified by the state of Israel (UNESCO 1970). Israel has resisted ratifying this convention in order not to modify its antiquities law, which allows dealing with archaeological artefacts regardless of their provenance.

In general, the above mentioned provisions implicitly establish a moral framework of respect, and explicitly impose a framework of duties on parties to prohibit, prevent and to halt acts of vandalism, theft and pillage and/or misappropriation of cultural property. They explicitly prohibit an occupying power from removing archaeological material from an occupied territory, or conducting excavations, with the exception of 'salvage excavations'.

The situation on the ground

The Israeli Occupation has violated most of these international conventions. It has chosen not to ratify the 1970 UNESCO Convention which protects cultural heritage resources during peacetime and wartime alike. It has continuously breached international law concerning the protection and preservation of the Palestinian cultural heritage property in the OPTs through:

- Illegal archaeological excavations and surveys
- Deliberate destruction of cultural heritage
- Neglecting the protection and conservation of cultural heritage places in the OPTs
- Abuse of Palestinian heritage for ideological and political purposes
- Transferring artefacts out of the OPTs and displacing parts of immovable heritage (i.e., mosaic floors)
- Unofficially encouraging the illicit trade of Antiquities.

Archaeological excavations in the occupied Palestinian territories

The issue of archaeological excavations in occupied territories is a vast topic. The Hague Convention of 1954 (UNESCO 1954) is ambiguous, but establishes the basic objective of protecting cultural heritage in times of armed conflict.

Israel has adopted the view that archaeological excavations are not strictly forbidden by The Hague Convention of 1954 but only by the 1956 UNESCO Recommendation (which is not legally binding). Arab states have argued that excavations are prohibited by The Hague Convention of 1954, because archaeological excavations are destructive by their nature (Oyediran 1997, 17–18). Some judges have argued that 'it is not necessary for the convention to forbid excavations since, in any event, the Hague Protocol of 1954 places the occupying power under a duty not to export any artefacts and to return any artefacts to the occupied territories if this provision is breached' (Oyediran 1997, 17–18).

On the contrary, Israel, as the occupying power, has used cultural heritage and archaeological research as an important ideological instrument to justify its own political claim to the occupied territories. Conducting archaeological excavations is not only a violation of international law and conventions, but also denies the right of Palestinian people to explore their past in their own manner and by their own methods which inevitably vary from Israeli ones.

Archaeology has been an important national cultural practice since the foundation of Israel, whilst ancient biblical tales and sites have inspired Israeli public sentiment. Archaeology plays a crucial role in the formation and enactment of colonial-national historical imagination and in authenticating Israel's territorial claims (Abu El-Haj 2001, 1–2). Thus, archaeology has been repeatedly used to support the Zionist project in Palestine since the 19th century and to facilitate Israel's territorial expansion and to justify land expropriation (see also Greenberg this volume).

Interpretation of international law since 1967

After the Israeli military occupation of the West Bank and Gaza Strip in 1967, the responsibility for archaeology was placed in the hands of two Israeli staff officers for antiquities (SOA): one for the West Bank, excluding East Jerusalem, and one for the Gaza Strip. Oddly, responsibility for archaeology in East Jerusalem (which is part of the Occupied West Bank) was exercised by the Israeli Ministry of Education and Culture Department of Antiquities until 1990, due to its annexation to Israel. The Israel Antiquities Authority (IAA) has resumed these responsibilities since 1990 (Oyediran 1997, 41).

Since 1967 Israel has adopted the position that international law does not prohibit excavations in occupied territory. Subsequently, the staff officers and the IAA have conducted and/or issued hundreds of excavation licenses in the occupied territories, contravening international law, which only allows an occupying power to undertake 'salvage excavations' in exceptional circumstances and in order to gather information and save artefacts prior to construction work in favour of the interests of the occupied people. Foreign schools of archaeology in Jerusalem (the British School of Archaeology, the French *École Biblique et Archéologique*, the American W. F. Albright Institute of Archaeological Research, and the German Archaeological Institute) avoided excavating in these areas after 1967, until the Palestinian National Authority took over responsibility for archaeology in 1994 (Oyediran 1997, 42).

Even though 'salvage excavations' are allowed in international law, the legality of those undertaken in the OPTs is doubtful. The vast majority of excavations have been associated with the construction of Israeli settlements or associated infrastructure and their bypass roads, which themselves are illegal in international law.

Such illegal construction activities in the occupied territories required large-scale archaeological excavations which cannot be identified as 'salvage' or 'rescue' excavations. Chamberlain argues that

When a site is uncovered the Israelis institute a 'salvage excavation', i.e. the rapid removal and recording of artefacts before the site is covered up. In most cases this results in the destruction of the site, treasure hunting for objects, although occasionally some sites are covered up. Others are lost to all future investigation, which is often the case, among others, of exposed mosaic floors. Furthermore, the effect of these so-called 'salvage excavations', is the fact that the all-important context of the site is destroyed, and the knowledge that it yields is lost forever. (Chamberlain 2005)

The vast majority of excavated archaeological sites have been excavated under unjustified pretexts by the SOA. After his study of the Israeli archaeological activities in the OPTs, Greenberg describes these activities as an 'archaeological heart of darkness' (Greenberg as cited by Rapoport 2006). He discovered that about 1100 excavation permits were issued for excavations that were carried out at 700 sites in the occupied West Bank, excluding Jerusalem. For the past 25 years the position of the SOA has been held by Dr Yitzhak Magen. In the 1980s, *c* 60% of the Occupied West Bank excavations were conducted by Israeli or foreign institutions. Nonetheless, after the peace process in 1993, the SOA has conducted all excavations in 'Area C' (representing *c* 70% of the WB), which is under full control of the Israeli Occupation according to the 1933 Oslo Accord and the Washington DC agreement signed between Israel and the Palestinian Liberation Organisation in 1995. From 1993 to 1998, Dr Magen conducted 95% of these excavations in the WB himself. Only nine out of the 171 excavation permits issued by the SOA were granted to academic institutions. Since 1998 at least 300 excavation permits have been issued, nearly all to Dr Magen (Rapoport 2006).

According to the Jordanian Law of Antiquities, which still applies in the West Bank: 'licenses may only be granted to persons with proven scientific competence and who are prepared to expend sufficient money on the excavations to secure satisfactory results on archaeological grounds...all licenses are made subject to certain standard conditions, including requirements to preserve antiquities which are

discovered; to submit information concerning the conduct of the excavations; and to produce an adequate scientific publications' (Oyediran 1997, 32).

However, the excavations of the SOA do not meet even the minimum of the above-mentioned provisions. The SOA is the sole issuer of the excavation permits, which are not surprisingly conducted by himself. He does not need to comply with the Antiquities ordinance obligations since the Israeli military Amendments of the Jordanian Antiquities Law offer him an unlimited mandate. Apart from the SOA no one knows where excavations are taking place: there is no orderly list, no obligation to publish, and if there is publication, it is a selective one depending on the will of the SOA and his own priorities. Of course, work of this kind has no historical or archaeological meaning (Rapoport 2006).

'Salvage excavations' in the West Bank undertaken by the SOA

'Salvage excavations' associated with the building of Israeli settlements

In addition to the illegal excavations carried out in Jerusalem, especially along the southern and south-western wall of the Haram al-Sharif (The Great Mosque), many similar excavations have been carried out in association with settlement activity. In its efforts to create new facts on the ground Israel has built hundreds of settlements and military outposts all over Palestinian territory in violation of international law, specifically the Fourth Geneva Convention (Applied Research Institute of Jerusalem 2005).

These illegal Israeli settlements control over more than 900 archaeological sites and features (Sub Laban 2004; DACH Database 2008). The construction and expansion of Ma'aleh Adumim settlement, for example, east of Jerusalem, during the 1980s necessitated a large amount of excavations in Kh. Morassas. Ruins of a Byzantine monastery were uncovered; Dr Magen described these excavations in 1993 as one of the largest projects undertaken in Judea and Samaria specifically, and in Israel in general (Oyediran 1997, 43).

Tell el-Rumeida, identified as ancient Hebron, is another devastating example of such illegal activities. It represents a typical example of the violation of international law by Israel and its systematic damage of Palestinian heritage through military power. It is also one of the most extremely violent examples of Israeli settlement policy against Palestinian land, people and heritage (Sub Laban 2004). Tell el-Rumeida is one of the largest tells in Palestine, believed to have been inhabited continuously from the beginning of the 3rd millennium BC. In 1984 radical Israeli settlers seized part of the site, announcing plans to turn it into a permanent Israeli settlement (Wilder 2003). In 1998 the Israeli Prime Minister promised to build permanent houses for the settlers on the archaeological site. In 2001 construction of ten apartments, approved and financed by the Israeli government, began. In 2002, the Israeli Civil Administration approved a master plan for building another 15 apartments.

The archaeological excavations (including the illegal Israeli ones) uncovered significant remains. Their importance is such as to justify halting construction, in accordance with the Jordanian Antiquities Law (1968) applied in the OPTs (articles 41 & 45). This indifference to international conservation standards has caused devastating

damage to Tell el-Rumeida (Fig 1), destroying its archaeological layers and changing its cultural heritage identity (Sub Laban 2004).

'Salvage excavations' associated with the building of bypass roads for Israeli settlers

The huge bypass road networks built by the Occupation for Israeli settlers, to avoid contact with Palestinians, have necessitated further 'salvage archaeological excavations'. This construction has had an unprecedented destructive impact on the cultural and natural landscape of the West Bank. Perhaps the most dramatic example of this is route 446, which has damaged the cultural landscape of Wadi Natuf, close to Shuqba village c 20km west of Ramallah (Fig 2). The site includes one of the largest prehistoric caves in Palestine, discovered by Mallon in 1924 and excavated by Garrod in 1928. Excavations indicated that the cave was inhabited during the Epi-Paleolithic, c 12000 BC. Artefacts from the site witnessed significant technological developments and inspired Garrod to describe a 'Natufian Culture' (named after Wadi en- Natuf). This term is still in use worldwide to indicate the pre-agricultural Neolithic (Ministry of Tourism and Antiquities 2005, 33–4). This key site has been disturbed by the construction of an illegal Israeli bypass settlement road which has cut off the historical Wadi from its cultural landscape.

Khibet Abu-Dwier on route 60, located between Sa'ir and Halhoul in Hebron district, represents another example of illegal archaeological Israeli activities (Fig 3). The ruins of the site dating from Roman, Byzantine, and Ayyoubid periods were the victims of 'salvage excavations' undertaken by the SOA for the West Bank in 1995. The only available information we have on these excavations is that many artefacts were uncovered and have been removed (Oyediran 1997, 43).

Excavations associated with the looting and vandalism of archaeological sites

Domestic antiquities legislation (i.e., the British Mandate Antiquities law of 1929 which applies in the Gaza strip, and the Jordanian Antiquities Law of 1968 which applies in the West Bank) remained in force after the Israeli Occupation, as amended by various Israeli military orders. These legal ordinances provide for the protection of the Palestinian cultural heritage. However, Israeli military amendments of antiquities law are questionable and contravene international conventions. For example, the Military Order number 1166 of 1986 amends the Jordanian Law on Antiquities of 1968 for the West Bank. It authorises the SOA for the West Bank to use most of the powers contained in the Jordanian Law. It also gives powers to arrest, confiscate material and land, search individuals and so forth to serve the occupation military purposes. It also allows the export of antiquities if a permit has been given by the Israeli authorities without specifying the grounds on which a permit might be given. These military amendments weaken the protection of Palestinian heritage and implicitly contravene article 43 of the 1907 Convention (The Hague 1907), either because these amendments are not necessary, or because they contradict Israeli obligations under international law and/or do not benefit Palestinian people (Oyediran 1997, 37–8).



FIGURE 1 New construction at Tell el-Rumeida, just above the archaeological remains.

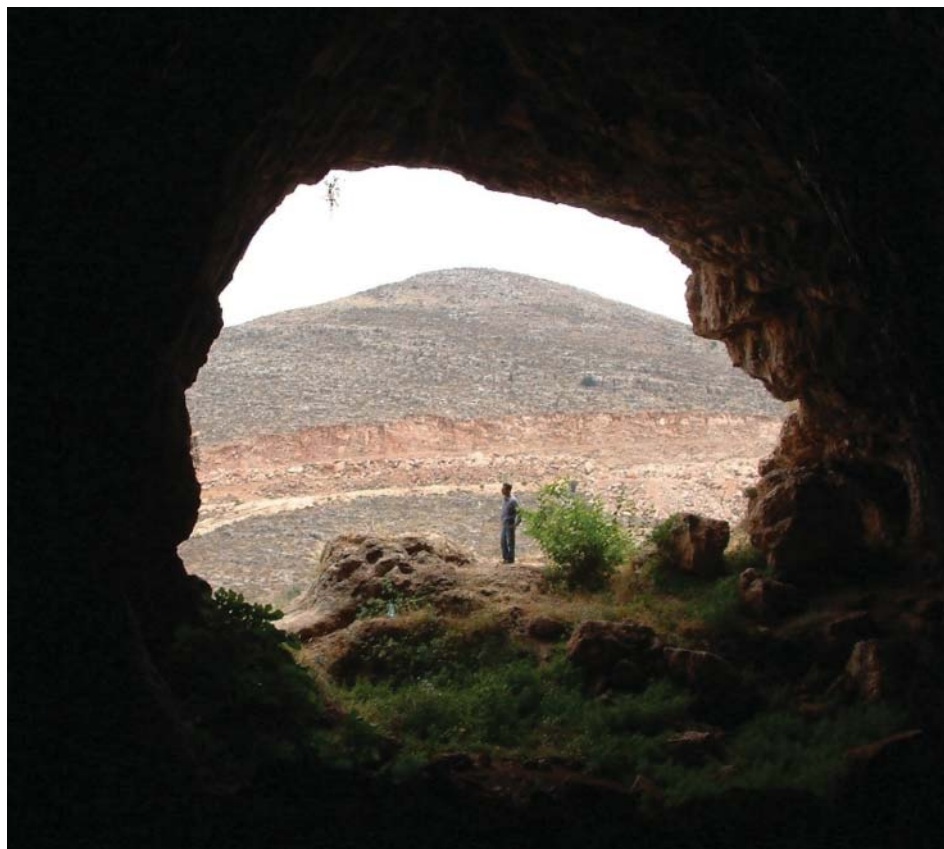


FIGURE 2 Damage to the cultural landscape of the Wadi Natuf caused by the new by-pass.



FIGURE 3 The remains of Khirbet Abu-Dwier, adjacent to the new by-pass.

Moreover, article 4(3) of The Hague Convention (UNESCO 1954) imposes a duty on parties of the treaty to prohibit, prevent, and if necessary halt acts of vandalism, theft, pillage, or misappropriation of cultural property. It also requires states to refrain from requisitioning movable cultural property situated in the territory of another high contracting party (UNESCO 1954, article 4).

Although looting of archaeological heritage sites is a general phenomenon in the Near East, it had limited impact during the British Mandate and Jordanian rule of Palestine. During the time of the Israeli occupation looting of archaeological heritage sites has become a constant and accepted socio-economic phenomenon within Palestinian society, encouraged by the economic deprivation of the villagers and poor law enforcement. Many poor Palestinian villagers realised that they could sell artefacts to Israelis (military officers and civilian antiquities dealers) without objection from the Israeli occupation authority. For instance, Moshe Dayan the Minister of Israeli Military Forces in 1967, encouraged illegal digging of archaeological sites — subsequently his private collection was one of the largest in Israel (Kletter 2003, 3–4).

After 1967, the economy of the Palestinian territories has depended on jobs and imports from Israel. During the first Intifada (1987) and second Intifada (2000), job opportunities in Israel have vanished, contributing to widespread unemployment. Looting and the illicit trade in Palestinian antiquities have thrived in these deteriorating circumstances (Blum 2003).

According to international law, protecting archaeological heritage, combating illegal digging and exporting artefacts are under the explicit duty of Israel as an occupying power. Yet, Israeli occupation has used the clandestine excavations, which are encouraged and facilitated by this regime, as a pretext for carrying out 'salvage excavations' all over the OPTs, instead of taking the proper and sufficient legal measures to safeguard archaeological sites.

In this regard Greenberg argues that Magen, the SOA for the West Bank,

views himself as a researcher who is rescuing sites from destruction. That is a direct continuation of colonialist archaeology, which 'rescued' the antiquities of Greece from the Greeks and of Egypt from the Egyptians. The absurdity is that this method actually causes the destruction of sites. Magen 'marks' sites for the antiquities thieves. He has no money to maintain the sites after he finishes excavating them. He uncovered a beautiful mosaic in a Byzantine church, but after he left thieves came and removed the entire mosaic. (Greenberg as cited by Rapoport 2006)

There are many examples of this sort of excavation, especially in the Hebron area, for instance Kh. Anab al-Kabir west of al Dahria (Fig 4), Kh. Tawas, east of Dora city (Fig 5), Kh. Bait 'Aunon north of Hebron (Fig 6), and so forth. Kh. al Qasir in the wilderness of Hebron, east of Bani Na'im (Fig 7), is a typical example. The SOA excavated the site without any justified reason, removed all its artefacts to unknown whereabouts, and left the site unprotected and at the mercy of antiquities robbers. According to one of the SOA former employees, the site of Kh. al-Qasir had been well preserved prior to the SOA excavations. It used to have few shallow illegal robbing trenches. He added 'after we finished the excavation, the site's plan was very impressive: its floors were paved with coloured and monochrome mosaic and its walls



FIGURE 4 Destruction of a mosaic floor at Khirbet Anab al-Kabir.



FIGURE 5 Destruction of ruins at Khirbet Tawas.



FIGURE 6 Destruction of the ruins at Khirbet Bait 'Aunon'.



FIGURE 7 Destruction of ruins at Khirbet al-Qasir.

built with well-dressed stones. Afterward, all finds were removed to unknown store-rooms in Jerusalem and then the site abandoned'. He also said 'during that time Dr Magen was writing a book on the Byzantine period, so that he focused on Byzantine sites having mosaic floors'.

Since 1967 the OPTs and neighbouring countries of Israel have become the main source of antiquities for the Israeli market. Some Jordanian dealers buy antiquities from various sources in Jordan and smuggle them to Israel where their trading is legal. The objects subsequently find their way onto the international antiquities market (Politis 2002, 265). To ease this issue, the antiquities laws in the OPTs have been amended by the Israeli military orders in order to weaken control over the export of antiquities by issuing licenses to individuals from the SOA (Oyediran 1997, 34).

Ironically, whilst digging without a special permit is illegal in the OPTs according to the Jordanian 1968 law, collecting and selling illicit antiquities is permitted by the 1978 Israeli law of antiquities and military orders in the OPTs. Accordingly, all antiquities that have been discovered in Israel since 1978 are the property of the state. In this sense, licensed excavations cannot be a source of archaeological objects for antiquities dealers (Blum 2003). Therefore, it is logical that the vast majority of archaeological objects in the Israeli licit market of antiquities come from illegal digging in the OPTs.

The exact number of sites robbed since 1967 in the occupied territories is unknown, but it is in the thousands (Ilán et al 1989). According to Ilán et al (1989, 41) 100,000 archaeological artefacts leave Israel each year. The vast majority of these objects supposedly 'lack provenance'.

Further illicit activities

Intentional destruction of cultural heritage

The military response to the al-Aqsa Intifada, which sparked in 2000, has resulted in an unprecedented level of deliberate destruction of cultural heritage. This paper will highlight two of the ways in which this has taken place: the destruction of historic town centres and in the building of the separation wall.

Numerous Palestinian heritage sites have been irreversibly damaged by Israeli military operations. The most famous of these military operations was the prolonged siege of the Nativity Church in Bethlehem in 2002, where a site of international cultural pilgrimage was damaged by Israeli actions.

The old town of Nablus has been one of the hardest hit Palestinian cities following the al-Aqsa Intifada. Nablus derives its name from the Roman town of Neapolis built AD 72 (Ministry of Tourism and Antiquities 2005, 37–9). The city includes a wide diversity of cultural heritage assets from the Roman era until recent times. In 2003 and 2004 the city was hit by rockets, shelled by tanks and then large areas were cleared by military bulldozers, causing massive destruction to historical and archaeological sites (Fig 8). Some 310 buildings were destroyed or damaged, including mosques, churches, and other historic buildings and monuments (DACH Database 2008; Sub Laban 2004).



FIGURE 8 Destruction of Nablus's old town.

On 9 August 2005 Israeli forces demolished several historical houses in the old city of Hebron to build a 'settler road', connecting the Kiryat Arba settlement, located east of Hebron city, with the Ibrahimi (Abraham) Mosque of which 60% has been converted into a synagogue (Figs 9 & 10). These buildings were an essential part of the old fabric of Hebron's old town and part of the cultural environment surrounding the Ibrahimi Mosque (Sub Laban 2004; DACH Database 2008).

Although the destruction of historic Palestinian towns has been condemned by the international community (and by institutions such as the UNESCO, the World Heritage Centre and the World Archaeology Congress), Israel has continued its systematic destruction of the Palestinian heritage and has yet to abide by international law.

The separation wall

The Israeli separation wall was approved by Israel in April 2002. Security concerns have been used to excuse the confiscation of Palestinian water and land. It consists of concrete walls, razor-wire, trenches, electrified fences, sniper towers, military roads, electronic surveillance, remote-controlled infantry, and a buffer zone that sometimes stretches over 100m wide (Azzeh 2005, 3).

On 9 July 2004, the International Court of Justice ruled that the wall and all Israeli settlements are grave violations of international law and human rights (Azzeh



FIGURE 9 Destruction of Hebron's old town.



FIGURE 10 Destruction of Hebron's old town.

2005, 3). Israel's Supreme Court has also ruled its construction partly unconstitutional. In defiance of such rulings Israel continues to construct the wall and expand settlements in the occupied West Bank. Most of these settlements are enclosed by separate walls, and linked with Israel and each other by a highway network (Azzeh 2005, 3).

The wall is not built on the 1967 border, known as the 'Green Line', but cuts deeply into Palestinian territories (Figs 11 & 12) swallowing and expropriating lands owned by Palestinian people for generations, prohibiting them from accessing their agricultural lands to collect crops and seizing more Palestinian water resources, land and cultural and natural resources (Applied Research Institute of Jerusalem 2005). It represents a *de facto* annexation of a substantial part of the West Bank and consequently of the Palestinian archaeological, natural and cultural heritage (Sub Laban 2004).

Besides its catastrophic human, economic and social impacts, the separation wall has a devastating effect on tangible and intangible cultural heritage. The destructive effects go beyond the physical, and what is being lost includes traditional life-styles, linked to Palestinian identity, including pastoralist and semi-nomadic life-styles. The wall cuts off hundreds of cultural heritage sites and separates Jerusalem from Bethlehem and other surrounding Palestinian localities (Sub Laban 2004; DACH Database 2008).



FIGURE 11 Part of the separation wall (here a fence), south-east of Bethlehem.



FIGURE 12 Two views of the separation wall near the Qalandia refugee camp, close to Jerusalem.

Only a few 'salvage excavations' have accompanied the construction of the separation wall, indicating that neither environmental nor archaeological impact assessments were conducted. Khirbet Salah in Abu Dis, east of Jerusalem (Fig 13), is an example of exceptional excavations. In October 2003 the site was bulldozed during the construction of the wall around Jerusalem. Although the remains of a Byzantine archaeological site were uncovered, a substantial part of the site was demolished and levelled, before IAA officials temporarily stopped work. After three weeks the site was levelled, the wall built and the site had vanished. This rushed excavation exposed remains of a Byzantine monastery, including a basilica with outdoor rooms, courtyards, a well, residential areas, sheds and stables. Under the central courtyard remains of a crypt decorated with crosses were also found. In the central area a mosaic pavement, decorated with geometric and animal motifs was found, including a deer. The mosaic pavement was removed illegally from its archaeological context (Sub



FIGURE 13 Archaeological excavations at Khirbet Salah, prior to the destruction of the ruins by the separation wall.

Laban 2004). Such procedures cause irreversible damage to archaeological sites and are contrary to accepted international standards in archaeological excavations.

As mentioned in the introduction to this paper, archaeological surveys list more than 12,000 sites in the OPTs (DACH Database 2008). Many of these sites have been demolished by the construction of the wall, and hundreds of archaeological places have been annexed to Israel or illegal Israeli settlements in the West Bank such as Tell Rumieda, Kh. Morasress, Kh. Silon (*Shilo*) and so forth. According to the statistics of the Department of Antiquities and Cultural heritage, some 2,460 cultural heritage places have been destroyed and/or cut off from the West Bank (Sub Laban 2004; DACH Database 2008).

Figure 14 shows that 2,167 sites have been damaged or cut off by the separation wall (representing 18% of the total of all known Palestinian cultural heritage places in the West Bank). Altogether 262 excavated sites have been affected (representing 62% of all sites of archaeological excavations in the West Bank), and 37 main and/or excavated sites will be totally demolished beneath the route of the wall.

The annexed areas are declared as closed military zones, making them virtually inaccessible to Palestinian archaeologists, underpinning the fact that these sites have been taken out of Palestinian administration. In the same way, the proposed wall along the Jordan valley will annex the entire Jordan valley to Israel, which means an Israeli control over all the archaeological and natural heritage sites in the Jordan valley other than Jericho city. Such sites include Kh. Qumran, the Dead Sea, Ain al Feshkha, the site of Baptism, the Christian monasteries in the lower Jordan valley,

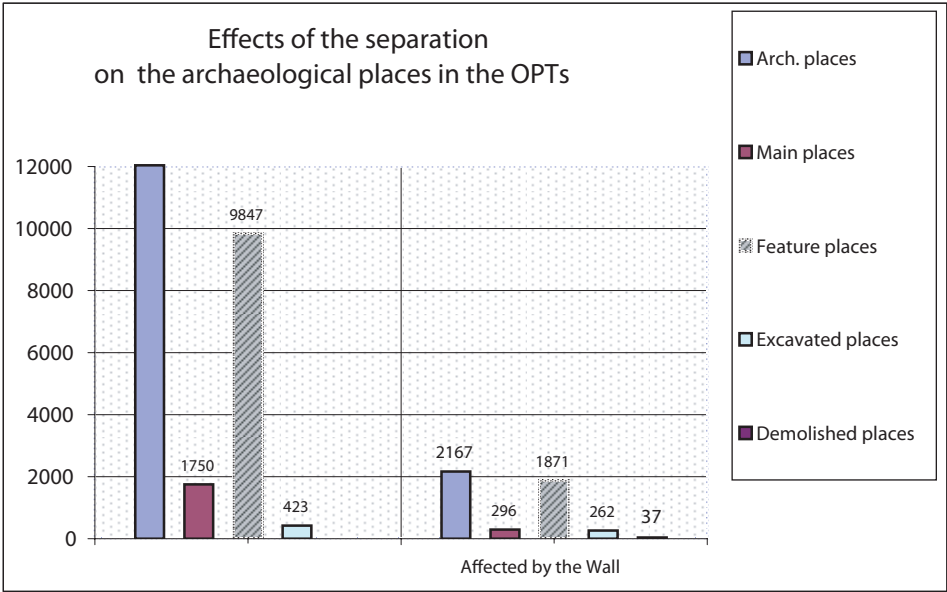


FIGURE 14 To the left, the total number of monuments. To the right, those effected by the separation wall. ‘Main places’ refers to large archaeological sites (Khirba or Tell); ‘Feature places’ refers to individual monuments, such as a building, cistern, or tomb.

and the Wilderness of Jerusalem, Bethlehem and Hebron, which are extremely important for the Palestinian cultural and natural heritage as well as important for Palestinian national identity and economy.

The wall is equally affecting cultural tourism in the OPTs, either because of the many tourist sites that have been annexed by the wall or by hindering the movement of tourists between Palestinian cities, especially between Bethlehem and Jerusalem. This strategy halts the tourists' movement between the OPTs and its neighbouring countries such as Egypt and Jordan (Sub Laban 2004).

State of conservation

Israel's occupation has left excavated archaeological sites in very bad overall condition, without using the minimum conservation measures to protect or to mitigate their deterioration. Many of the excavated sites prior to, or during, the Israeli occupation have lost their archaeological features due to Israeli intervention or neglect. Countless ongoing sieges, arbitrary curfews, endless roadblocks and military closures, imposed on the Palestinian cities and villages, have repeatedly prevented the institutions of the Palestinian Authority from attending to their task in the protection of cultural heritage (Sub Laban 2004). For example, in 2003 the site of Tell Qilla, 20km north-west of Hebron city, was systematically looted. According to eyewitnesses more than four bulldozers were used to remove unwanted archaeological layers. Sadly, Israeli occupation forces refused to allow Palestinian police to accompany the employees of the Palestinian Department of Antiquities to stop that pillage. Consequently, great parts of the walls of the Canaanite city were removed and many artefacts smuggled onto the illicit market. In addition to this physical damage the status and reputation of the Palestinian Authority and its capability to protect heritage sites was tremendously harmed.

The devastating impact of the Israeli policies regarding cultural heritage on the Palestinian society in the OPTs

Since 1967 the Israeli occupation has monopolised all aspects of cultural heritage in the OPTs, including exploration, excavation, protection and preservation. Greenberg's statement on this issue is one of the most thought-provoking to date by an Israeli scholar:

An occupying force arrives from outside and makes unilateral decisions, without consulting the local residents. Archaeology has social significance, because you are taking part of the landscape and giving the archaeologists a kind of veto power over it. That's why archaeologists must be transparent; we must report to the public on what we are doing. We, as historians, must be sensitive to such matters. We have to know that what is being done in the territories is a crime. (Greenberg as cited by Rapoport 2006)

This monopolisation by the Israeli occupation power gravely violates the most basic rights of the Palestinian people as in the following:

- It has deprived Palestinian people of the opportunity to investigate sites with appropriate scientific techniques.

- It has placed thousands of artefacts discovered in archaeological excavations in the custody of the Israeli Authority, and beyond the reach of Palestinian Archaeologists or the general public.
- Much of the information derived from these excavations is inaccessible to Palestinians, and remains in the hands of Israeli authorities and academic institutions. Worse still, there is no information available at all for many excavations.
- Palestinians have been alienated and deprived of their cultural heritage through the abuse of the occupation force's power, using a set of amendment military orders to the domestic antiquities laws, to pursue its own national objectives rather than the interests of the Palestinian people.
- This abuse of power has also alienated Palestinians from their cultural heritage through the illegal requisitioning of archaeological objects and the expropriation of Palestinian land, where archaeological sites are located. This has encouraged Palestinians to avoid reporting the discovery of archaeological sites or objects, and contributed to the destruction of sites through illegal digging.

Conclusion

The occupied Palestinian territories are an arena for the defiance of international law on cultural heritage preservation and conservation. The material effects of occupation are not the sole reason for this. Israel denies its responsibilities in aiding the implementation of such protection, as it is bound by international law. Furthermore, it commits illegal acts which aim at destroying Palestinian cultural heritage and are condemned by international observers. It is thought provoking that Israel chose to sign and ratify them but not execute them.

It must be highlighted that no person's heritage is worthless, even the Arab's, and even more so the Palestinian's. Our heritage is our identity as Palestinian people, and it is an integral part of our daily life. The intentional destruction of this heritage is not only a blatant assault on the human dignity and the human rights of the Palestinian people, but also a loss of an essential part of the human cultural heritage.

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Notes on contributor

Ahmed Rjoob is employed as the Director of the Site Management Department in the Palestinian Ministry of Tourism and Antiquities. He is currently undertaking his PhD in sustainable management and conservation of archaeological sites at the University of Ferrara, Italy.

Correspondence to: Ahmed Rjoob, Dipartimento di Biologia ed Evoluzione, Sezione di Paleobiologia, Preistoria e Antropologia, Università degli Studi di Ferrara, Corso Ercole I d'Este, 32 IT — 44100 Ferrara, Italy. Email: arjoob@gmail.com