

Contested Management of Archaeological Sites in the Hebron District

AHMED A. RJOOB

*Director, Department of Site Development,
Palestinian Ministry of Tourism and Antiquities*

Over more than a century, Palestinian cultural heritage has been managed by several different administrations. Each of these has had its own methods of management, protection, research, and distinct political purpose, making Palestinian cultural heritage one of the most intensively abused, excavated and subsequently disturbed worldwide. In accordance with the Oslo Accords (1993-1995), the Palestinian Authority took over responsibility for archaeology in Areas "A" and "B", representing about 40% of the Occupied Palestinian Territories. In spite of this inequity, it was the first time that the Palestinian people were given an opportunity to manage their own heritage.

This paper attempts to discuss these issues and their negative impact on archaeological sites in the Hebron district. Special attention will be given to the state of cultural heritage since the Oslo Accords, when Palestinian cultural heritage started being operated by two contested administrations: the Palestinian Department of Antiquities in areas "A and B", and the Israeli Staff Officer for Archaeology in area "C". Clandestine excavations, illicit trafficking and the state of conservation of Palestinian cultural heritage are also explored to demonstrate the protection, conservation and development dynamics of archaeological sites in this area and how this dually contested management tremendously affects safeguarding of the heritage in the Hebron area. Illegal Israeli excavations, so-called "salvage excavations", and the devastating impact of the separation wall on archaeological sites and the cultural landscape are also briefly discussed.

الإدارة المتناقضة للمواقع الأثرية في منطقة الخليل

أحمد الرجوب

مدير دائرة تطوير المواقع في وزارة السياحة والآثار الفلسطينية، و طالب دكتوراة في جامعة فيرارا-إيطاليا

تمت ادارة التراث الثقافي الفلسطيني من قبل ادارات متعددة منذ أكثر من قرن، وكان لكل واحدة منها طرقها الخاصة في التدبير والحماية والأهداف البحثية والسياسية، ما جعل المواقع الأثرية الفلسطينية واحدة من أكثر المواقع الأثرية تضررا في العالم، وأكثرها تعرضاً للحفريات الأثرية العلمية وغير العلمية. فوفقا لاتفاقيات السلام الفلسطينية-الاسرائيلية (1993-1995) تتولى السلطة الفلسطينية مسؤولياتها عن الآثار في مناطق "ألف" و"باء"، التي تمثل حوالي 40% من الأراضي الفلسطينية المحتلة. وبالرغم من هذا العائق، الا انها كانت المرة الأولى التي يتولى فيها الشعب الفلسطيني إدارة تراثه بنفسه.

تحاول هذه الورقة مناقشة هذه القضايا وتأثيرها السلبي على حفظ المواقع الأثرية في منطقة الخليل وحمايتها، وسيتم إيلاء اهتمام خاص لحالة ووضع تراثها الأثري بعد اتفاقيات اوسلو، وذلك بعدما أصبح التراث الثقافي في الأراضي الفلسطينية يدار من قبل إدارتين متناقضتين، هما: دائرة الآثار الفلسطينية في المناطق "ألف وباء"، وضابط الآثار الإسرائيلي في منطقة "جيم". إضافة لذلك تتناول الورقة الحفريات غير الشرعية والاتجار غير المشروع في الآثار الفلسطينية، وكذلك كيفية الحفاظ على التراث الثقافي الفلسطيني، وذلك من خلال تسليط الضوء على سياسات الحماية والحفاظ وديناميات تطوير المواقع الأثرية في منطقة الخليل، ومحاولة تتبع تأثيرات الإدارة المزدوجة على تراثها الثقافي. علاوة على ذلك، تم إبراز تأثير الحفريات الإسرائيلية غير المشروعة- المعروفة بـ "الحفريات الإنقاذية" - على وضعية الآثار ومن ثم التطرق للتأثيرات المدمرة للجدار الفاصل على المواقع الأثرية والمشهد الثقافي في منطقة الخليل.

Background

The Hebron district (al-Khalil) is located 30 km south of Jerusalem (figure 1). It is the largest governorate in the Palestinian territories, not only in terms of size and population (PCBS, 2009: 55-60), but also in its richness of cultural and natural heritage. Its geographic location on natural crossroads has made it a meeting place and a historical passage between Palestine and southern neighboring countries (MoTA, 2005: 16). Fertile soils, mild temperatures and sufficient rainfall also make it one of the most flourishing areas for vineyards and olive cultivation in the Middle East, which increasingly contributes to shaping its tangible and intangible heritage in association with diverse oral histories, folktales, customs, habits, and agricultural traditions, often dating from prehistoric times (LRC, 2006: 2-10).

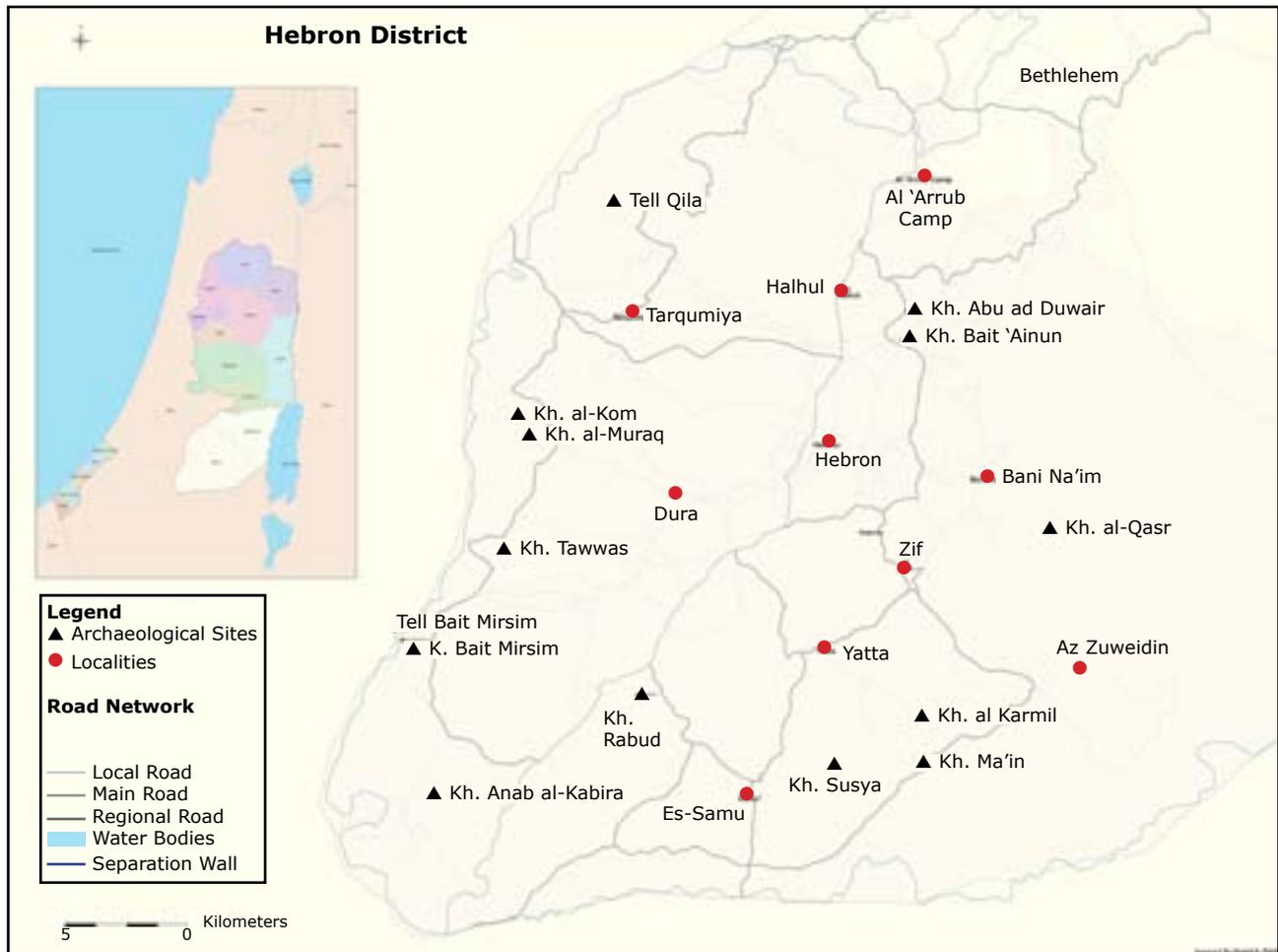


Fig. 1: Map of the Hebron area

The city of Hebron is one of the oldest continuously inhabited cities in the world, sacred to the three monotheistic religions. After the Bronze Ages Hebron was a key Canaanite city-state, economically and culturally dominating southern Palestine. Its ancient ruins have been identified in Jebel er-Rumeideh, and archaeological research has brought to light its precious history starting in the Chalcolithic period (4000 BC) through to the Umayyad era (661-750). After the Arab-Muslim conquest, Hebron became the fourth sacred city of Islam, since when Muslim pilgrims have visited and venerated the city, especially following the Hajj in Mecca.

The Hebron Mountains, high and lowlands, are also rich in cultural and natural heritage assets. Archaeological surveys list about 3,000 archaeological sites in this area, comprising approximately one third of archaeological heritage in the Occupied Palestinian Territories (OPTs). They demonstrate the wealth and diversity of Palestinian cultural heritage from prehistory to today. The Hebron Mountains also offer many magnificent panoramic views - for example their western slopes overlook the beautiful scenery of the coastal plain and the Mediterranean. Likewise, the eastern slopes overlook the wilderness towards the Dead Sea, with wonderful natural scenes featuring the campsites of tribes and Bedouins (who have wandered the Palestinian wilderness for thousands of years).

Status of cultural heritage in the Hebron district under occupation

Following the Israeli Occupation of the OPTs in 1967, the responsibility for archaeology transferred to two Israeli Staff Officers for Archaeology (SOAs): one for the Gaza Strip and another for the West Bank excluding East Jerusalem, which was illegally annexed to Israel, with its archaeological affairs being operated by the Israel Antiquities Authority (Greenberg & Keinan, 2007: 16; Oyediran, 1997: 41).

The occupation has kept the Jordanian 1966 Antiquities Law enforced in the West Bank alongside a set of military orders which have illegally modified some provisions and stipulations of that law. These orders mainly target the issues of licensing, excavations and trade in antiquities, explicitly violating the 4th Geneva Accords and the Hague Convention, and giving the SOA a free hand to conduct excavations, confiscate land and transfer objects throughout the West Bank without oversight by anyone in the occupation authority (Oyediran, 1997: 11-14; Greenberg & Keinan, 2007: 17-18).

The SOA has conducted or authorized hundreds of excavations in the OPTs. For example, the Israeli Civil Administration's Annual Reports for 1984 and 1985 reveal that 48 excavation licenses were granted from 1984-86 (as cited in Oyediran, 1997: 40). Since 1986 however, Civil Administration annual reports have no longer been available to the public (Oyediran, 1997: 40). This may be because the military amendments to the law in 1986 gave the SOA more power to undertake all kinds of archaeological activities, such as issuing himself licenses for exporting, loaning, excavating and disseminating, without accountability to the Israeli Civil Administration, the Advisory Council of Antiquities, or to the demands of the law (Greenberg & Keinan, 2007: 17-19). In this sense, the SOA is the sole issuer of excavation permits, which are mostly used within the organization, and without legal obligation in regard to the antiquities ordinance.

The activities of the SOA in the OPTs are ambiguous. No one knows where excavations are taking place or the whereabouts of finds. There is no obligation to report archaeological activities, or if there is, it is a selective choice based on the excavator's whim or the aims and priorities of the SOA. As a result, most archaeological excavations in the West Bank do not have publications. Half of 368 excavations mentioned in the SOA's report in 1997 had no publication data at all (Greenberg & Keinan, 2007: 19-20), while some major excavations, such as Hebron, Nebi Samwil, and Mount Gerizim, have only limited primary reports (Ibid.: 20). Of course, scientifically speaking, unpublished work lacks ethics and credibility. Perhaps Greenberg's point of view is correct when he portrays the SOA's activities as "buried treasure that's kept in the dark" (Rapport, 2006). Similarly, Professor Lamaire, the Director-General's special representative for Jerusalem, describes Israeli excavations as: "research decided on for no purpose other than studying the archives of the soil" (Oyediran, 1997: 41).

Abuse of Palestinian cultural heritage in the Hebron district after 1967

Israel has violated many international conventions and charters regulating both human rights and the protection of cultural heritage. For example, Israel has ratified neither the Hague protocol of 1954 nor the UNESCO Convention of 1970, which protect cultural heritage resources during peacetime and wartime alike. It has continuously broken international law concerning protection and preservation of Palestinian cultural heritage in the OPTs in general, and in the Hebron area in particular, for instance through:

- illegal archaeological excavations (“salvage excavations”)
- intentional destruction of cultural heritage
- neglecting the protection and conservation of cultural heritage sites
- abusing Palestinian heritage for ideological and political purposes
- transferring artifacts out of the OPTs
- displacing parts of immovable heritage, especially mosaic floors and epigraphic materials
- encouraging illicit trade in Antiquities

“Salvage excavations”

International Law allows an occupying power to excavate only when a “salvage excavation” is required under exceptional circumstances in order to gather information and save artifacts prior to construction work, in the interests of the occupied people (Hague Convention of 1954, article 4(3-4); UNESCO Recommendation, 1956, article 32). The Israeli occupation authority abuses this provision by classifying almost all archaeological excavations in Hebron as “salvage excavations”. Various Israeli actors, including some academic institutions, have indulged in these activities, the legality of which is in question due to this manipulation of the definition of salvage excavations for ideological and political purposes (Juba, 2008: 2; Abu El-Haj, 2001: 148-158).

So far, the vast majority of sites have been excavated under unjustified pretexts. After his study of the Israeli archaeological activities in the OPTs, Dr. Rafi Greenberg described these activities as an “archaeological heart of darkness” (as cited in Rapoport, 2006). Greenberg claims that about 1,100 excavation permits have been issued for digs carried out at 700 sites in the occupied West Bank (excluding Jerusalem), the largest part of which were conducted by the SOA himself who has held this position since 1981 (Greenberg & Keinan, 2007: 16). Therefore, about 60% of the Occupied West Bank excavations have been conducted by Israeli or foreign institutions. Even following the peace process in 1993, the SOA (Dr. Magen) has conducted all excavations in “Area C” (representing about 70% of the West Bank), which is under full control of the Israeli occupation according to the Oslo Accords and the Washington Agreement (1993-95) signed between Israel and the Palestinian Liberation Organization. From 1993 to 1998, Dr. Magen conducted 95% of these excavations in the West Bank himself. Only nine out of the 171 excavation permits were granted to academic institutions. From 1998-2006, at least 300 excavation permits were issued by the SOA, once again nearly all to himself (Rapoport 2006).

"Salvage excavations" associated with construction of Israeli settlements

There are thirty-three illegal Israeli settlements in the Hebron district, most of which were built during the early 1980s. In addition, ten settlement outposts were established after 1996 in response to an appeal from the future Israeli Prime Minister, Ariel Sharon, who called upon settlers to occupy hilltops with caravans to reduce the risk of losing them to Palestinians in negotiations (LRC, 2006: 3-4).

These illegal Israeli settlements exert control over about 900 archeological sites and features in the West Bank (DACH Database, unpubl.). In 1993, the SOA described the illegal "salvage excavations" in Khirbet Morasras", accompanied by the construction of the Ma'aleh Adumim settlement, east of Jerusalem, as one of the largest projects undertaken in Judea, Samaria and Israel (as cited in Oyediran, 1997: 43). While the SOA proudly boasted of the scale of his excavations, he overlooked the illegality of the activity. This declaration in particular poses a major juridical question regarding the legality of what have been identified as "Salvage Excavations" in the OPTs.

Tell el-Rumeida, ancient Hebron, is another obvious example of large-scale illegal activities which tremendously impact archaeological sites while using the same pretense of "salvage excavation". It is a typical example of Israeli violation of International Law and sabotage of Palestinian heritage, as well as also one of the most extremely violent cases of Israeli settlement policy enacted against the Palestinian land, people and heritage (Kalman, 1999).

Tell el-Rumeida is one of the largest tells in Palestine, believed to have been inhabited continuously from the beginning of the third millennium B.C.E., and archaeological excavations, including illegal Israeli digs, have uncovered significant archaeological remains there (Arnon, 2008). Accordingly, any new construction is outlawed, but in explicit violation of the 1966 Antiquities Law in force in the OPTs (Antiquities Law: articles 41-45). In 1984, radical Israeli settlers seized part of the site to build a new settlement on top of the archaeological remains (Wilder, 2003). In 1998, the Israeli Prime minister promised settlers that the building of permanent houses would be allowed on the site, and in 2001 the Israeli government approved and financed the construction of ten apartments. Then in 2002, the Israeli Civil Administration approved a master plan to build another 15 apartments (B'Tselem, 2007). Construction of these new settler neighborhoods on the ruins of ancient Hebron badly damages its archaeological layers and changes its cultural heritage identity (Kalman, 1999; Weizman, n.d.: 9-12).

A similar example occurred in Khirbet Suseya, a small Palestinian village further to the south. In 1983, an Israeli settlement was established on privately-owned Palestinian land that was confiscated. It is adjacent to an archaeological site on which a synagogue was uncovered by illegal Israeli excavations in the 1970s, dated to the 4th century A.D. (Gutman, Yeivin, & Netzer, 1981: 123-128). In 1985 the occupation authorities declared the area to be an archaeological park, expelling local residents from their land. Under the protection of the Israeli army, settlers from Suseya colony regularly harass the remaining local Palestinian community, overrunning Suseyan properties, uprooting trees, shooting livestock, and demolishing makeshift homes and rain-catching water wells (ARIJ, 1999). Paradoxically, the presence of archaeological remains in the OPTs has been used by illegal settlers to justify seizing Palestinian land. This policy, coupled with others, denies Palestinians rights to use their land and tangible heritage according to their needs. On the contrary, it contributes to creation of an enmity between Palestinians and their cultural heritage (Yahya, 2005: 69).

"Salvage excavations" associated with bypass road construction

Huge bypass road networks have been built in the Hebron district since 1994, splitting the governorate into six separate entities. These networks were designed to link settlements with each other and with Israel without having to pass through Palestinian localities. Restrictions on movement and use imposed on Palestinians prevent them from using these roads, while the Israeli army and settlers can use them freely. In addition, seventy-five-meter buffer zones were created on either side of the roads, prohibiting Palestinians from using their land fully. Many Palestinians lost their houses, olive groves and vineyards in the course of creating the buffer zones, causing unprecedented and irreversible damage to the natural and cultural landscape of Hebron district (LRC, 2006: 7; B'Tselem, 2004: 5-8).

Few genuine archaeological salvage excavations have been undertaken during construction of the roads. Khirbet Abu-Dwier, located between Sa'ir and Halhoul on route 60 (figure 2), presents a dramatic example of these illegal activities. In 1995 its ruins, dating back to the Roman, Byzantine, and Ayyubid periods, were victim to the SOA's "salvage" work. The only information we have about these excavations is that many artifacts were uncovered and removed (Oyediran, 1997: 43). Transferring artifacts out of the OPTs violates the 1954 Hague Convention which imposes a duty on parties to prohibit, prevent, and if necessary halt acts of vandalism, theft, pillaging, and misappropriation of cultural property. It also requires states to refrain from requisitioning movable cultural property situated in the territory of another high contracting party (Hague Convention of 1954: article 4(3)).



Fig. 2: The remains of Khirbet Abu-Dwier adjacent to by-pass road no. 60

"Salvage excavations" associated with the looting of archaeological sites

The plundering of archaeological sites in the Hebron area has been a well-known phenomenon since 1967. It started with the very inception of Israeli occupation, was exacerbated

during the first uprising (*Intifada*) in 1987 and then again during the second *Intifada* in 2000. Since 1967 illegal digging has overrun the OPTs, mainly concentrated in the Hebron district. It has gradually become an accepted socio-economic tradition as a source of revenue and livelihood. Dr. Adel Yahya of the Palestinian Association for Cultural Exchange (PACE) argues that "Palestinian illegal excavators are mostly 'subsistence looters' who dig as a way of surviving poverty. They sell finds to middlemen, who resell the goods to licensed dealers in major cities like Jerusalem, Tel Aviv and Haifa at a healthy markup" (Yahya, 2008: 42). Therefore, poor Palestinian villagers have targeted archaeological sites to pillage in order to sell to anyone willing to pay.

International law considers the protection of archaeological sites, prevention of illegal digging and of transfer of artifacts to be the explicit duty of Israel as the occupation power in the OPTs (Hague Convention of 1954, article 4(3)). On the contrary, the Israeli occupation has adopted an "undeclared" official policy encouraging clandestine excavations, feeding the legal Israeli antiquities market and some biblical research institutions (Yahya, 2008: 69). The SOA has employed the excuse of the plundering archaeological sites by Palestinians to undertake "salvage excavations", instead of taking sufficient protection measures to safeguard the archaeological sites in the first place. Greenberg argues that the SOA:

...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. (as cited in Rapoport 2006)

Consequently, many archaeological sites have been excavated in the Hebron area on the pretext of preempting clandestine excavations, such as Khirbet Bait 'Anun, 5 km northeast Hebron (figure 3), Khirbet Al-Muraq, 20 km west of Dura, Khirbet al Qasir in the wilderness of Hebron east of Bani Na'im (figure 4), Khirbet Anab al-Kabir west of al Dahria (figure 5), Khirbet Tawas, east of Dora city (figure 6), Khirbet Suseya south of es-Samu village, and Khirbet Al Kom 20 km west of Hebron.

I would argue that most of these sites were excavated without convincing reasons. Khirbet al Qasir in the wilderness of Hebron, east of Bani Na'im, is a typical example of such activities. The SOA excavated the site without any justification, subsequently transferring its artifacts to unknown whereabouts and leaving the site without the minimum means of protection and to the mercy of antiquities robbers. One of the SOA's former employees who participated in the Khirbet al-Qasir excavations, Mr. al-Azza (pers. comm., July 20th 2009) states that:

In general, the site was well preserved prior to excavations. Few shallow illegal robbing pits were scattered at the site. Our excavations revealed a well-preserved Roman-Byzantine settlement, built with well-dressed stones and paved with splendedored colored and monochrome mosaics. However, by the end of the excavations, all artifacts were transferred to unknown storerooms in Jerusalem and the site has been

abandoned and left without any protection measures. Since the end of excavations, I have not returned to the site. It might be badly deteriorated. (trans. author)



Fig. 3: The destruction of ruins at Khirbet Bait 'Anun



Fig. 4: The destruction of ruins at Khirbet al Qasir



Fig. 5: The destruction of the mosaic floor at Khirbet Anab al-Kabir



Fig. 6: The destruction of ruins at Khirbet Tawas

The role of Palestinians in these archaeological ventures was restricted to heavy lifting by uneducated laborers who assumed that the Israelis were stealing their land and its hidden golden treasures. As a result, in many cases, those donkeywork laborers later became the looters of the same excavated sites. As the SOA finished his projects their illegal digging started, using the experience gained from participating in the "salvage excavations". Abu Yousif from Khirbet al-Kom (pers. comm., July 12th 2009) disclosed his long experience of working in illegal digging and regular excavations with Israelis and foreigners both in the West Bank and Israel. He said that:

After forty years of my experience in antiquities, I have become a consultant for diggers in this area. I took part in most of the American and Israeli excavations in the Hebron area, especially in the 1970s excavations of Khirbet al-Kom. Then, I worked in Tell Bait Mirsim and in Tell

Idware (Tell Lachish). During which I have got to know the secrets of archaeological artifacts. Afterward, I started my first own digging in Khirbet Al-Kom, searching for tombs. I found dozens of them full with impressive pottery, related to "Old Israeli Era". We sold all finds to Palestinian and Israeli dealers who used to come every evening to buy what we had found. Believe me, it was like livestock market. Who pays more, takes the stock. (trans. author)

However, the most striking part of Abu Yousif's looting narration was his story about Moshe Dayan, the Israeli former minister of military affairs:

While we were digging a tomb, Dayan came to us in a Helicopter. We were afraid and went away from the tomb, but a military convoy asked us to continue our work as Dayan was coming to buy some artifacts. Dayan had arrived and got inside the tomb. He found a lot of splendored pottery stuff, of course, related back to the 'Old Israeli Period'! He bought most of the pottery objects, but, later on, he found out he didn't have enough cash. He told us, "I am going to take just part of the stuff". We told him, take all as a gift, yet he refused by telling us, I want to make a deal with you, I am going to take all if you accept to get the rest paid next time when I come back. (Abu Yousif, pers. comm., July 12th 2009, trans. author)

This story is just one out of dozens that have been told in Hebron about Moshe Dayan, other military officers and some foreign scholars who have engaged in illegal archaeological activities. It clearly demonstrates how the Israeli Occupation has dealt with Palestinian heritage for more than 45 years. Khirbet al-Kom is one of the most important sites in Hebron, dating back to the Bronze and Iron Ages and wrongly referred to as "Israeli remains" by Abu Yousif (Rjoob, 2001). "Salvage excavations" were conducted in the site in 1969 and the 1970s under the excuse of preventing illegal digging. Afterward, local villagers (most of whom had worked on the SOA's excavations) continued to dig the site and as a result, thousands of artifacts were illegally removed and found their way to Israel and foreign countries.

Essentially, Israeli occupation policies stimulate the looting of archaeological sites, with devastating impact to the conservation and safeguarding of Palestinian heritage (Taha, 2002: 268). The SOA monopolizes archaeological activities in the West Bank and discourages the development of local expertise in this field. Restrictions have been imposed on Palestinians preventing them from carrying out local excavations, while Israeli archaeologists have had a free hand to explore, especially those who assert Biblical connections to the sites in question (Al-Ju'beh, 2008: 2).

Unlawful requisitioning of archaeological objects and expropriation of Palestinian land (which may or may not contain Biblical period remains) leads to an enmity between Palestinians and their heritage (Yahya, 2005: 69). This has encouraged Palestinians to avoid reporting the discovery of archaeological sites or objects, exacerbating the destruction of sites through illegal digging and vandalism (Cinthio, 2004: 50). For example in the 1970s the SOA excavated a Roman Villa in Khirbet Al-Muraq, 20 km west of Hebron city, under the excuse that the site was being plundered. At the end of the excavation the site was expropriated and fenced up without any compensation, with the local community prohibited from

using the land. Ever since, the inhabitants of this village have deliberately destroyed many archaeological features and monuments even grander than the Roman villa in order to to avoid confiscation orders from the SOA, arguing that the protection of their land is more important than preserving useless, dead remains (pers. comm., July 22nd-27th 2009).

The separation wall

The length of the separation wall in the Hebron governorate is 125.5 km, excluding proposed parts of the eastern route. It starts at the Gush Etzion settlement block and ends in the Hazalin Bedouin area on the eastern slopes of Hebron district. The total land area separated or devastated under the path of the Wall is 5% of the total area of the Hebron district (LCR, 2006: 7). Besides its catastrophic human and economic impacts, the separation wall has a devastating influence on the tangible and intangible heritage of the Hebron area as well. According to the Palestinian Department of Antiquities, the wall isolates more than 1,500 archaeological places between the Green Line and the *de facto* western border of the Occupied Territories created by the wall itself. A further 1,250 archaeological places are threatened by the proposed wall in the Jordan Valley (DACH database, unpubl.).

The wall cuts off more than 300 cultural heritage locations in the Hebron district. It not only separates them from their cultural landscape and other surrounding Palestinian localities, but also brutally destroys them (DACH Database, unpubl.). A few illegal “salvage excavations” accompanied its construction, and neither environmental nor archaeological impact assessments were conducted before or during the implementation process. The destruction has thus affected many natural and cultural assets along its route, including homes, fields, vineyards, olive and almond trees, cultural artifacts and wildlife.

Tell Bait Mirsim, 25 km southwest of Hebron (figures 7 and 8), is a distinctive example of the separation wall’s impact on Palestinian heritage. The tell, a major reference site for the late Bronze and Iron Ages (Biblical era), is completely cut off from the Occupied Territories. Rather than preserving its cultural significance, the occupation has isolated the site, forcing it between two highways, one from the east as part of the separation wall structure and the other from the west that connects southern and northern Israel.



Figs. 7 and 8: The effects of the Separation Wall on Tell Bait Mirsim

On the 9th of July 2004, the International Court of Justice ruled that the wall and all Israeli settlements in the Occupied Palestinian Territories are grave violations of International Law and human rights (International Court of Justice, 2004). In the same context, Israel's Supreme Court has also ruled that construction of the wall might be partially unconstitutional (Azzeq, 2005: 3).

Management of cultural heritage remains in the Hebron district by the Palestinian National Authority (PNA)

The Palestinian Department of Antiquities has assumed its share of responsibilities for antiquities as according to the Oslo Accords. These divided the Palestinian territories into three temporary administrative divisions until a final status accord could be established, as follows:

- Area 'A' – Under full control of the Palestinian Authority. It includes all Palestinian cities and surrounding areas with no Israeli civilian presence, comprising 2.7% of the land area.
- Area 'B' – Under Palestinian civil control and Israeli security control. Includes areas of many Palestinian towns and villages and areas with no Israeli presence, constituting 25.1% of the land area.
- Area 'C' – Under full Israeli control, except over Palestinian civilians. These areas include the Israeli settlements, land in the vicinity of these localities, most roadways that connect the settlements as well as strategic areas described as "security zones", amounting to 72.2% of the land area (Oslo II Accord, 1995).

Consequently, the PNA controls more than 30 percent of the entire West Bank in areas "A" and "B" while Israel retains wide powers in the management of antiquities in the OPTs in Area "C". In line with the Accords described above, Palestinians are required to protect and safeguard archaeological sites, prevent damage, respect academic freedom and grant excavation licenses to archaeologists on a non-discriminatory basis. However no similar condition is placed on the Israeli side (Oyediran, 1997: 38).

The archaeological sites that were handed over to the PNA were generally in bad overall condition. Many of them had lost their archaeological features due to improper interventions, or the neglect of conservation measures to mitigate their deterioration (Taha, 2002: 268).

Following the al-Aqsa *Intifada*, the Israeli army has imposed countless sieges, arbitrary curfews, roadblocks and military closures on Palestinian cities and villages, repeatedly preventing institutions of the PNA from attending to their tasks in the protection of cultural heritage (Taha, 2004: 31-32). For example the site of Abda, 15 km southwest of Hebron city, was badly looted in 2003. According to eyewitnesses, at least four bulldozers and tens of looters plundered the site. Sadly, the Israeli occupation forces using a variety of security excuses did not allow Palestinian police to get to the site, and consequently great parts of it were irreversibly damaged and its artifacts smuggled to the illicit market. This kind of indirect Israeli intervention has weakened the status and reputation of the PNA as being capable of protecting heritage sites, a significant setback for the safeguarding of archaeological affairs in the OPTs since 1994.

In spite of the fact that the SOA manages approximately 70% of archaeological sites in the West Bank, most of these sites have never been the subject of protection or valorization, except some “biblical sites” such as Khirbet Suseya and Herodion. Israeli occupation authorities have effectively done nothing to upgrade or protect archaeological sites in area “C”, while at the same time they have prevented the PNA from doing so (Yahya, 2005: 69). Consequently, archaeological sites in area have become ideal places for looters, resulting in unprecedented harmful deterioration.

It cannot be claimed that archaeological heritage in the PNA areas is wisely managed, as cultural heritage has unfortunately never been a priority on the PNA agenda. The Department of Antiquities has conducted some archaeological activities in the Hebron district, but still below expectations of what should be done. From 1998-1999, it conducted some maintenance and restoration at a few sites such as Birkat al Aroub and Haram al Rama, but its activities, other than licensing and inspection, ended during the al-Aqsa *Intifada*. It did not have the ability to protect the Hebron Museum inside the old town of Hebron (located in area “C”), which Israeli settlers and Palestinian looters robbed under the eyes of Israeli forces. Because of the fragile economic situation of the PNA (with a shortage of competent staff and sufficient logistical capabilities), it does not have the ability to conserve archaeological sites or to reestablish a museum for Hebron cultural heritage, leaving this area without one for the first time in more than 50 years. Since 2008 the Department of Antiquities has succeeded in gaining financial aid from the Palestinian cabinet to enhance only ten archaeological sites in the West Bank, three of them in the Hebron district.

Cultural heritage in the Hebron region is not a high priority for the Palestinian NGOs either. The Rehabilitation Committee of Hebron, established by Yasser Arafat in 1996 to conserve and valorize the old town of Hebron, is the only institution still working on safeguarding heritage inside the city of Hebron itself. However, there are a few Palestinian NGOs carrying out conservation activities in other parts of Hebron’s countryside, such as the Hebron-France Association for Cultural Exchange and the Centre for Architectural Conservation (RIWAQ). The latter has conducted conservation and rehabilitation projects in some of the old towns of the Hebron district including Adh-Dhahiriya city, 25 km southwest of Hebron, and es-Samu town, 22 km south of Hebron.

Summary

The Hebron district contains a wealth of cultural heritage, from all archaeological and historic ages. The political and ideological conflict between Palestinians and Israelis immensely affects the management and safeguarding of cultural heritage assets in Hebron. After 1967, the Israeli occupation took over responsibility for management and conservation of this heritage, which was administered by the SOA until 1995. During this period, many illegal archaeological activities were carried out by the occupation, including excavation, clandestine digging, land appropriation and the building of bypass roads, all of which have alienated the Palestinian people from their heritage, creating an enmity against archaeological assets stemming from the abuse of archaeological law in confiscating Palestinian property. According to the Oslo Accords, approximately 40% of responsibility for heritage management and conservation was then handed over to the Palestinian Department of Antiquities, as a temporary phase that would lead to the assumption of responsibility for all of the Palestinian Territories. Israel has however not respected the mutually agreed timetable for the interim arrangement that was supposed to be completed by 1999, and eventually reoccupied the PNA areas following the al-Aqsa *Intifada* in 2000.

Conclusion

According to international law, Israel is still the occupation power in the OPTs, and therefore remains legally and morally responsible for the protection of Palestinian Heritage. Thus, the Israeli occupation authority must conserve archaeological assets not only as part of Palestinian heritage, but also as an essential part of human heritage. This step is vital to rebuilding the trust between both sides, to enabling the formulation of appropriate policies for processing cultural heritage assets as the integrated heritage of the people of the Holy Land regardless of their religion, language or nationality, and eventually to safeguarding these assets equally based on their inherent merits.

Acknowledgements

I would like to thank the organizers of the WAC Ramallah inter-congress on “Overcoming Structural Violence” for giving me the opportunity to deliver this paper. I would also thank Brian Hole for his efforts to publish the papers of Ramallah Inter-congress in the Present Past Journal of the UCL Heritage Studies Research Group. Lastly, I offer my regards to Ashley Sands and all of those who carefully read and commented various drafts of this paper. Their thoughtful suggestions greatly improved the content and flow of the manuscript.

References

- Abu El-Haj N** 2002 *Facts on the Ground: Archeological Practice and Terminal Self-Fashioning in Israeli Society*. Chicago: University of Chicago Press.
- Al-Ju'beh, N** 2008 *Cultural heritage in Palestine: contested and neglected heritage, a Palestinian position*, [www.cccb.org/rccs_gene/nazmi_al-jubeh.pdf] (accessed 12th December 2009).
- ARIJ** 1999 *Expanding the settlement of Susya*, Applied Research Institute - Jerusalem, [http://www.poica.org/editor/case_studies/view.php?recordID=616] (accessed 9th December 2009).
- Arnon, N** 2008 *Hebron: 4000 Years + 40: The Story of the City of the Patriarchs*, [http://www.hebron.com/english/article.php?id=422] (accessed 8th December 2009).
- Azzeh, M** 2005 *Israel's Wall*, PLO Negotiation Affairs Unit, [http://www.nad-plo.org/facts/wall/WallMagazine%207-2005.pdf] (accessed 1st July 2008).
- B'Tselem** 2007 *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, [http://www.btselem.org/Download/200705_Hebron_eng.pdf] (accessed 15th December 2009).
- Cinthio, B** 2004 *Intellectual Property and Human Rights in Palestine*, [http://web2.jur.lu.se/Internet/english/essay/Masterth.nsf/0/4ECC93D567776069C1256F85003AA01D/\$File/xsmall.pdf?OpenElement] (accessed 15th December 2009).
- DACH Database** (Unpublished) The database archive of the Palestinian Department of Antiquities and Cultural Heritage.
- Greenberg, R and A Keinan** 2007 *The Present Past of the Israeli-Palestinian Conflict: Israeli Archaeology in the West Bank and East Jerusalem Since 1967*. Tel Aviv: The S. Daniel Abraham Center.
- Gutman, S, E Netzer and Z Yeivin** 1981 *Excavations in the Synagogue at Horvat Susiya*, in L Levine (ed.), *Ancient synagogues revealed*, pp. 123 -128. Jerusalem: Israel Exploration Society.
- International Court of Justice** 2004 *Advisory opinion proceedings on legal consequences of the construction of a wall in the Occupied Palestinian Territory*, [http://www.un.int/

palestine/docs/writtenstatementenglish.pdf] (accessed 10th June 2010).

Kalman, M 1999 Israeli dig finds traces of lost city of Abraham, *The Sunday Times*, July 4th 1999, [http://www.gamla.org.il/english/article/1999/july/h1.htm] (accessed 9th June 2010).

LCR 2006 *Geopolitical situations in Hebron governorate-Palestine, Land Research Center Fieldwork and GIS Unit*, [http://www.hic-mena.org/documents/The_Geopolical_situation_in_Hebron_HIC.pdf] (accessed 10th June 2010).

MoTA 2005 *Inventory of cultural and natural heritage sites of potential outstanding universal value in Palestine*. Ramallah, Al-Nashir.

Oyediran, J 1997 *Plunder, Destruction and Despoliation: an analysis of Israel's Violations of the International law of cultural property in the occupied West Bank and Gaza Strip*. Ramallah, Al-Haq.

PCBS 2007 *PHC 2007 (Census of the Palestinian Territory)*, [http://www.pcbs.gov.ps/Portals/_pcbs/census2007/ind_loca_09.pdf] (accessed 17th December 2009).

Rapoport, M 2006 Buried treasure that's kept in the dark, *Haaretz*, [http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=8017929] (accessed 27th June 2009).

Rjoob, A 2001 Khirbet al-Kom a documented evidence of Arab Adomite in Palestine. *Al-Hayat Al-Jadida Newspaper*. No. 1961, 2nd February 2001.

Taha, H 2004 Managing cultural heritage in Palestine. *Focus*, 1: 31-32.

Taha, H 2002 Protection of cultural heritage in Palestine, in F Maniscalco (ed.), *La tutela del patrimonio culturale in caso di conflitto*, pp. 265-270. Napoli: Universita degli studi di Napoli.

UNESCO 1956 Recommendation on international principles applicable to archaeological excavations, [http://www.icomos.org/unesco/delhi56.html] (accessed 8th June 2010).

Weizman, E (n.d.) *The Politics of Verticality: the West Bank as an architectural construction*, ArtSchool Palestine, [www.artschoolpalestine.com/downloads/eyal.doc] (accessed 10th July 2010).

Wilder, D 2003 The roots of Tel Rumeida, *Israel Insider*, [http://web.israelinsider.com/Views/2024.htm] (accessed 25th June 2009)

Yahya, A 2005 Archaeology and nationalism in the Holy Land, in S Pollock and R Bernbeck (eds.), *Archaeologies of the Middle East: Critical Perception*, pp. 66-77. Oxford: Blackwell Publishing Ltd.

Treaties, Conventions and Laws

Geneva Convention 1949 [http://www.icrc.org/ihl.nsf/FULL/375?OpenDocument] (accessed 10th June 2010).

Hague Convention 1994 Convention for the Protection of Cultural Property in the Event of Armed Conflict, [http://www.icrc.org/ihl.nsf/FULL/400?OpenDocument] (accessed 10th June 2010).

Oslo II Accord 1995 The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, [http://www.acpr.org.il/resources/oslo2.html] (accessed 10th June 2010).

Provisional Antiquities Law (No. 51) 1966 [http://www.dft.gov.ps/index.php?option=com_dataentry&pid=12&leg_id=563] (accessed 9th June 2010).

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, [http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html] (accessed 9th June 2010).