

***Israeli-Palestinian Archaeology Working Group***  
**AGREEMENT**

**PREAMBLE**

This document is based on these assumptions:

1. Sovereign states interacting peacefully.
2. Two-state solution (Israel and Palestine)
3. Cultural heritage interests will be mutually respected.

**GENERAL GUIDING PRINCIPLES**

1. The national territories of Israel and Palestine constitute a unified archaeological landscape divided by political borders.
2. Archaeological resources are not renewable. Both states hold special responsibility to preserve local archaeological heritage as its significance extends far beyond national borders.
3. Each sovereign state defines its own concept of archaeological heritage.

**Joint Recommendations**

1. Both states should make the basic documentation of their archaeological activities and policies accessible to the public, including a national register of sites, monuments and artifacts.
2. All archaeological excavations and surveys should be licensed by the state.
3. States should require archaeologists to comply with professional best practices.
4. Both sides are strongly encouraged to form a bilateral, professional committee in order to consult on cultural heritage issues of joint interest.
5. Both sides are strongly encouraged to cooperate with each other and/or other parties to ensure the well-being of and access to archaeological heritage.
6. Both states are encouraged to adopt relevant international conventions, charters and protocols related to archaeological heritage.

## **IMMOBILE ARCHAEOLOGICAL HERITAGE**

Immobile archaeological heritage includes sites, standing monuments and features that are or were by nature normally a fixed part of a site.

The definition of archaeological heritage is contingent upon its legal definition within each sovereign state.

### **SPECIFIC Guiding Principles**

1. Archaeological sites should be treated equally regardless of their period of occupation or any religious, ethnic, national or cultural affiliation.
2. All archaeological sites are the responsibility solely of the sovereign state in which they reside.
3. The physical integrity of archaeological sites should be protected if the international border intersects them.

### **Joint Recommendations**

1. Joint Israeli-Palestinian projects should be encouraged.
2. Both states will make their archaeological sites accessible to the public without discrimination.
3. Where possible, states are encouraged to use multilingual interpretative presentation and maps – particularly in Arabic, Hebrew and English.

## **MOBILE ARCHAEOLOGICAL HERITAGE**

Mobile archaeological heritage includes artifacts and ecofacts from an archaeological context.

The definition of archaeological heritage is contingent upon its legal definition within each sovereign state.

### **SPECIFIC Guiding Principles**

1. The artifacts 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.
2. Artifacts residing in museum collections which were taken over subsequent to June 4, 1967, shall be repatriated.
3. The illegal and indiscriminate removal of archaeological artifacts from an archaeological site should be considered looting.
4. Artifacts which can be shown to have been looted subsequent to June 4, 1967 should be returned to the state in which their original archaeological context is located.
5. After resolution of any repatriation issues, all archaeological artifacts are the sole responsibility of the sovereign state in which they reside. Either state may loan, cede access and consider joint exhibition.
6. Archaeological artifacts should be treated equally regardless of their period or any religious, ethnic, national or cultural affiliation.
7. The above principles apply equally to sensitive archaeological material (see Appendix 1).

### **Joint Recommendations**

1. 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.

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2. In light of the destruction of archaeological material by looting we recommend 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.

## **JERUSALEM**

Background: The Old City of Jerusalem and its walls have been designated by UNESCO as a World Heritage Site.

### **Guiding Principles**

1. All guiding principles and recommendations laid out in the other sections (mobile, immobile sections) apply to Jerusalem following the resolution of territorial and sovereignty issues.
2. Regardless of international borders, Jerusalem's World Heritage Site status should be safeguarded.
3. Jerusalem's unique archaeological heritage is not renewable.
4. Both countries hold special responsibility to preserve the archaeological heritage of Jerusalem as its significance extends far beyond national borders.
5. The religious and political sensitivities of Jerusalem should be taken into account whenever archaeological work is undertaken.

### **Joint Recommendation**

1. If Jerusalem, or a part of Jerusalem, is divided between Israel and Palestine, then the Guiding Principles noted above in this document shall apply.
2. If any portion of Jerusalem is subject to suspended sovereignty arrangements (a Special Regime), then an archaeological heritage department will be constituted subject to the Special Regime Authority. That archaeological heritage department will be empowered with the requisite authority and will be given the budgetary capacity to preserve and manage the archaeological heritage in accordance with best professional practices.

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3. For Cultural Resource Management purposes, a Heritage Zone will be created that reflects the area of maximum concentration of significant archaeological sites in the contiguous urban fabric of ancient Jerusalem (see attached map).
  - a. Regardless of the sovereignty arrangements in Jerusalem, the parties are encouraged to expand the borders of the World Heritage Site to include, at a minimum, the Heritage Zone (defined above).
  - b. A UNESCO observer will be appointed by UNESCO. All sides will report any activities impacting cultural heritage within the Heritage Zone to this observer.
  - c. Heritage management does not preclude development but requires mitigation and protection of cultural heritage resources.

***Publication of Archaeological Heritage***

This section addresses the issue of publication rights for archaeological material that will be repatriated between Israel and Palestine.

1. The process of repatriation shall begin upon signing the Final Status Agreement.
2. For archeological excavations and associated excavated material, if the material has been published fully prior to repatriation, the material shall be returned immediately.
3. All archaeological material subject to repatriation will be repatriated within five (5) years from the date of signing the Final Status Agreement.
4. All publication rights for repatriated material will be terminated ten years after the date of signing of the Final Status Agreement.

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**APPENDIX 1:**  
**Sensitive Mobile Archaeological Heritage**

*The principles enumerated for mobile archaeological heritage shall apply and in addition, because both sides acknowledge that there are objects which have extraordinary importance to the other side, the following recommendation should be considered:*

*Keeping in mind the deep symbolic value of certain items of archaeological heritage on the one hand, and recognizing the principle of repatriation on the other hand, we recommend that both sides consider loan and exchange arrangements where sensitive archaeological material is involved.*