Israel and Palestine: who owns what?

While officials squabble over heritage sites, non-government experts are working behind the scenes to propose solutions

By Lauren Gefond Feldinger

I n anticipation of a Palestinian bid for statehood recognition at the UN in September, Israelis and Palestinians are facing claims to cultural heritage sites in the West Bank. Both sides are trying to raise money for excavating, developing and branding sites as their own, underscoring connections based on religious, cultural and historical facts on the ground, the rules for the contest- ed land would have to be written upon: who owns cultural property? Can who can make changes to the cultural heritage sites? Several legal questions are relevant if a Palestinian state is recognized and negotiations are to be ready to address these questions. But as the issues have not been negotiated, non-governmental experts have filled in behind the scenes on national property policy recommendations and documenta tion to the future of the peace deal.

Changing borders?

When Palestinians announced the launch of a year-state-building plan in 2009, the goal was to develop infrastructure, including upgrading the ministry of antiquities and tourism. Hopes were high for creating sustainable tourism at heritage sites, including Jericho, Bethlehem and the Tell Balata archaeological ruins near Nablus. By September 2010, as international support flowed into to support Palestinian efforts, Israel’s tourism industry was rated by budgeted by $2.6m, for West Bank and East Jerusalem cultural tourism. In the four months after the last round of the peace talks stalled, Palestinians announced the nomination of the ancient city of Nablus (also known as Bethlehem) to be the first UNESCO world heritage site in the West Bank. After UNESCO voted to expand its list of cultural heritage sites, the Palestinians opened heritage sites to Undocu- menting, determines sovereignty of a site. But as the issues have not been negotiated, non-governmental experts have filled in behind the scenes on national property policy recommendations and documentation to the future of the peace deal.

Disparate approaches

Framing such ongoing and explosive disputes are long unresolved questions of borders and who owns cultural property, archaeology and cultural heritage, like other issues, are to be worked out by Palestinian and Israeli parties and through international law. In the past year, both sides have spoken out about the need for joint heritage sites and has worked behind the scenes to propose solutions to cultural heritage sites that would be seen as evidence of Israel's heritage.

Palestinians counter the issue of who owns cultural heritage sites with Jewish historical connection. Many proponents of Israel have argued that Israel is serving in a back-up capacity only. "We find less than 80,000 archeological sites in the West Bank, and 10,000 of those are in the city of Jerusalem," said Greenberg, who collaborated with Israeli and Palestinian negotiators in the peace talks. "If you look at the Hague 1954 and Geneva [conventions], we will have to return all cultural objects from occupied territory if there is a peace agreement with Syria, for example, but with the Palestinians it is not the same, because legally the West Bank was part of Jordan."

While officials squabble over heritage sites, non-government experts are working behind the scenes to propose solutions to cultural heritage sites. But as the issues have not been negotiated, non-governmental experts have filled in behind the scenes on national property policy recommendations and documentation to the future of the peace deal.

Peace plans and databases

Israelis and Palestinians officially failed to negotiate archaeology and cultural heritage issues, but non-governmental experts behind the scenes have not. In two related "cultural diplomacy" efforts, scholars in a range of subjects, including archaeology, law, diplomacy, and security, have drafted heritage policy recommendations, looking at Israeli and Palestinian interests and international law and precedents.

The first initiative came about when, in 2005, Israeli and Palestinian officials may have failed to negotiate archaeology and cultural heritage issues, but non-governmental experts behind the scenes have not.

An Israeli security guard protects Palestinian employees of the Israel Antiquities Authority

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