

Final report of ASOR's Ad Hoc Committee on Contested Territories, 2023

Geoff Emberling
October 16, 2023

The Ad Hoc Committee on Language and Guidelines for Work in Contested Territories of the American Society for Overseas Research (ASOR) was appointed by ASOR President Sharon Herbert in April, 2023.

The Committee's charge was as follows:

Members of ASOR conduct fieldwork and research in volatile areas of the world, where political and ethnic boundaries are fluid and contested. The "facts" on the ground and in the minds of the peoples involved change regularly in these regions. ASOR's top concerns in these matters are to support the work of its members and facilitate their activities in all the countries where they work. At the same time, we must be careful not to promulgate misleading or unsubstantiated claims to the territories involved. Beyond this, ASOR's overarching mission, as stated in its [Policy on Professional Conduct](#), includes maintaining the highest ethical standards of scholarship and public discourse wherever we work.

Difficulties arise with some regularity for ASOR's Program Committee and Committee on Publications over how to handle the presentation of work in contested territories, and they are asking for guidance. Other committees – Honors and Awards, CAP, CH, DEI, and the Committee on the ASOR Policy on Professional Conduct – also wrestle with these issues. The charge to this Ad Hoc Committee is to examine the language we use to deal with such work ([section E 7 in ASOR's Policy on Professional Conduct](#), first published in 2014 and amended in 2019) and to determine if there is a clearer way to serve the needs of ASOR's members in these situations, while at the same time maintaining our commitment to the highest ethical standards of scholarship.

The section of the Policy on Professional Conduct referenced here is:

[ASOR Members] may consider for inclusion in ASOR publications and presentation venues research that has been undertaken in occupied territory and its contiguous waters as defined by customary international law when that research is required strictly to safeguard, record or preserve the archaeological heritage of the occupied territory, or when permission of the competent national authorities of the occupied territory has been obtained by the researcher.

The members of the Ad Hoc committee were:

Geoff Emberling (chair)
Andrea Berlin
Petra Creamer
Scott Moore
Yorke Rowan

Committee members were selected for knowledge of issues arising surrounding fieldwork in and adjacent to occupied areas including the Palestine, Northern Cyprus, and the Kurdistan region of Iraq. They had also been chosen for their familiarity with work of ASOR committees in which these issues increasingly come to be discussed, particularly but not exclusively the Program Committee and the Committee on Publications.

The Ad Hoc committee held two meetings as fieldwork and travel schedules allowed on June 28 and July 19.

The committee understood ASOR's current Policy on Professional Conduct to establish clear ethical standards for ASOR members but to allow for flexibility in implementation of policies. This approach has allowed for some widely practiced workarounds. For example, under current policy, excavations in occupied territory are allowed if they are salvage excavations. So projects can simply assert that they are salvage excavations, since ASOR committees are not in a position to review and evaluate the nature of excavation permits. Similarly, ASOR venues may not be the first publication of unproven objects (with some exceptions, such as cuneiform tablets), but it is easy to find other less scrupulous publications that will provide a first publication, and then objects can be freely referenced in ASOR venues under current policy.

The Ad Hoc committee aimed not to substantially alter the direction of ASOR policy. Therefore, we arrived at incremental recommendations for changes in the written policy and in committee practices that we expect will provide further guidance and support for ASOR members.

The committee's procedure was as follows. During its first meeting, the committee discussed issues specific to each region.

In Iraqi Kurdistan, most archaeological projects working in potentially contested border areas have typically obtained permits both from Baghdad and from Erbil. While there is some sensitivity about terminology ("Iraqi Kurdistan" being the current status quo), there are not active conflicts over ownership of heritage in this region. As the region becomes safer for hosting archaeological research, this may change, and ASOR should be ready to evaluate projects in these areas.

There are currently very few active field projects in Northern Cyprus that would be subject to current ASOR restrictions on presentation and publication. However, the committee discussed the likelihood that this situation could become more complex in coming years. Two universities in Northern Cyprus (Cyprus International University north of Nicosia and Eastern Mediterranean University in Famagusta) have archaeology programs and we can anticipate that Turkish scholars and students may increasingly be conducting fieldwork in Northern Cyprus and may wish to present or publish through ASOR. As this problem has not arisen yet, the committee does not recommend specific action at this time.

The most complex current situation involving work in occupied territories is undoubtedly East Jerusalem and the West Bank. ASOR now has established a history of accommodating work being done in East Jerusalem (including a long-running session at the Annual Meeting on Jerusalem) and it will be difficult to change that policy now. Excavations whose ethical foundation was disputed at one time (Givati Parking Lot, for example) are no longer questioned at ASOR. There is a sense of ethical accommodation. One recent issue has arisen (at the ICAANE conference in Copenhagen in spring 2023, for example) about presentations by archaeologists employed by Ariel University, which is located in the West Bank. After considerable discussion, the committee agreed that it was not consistent with existing ASOR policy

to sanction the entire institution, but rather to evaluate specific field projects (many of which do not take place in occupied territory) directed by these scholars just as ASOR would for any submission of a presentation or paper. In this sense, ASOR has historically taken a more accommodating position with respect to the West Bank than (for example), the Boycott, Divestment, and Sanctions (BDS) movement, whose resolution to boycott Israeli scholars was passed in 2023 by the American Anthropological Association. The committee suggests that the status of Ariel University and any other institutions in occupied territory might need to be revisited in future.

After this initial discussion, the committee adjourned and reviewed ethics statements from the Archaeological Institute of America (<https://www.ajaonline.org/submissions/antiquities-policy>), the World Archaeological Congress (<https://worldarch.org/code-of-ethics/>), and the Council for British Research in the Levant (<https://cbri.ac.uk/news/cbri-publications-ethics-statement/>). We also read the useful article by Morag Kersel (2015), *Fractured Oversight: The ABCs of Cultural Heritage in Palestine after the Oslo Accords*, *Journal of Social Archaeology* 15(1):24-44.

At our second and final meeting, we discussed several additional issues.

First was the issue of presentations and analyses of objects that had previously been excavated in occupied territories (i.e., larger studies that refer to objects that have had a first publication elsewhere). This is a large grey area that could, depending on one's perspective, be expanded to include scrutiny of objects excavated under colonial regimes. We agreed it would not be productive to attempt to control this kind of discussion.

Second was the move toward collaboration with local communities and professional colleagues. Collaborative archaeology is becoming a more common practice in many regions of world archaeology, and many of the ethical issues that arise from work in occupied territory could be mitigated by collaborative work. The committee agreed that ASOR was not in a position to mandate standards of collaboration, but we agreed to propose changes to wording of the Policy (see below).

The committee thus arrived at the following recommendations.

1. Relevant committees (Publications, Annual Meeting/Program) should include one or more members well versed in the complexities of fieldwork in Israel, Jerusalem, Palestine, and Cyprus.
2. Relevant committees can ask people who propose papers and posters that deal with sites in this area to identify the legal permitting authority. This will identify precise location for committee members and serve as an alert for problematic submissions. The Program Committee currently has a drop-down box asking if work to be presented is in occupied territories. We suggest a second drop-down box that would appear if the answer is affirmative. This second box would ask presenters to specify the different areas of Palestine (Areas A, B, and C) or northern Cyprus.
3. Committees should consider asking these projects to include a copy of their permit with their submission.
4. We suggest a modest revision of section E 7 in the Policy on Professional Conduct to strengthen the language. Rather than "they [ASOR Members] may consider for inclusion in ASOR publications and presentation venues research that has been undertaken in occupied territory", we suggest: "In general, ASOR publications and presentation venues will not be platforms for disseminating research that has been undertaken in occupied territory as recognized by the United Nations. When permission of the national authorities of the occupied territory has been

obtained by the researcher, or when that research is crucial to safeguard, record, or preserve the archaeological heritage of the occupied territory, publication may be considered.”

5. We also suggest a modest addition to section C 1 in the Policy on Professional Conduct. That section currently reads that “[ASOR members endeavor to] conduct research according to highest possible professional standards current in the various disciplines” and we would suggest appending to that statement “, and to work collaboratively with authorities, professional colleagues, and local communities to the extent possible.”