



**Antiquities sites in Master Plans
for Area C in the West Bank**



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2015



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Emek Shaveh is an organization of archaeologists and heritage professionals focusing on the role of tangible cultural heritage in Israeli society and in the Israeli-Palestinian conflict. We view archaeology as a resource for strengthening understanding between different peoples and cultures.

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Introduction

Almost every Palestinian village or locality in the West Bank is situated on an antiquities site and is a continuation of a settlement that is hundreds, sometimes thousands, of years old. To enable development and construction in these localities it is necessary to take into account the need for documentation, and occasionally conduct excavation and conservation work at these sites. Decisions concerning archaeological ruins in a given locality are made within the framework of the master plan and are binding and legal.

According to the Antiquities Law (1978) in Israel and the West Bank, when preparing a master plan for a locality or a neighborhood situated on top of archaeological remains, it is necessary to assess whether the site actually contains antiquities and if so to ascertain the nature of these remains. For this purpose, in the initial stage, an archaeological survey is carried out. The survey consists of documenting and researching archaeological remains that can be found on the surface level at the site without excavation. The survey could include documenting structures or facilities on the surface level using measurements and photography, as well as collecting earthenware and conducting an analysis based on particular periods and areas. The findings of the survey inform the conditions stipulated by the Israel Antiquities Authority (IAA). These conditions include oversight, salvage excavations, a designated area for conservation, and areas devoid of antiquities.

Oversight means that construction work, particularly at the stage of digging the foundations, are overseen by an archaeologist in instances when it is believed that antiquities may be found at the site. The purpose of salvage excavations is to collect additional information and document archaeological remains at a site designated for construction within a master plan. Salvage excavations are conducted at sites for which there is an approved construction plan and these are funded by the entrepreneur or landowner. The obligation to conduct a salvage excavation is one of the preconditions for issuing construction permits, and these are only issued once the salvage excavation is completed. The decision whether or not to approve a construction plan is taken either by the IAA, if the site is inside Israel, or by the Staff Officer for Archaeology when the site is in the West Bank. The decision to approve or reject a plan is determined by the value and importance of the archaeological finds discovered. At times, when the archaeological find discovered during the salvage excavation is considered to be of particularly important value, construction is completely prohibited.

An archaeological survey is conducted usually in areas known to contain antiquities and which have been declared as an antiquities site by the IAA and advertised officially as such by the State of Israel. In the West Bank, an antiquities site is declared and publicized in the framework of a military decree (for example Ein Kos). Once a given

site is declared an antiquities site, the Antiquities Law may be applied to that site. The declaration of an antiquities site includes setting clear geographical limits that define its boundaries. The demarcation of the site's boundaries is organized according to plot and cluster numbers and includes a description of the antiquities. The first to declare antiquity sites in such a way were the British in 1944. In the same year, hundreds of sites were declared as antiquities sites in the West Bank. We have no knowledge whether or not any sites were declared as antiquities sites during Jordanian rule (1948-1967). Since 1967, the military administration in the West Bank has publicized only a handful of sites as declared antiquities sites.

The results of the archaeological survey and the salvage excavation determine whether certain areas included in a master plan can be defined as unique areas designated for conservation. These areas are usually characterized by clusters of old archaeological structures or archaeological remains of unique value, which have been marked for conservation for future generations and which cannot be modified in any way. The Antiquities Law stipulates that conservation work must be undertaken by professionals and that the cost of the archaeological activities, by law, should be borne by the entrepreneur or the land owner. In areas slated for conservation, there may be limits set on construction: for example the height of the buildings, the depth of the foundations, requirement to incorporate ancient buildings within new constructions, and the use of particular kinds of building materials.

The organizations responsible for safeguarding and implementing the Antiquities Law are the Israel Antiquities Authority within Israel (including East Jerusalem) and the Staff Officer for Archaeology (SOA) in Judea and Samaria, which is a division within the Civil Administration whose work parallels the IAA. Since the Oslo Accords, the SOA has been responsible for implementing the Antiquities Law in area C. In areas A and B, responsibility for the antiquities falls under the Palestinian Authority.

Master plans¹ are used to develop a locality in accordance with the needs of the residents, taking predicted growth and future needs of the residents into account. Such a plan is intended to integrate professional considerations of the planners with the needs and desires of the community. A master plan is a tool used by Israel's main planning institutions also applied to Area C in the West Bank, which is controlled by

1) Master plans are used to develop a locality in accordance with the needs of the residents, taking predicted growth and future needs of the residents into account. Such a plan is intended to integrate professional considerations of the planners with the needs and desires of the community. There is a legal obligation to create an apparatus for including the residents in the master plan planning process. The master plan divides the locality into areas: residential, public buildings, industry, roads and more.

Israel. It is a means for implementing government policy and for setting priorities when distributing the most important and controversial resource in the region: land.

Planning policy must take into account antiquities sites of various kinds: ancient tels, large ruins, fortresses, religious structures (synagogues, mosques, churches, sacred gravesites), agricultural facilities (wine presses, olive presses, granaries), water carrying facilities (wells, aqueducts, irrigation pools), ancient stone quarries, agricultural terraces, roads and many other types of remnants of human activity which first began in this area one million years ago.

Over the years, the Civil Administration (CA) has made different claims to justify its refusal to draft master plans for Palestinian villages. Among other things, it has offered residents of villages that do not have a master plan to uproot themselves and settle on land belonging to neighboring Palestinian localities for which a master plan does exist. In other cases, the CA has defined villages that have been in existence for decades as “clusters of illegal buildings”, which do not justify recognition from a planning point of view.

The presence of a village within the area of an archaeological site has also been used as an excuse for not drawing up a master plan for Palestinian villages. The few master plans that have been approved by the government were prepared by the Civil Administration and drawn up without involving the residents. Instead of forming a plan that would enable and encourage community development, the boundaries are determined based on aerial photographs and the contours of the built-up areas within the village. The total area of approved plans consists of only one-half of a percent of Area C. Without master plans, the Civil Administration refuses to issue permits for building houses, public buildings, agricultural facilities and infrastructure in the villages within this area. Given no choice, the residents are forced to build without permits and live under a constant threat that their homes will be demolished. The lack of an infrastructure is the reason why many of them are not connected to the water supply or the electricity grid.²

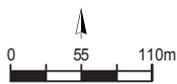
2) Btselem Report, Planning and Construction Policy for Palestinians in Area C, November 10, 2013, p. 9-17. See also Master Plan no. 1764/2.

At-Tuwani



At-Tuwani

- Archeological Area
- Borders of Master Plan



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Archaeological remains in At-Tuwani

Location and characteristics

The village At-Tuwani is located in the South Hebron hills, along the road leading to the village of Karmil in the west, and the road leading eastward towards the Judean Desert. The village structures are situated on the northern slope of a hill that is 800 meters high. Several settlements were built around the village since 1982: Carmel, Maon, Susiya, the Maon Farm outpost, and Mitzpeh Avigail. The village has 400 residents divided among 80 households. A large percentage of the residents are young. Most live in single-story houses, some of which were built using stones from the ancient site, Khirbet At-Tuwani. Near the houses and around the village are excavated caves and ancient gravesites used by the residents as dwellings and storage rooms. The village has a school that also serves the residents of the nearby villages. The income level of the village residents is low even in Palestinian terms. The residents make their living from raising sheep and from rain-fed agriculture, primarily for self-use, like rest of the population of the South Hebron area.

History of archaeological research in At-Tuwani³

As part of the process of approving a master plan for the village in 2010, an archaeological survey was conducted in the village and its surroundings for the purposes of mapping out ancient remains. The survey uncovered remains from the early Bronze Age (the 3rd millennium BCE), when a settlement first emerged in the area. During the Iron Age (beginning of the 1st millennium BCE) a sizeable settlement existed at the site which continued through to the early Islamic period (10th century CE).

After the survey was completed, in 2011 the Staff Officer for Archaeology (SOA) in Judea and Samaria conducted a salvage excavation at Khirbet At-Tuwani. The excavation revealed that during the early Roman period (1st century BCE-1st century CE), a large settlement evolved at the site which featured many residential units that had incorporated caves underneath the buildings. A necropolis consisting of rock-cut tombs of varying kinds including loculi tombs⁴ characteristic of this period, is found in the northwestern section of the site. Fragments of ossuaries and stoneware discovered at the site suggest a Jewish mode of burial.

At the center of the site a large structure was exposed measuring 30x35 meters, which most probably served as a public facility. The structure features benches carved into the rock which, according to the excavator, suggests the structure was a synagogue from the early Roman period. A series of structures from the Byzantine period were exposed measuring 30x40 meters in total, including a church situated in the northern section of the complex. From the 7th century CE, the early Islamic period, the characteristics of the settlement changed and the church became a residential home. The settlement was abandoned in the 10th century and in recent centuries the village of At-Tuwani evolved in and around the site.

At-Tuwani master plan⁵

In 2008 the Civil Administration presented a master plan for At-Tuwani. In 2009, the organization Bimkom delivered an objection to the plan in the name of the villagers because, among other things, the villagers were not involved in the process of drawing up the plan and, they claimed, it did not address their needs.⁶ The Civil Administration accepted the objection and decided to amend the plans for the village.⁷

3) The village was surveyed several times in the past: by Guerin in 1882; The British survey 1883; Moshe Kochavi 1968; Menahem Marcus 1984; Zvi Ilan 1987.

4) A loculus (plural loculi) is a small separate chamber or recess in a rock-cut tomb for the reception of a body or urn.

5) Master Plan no. 1764/2.

6) Bimkom Foundation, At-Tuwani Village, Objection 2009 (Heb).

7) Btselem Report, Planning and Construction Policy for Palestinians in Area C, November 10, 2013, p.19

In 2010, at the initiative of the village council, the master plan was amended by planner Prof. Rassem Khamaisi from the IPCC organization. The plan was accepted by the Civil Administration in 2012. The master plan is based on the prediction that by the year 2030 the village will number 1000 residents. Although the planner was selected by the village council, the blue line in the plan, which is the master boundary defining construction and development areas for the village, was determined by the Civil Administration. The blue line in At-Tuwani encompasses 164.8 dunam and it is strictly forbidden to plan and construct outside of it. In other words, the planner was limited from the start when it came to setting the boundaries for the master plan. The narrow parameters forced him to allocate lots for construction and development from within the ancient village center. Within the area demarcated by the blue line, plots are allocated for construction and housing, public facilities, roads etc.

According to the master plan, the total area approved for housing is 92.5 dunam. The rest is allocated for public buildings, roads etc. Of the area outlined by the plan, 60% is an antiquities site where construction is either possible only in compliance with certain conditions or it is completely prohibited. In certain instances the SOA requires individual construction permits – i.e. each landowner is required to obtain a separate permit. The permit may only be granted if the landowner bears the cost for a salvage excavation or a conservation project.

The plan's regulations include a clause that mentions the importance of the ancient village center characterized by a traditional Palestinian architectural style. This stipulation is important for safeguarding the village antiquities and was introduced by both the planner and the Civil Administration, but it is also a huge obstacle standing in the way of implementing the plan and developing the village. According to the At-Tuwani village master plan, the antiquities and preservation area constitutes 60% of the area approved as a residential area. The houses at the center of the village are built from stone taken from the ancient ruin. Some of the dwellings are built over ancient caves, a portion of which are used as either residences or as a place to keep animals. The villagers have used local materials in constructing their homes, including construction stones taken from the ancient ruins as well as the caves which have been turned into homes. The rest of the area in the master plan is slotted for agriculture. The planners have taken into consideration the stone structures and caves, which to a large extent shape the lifestyle of the villagers, integrating these into the plan for future construction.

The area that contains antiquities and the heart of the archaeological site is intended, according to the plan, for future development and housing. The significance of the decision to use the heart of the archaeological site as an area designated for housing is that any construction plan will require the residents to apply for a separate building

permit from the SOA. Moreover, any construction in the area containing antiquities will require a salvage excavation. The SOA will decide whether to approve or deny a construction plan only once the excavation is complete. The significance of this is that construction will be delayed and become substantially more expensive because of the excavation and, moreover, there is no guarantee that permits will be granted at the end of this process. For some of the structures that have been identified as particularly old, preservation works costing tens of thousands of shekels will be required.

The onus of paying for the salvage excavations and conservation work will fall on each resident and landowner. The cost of these may be even higher than the cost of construction. The low socioeconomic status of the residents means they cannot afford these costs, so it is clear that government funding or funding from another external source will be necessary. Moreover, it is also possible that following an excavation, the SOA would decide that some of the ruins must be left intact, thus reducing the area permitted for construction. This fact will decrease the percentage of land allocated for construction and force the residents to make due with an even smaller area than planned.

As previously mentioned, prior to approving the master plan, the SOA conducted extensive archaeological excavations in the area based on which the parameters of the archaeological site were determined and conditions were set for approving the master plan. Based on our examination of the plan, it appears that the SOA has defined the archaeological site in very broad terms, including within it areas devoid of antiquities. Moreover, in order to protect the antiquities, additional areas were declared as off limits for construction and development with no explanation given as to the importance of these areas and why construction or development cannot take place within them. As for the central excavation area where remains from a Byzantine church were found along with many other archaeological remains, separate conditions, such as conservation, were not stipulated.

In general, the conditions laid out by the SOA were vague. The fact that a significant part of the area designated for construction has been declared an antiquities site is a significant obstacle for implementing the master plan. Construction at the heart of a historic site will undermine the unique characteristics of the village and the antiquities themselves, which are a central feature in the historical heritage of the area. If the plan is implemented, the village center will disappear under modern buildings. The high cost of conducting salvage excavations and the Civil Administration's planning requirements could lead to construction that will no doubt damage antiquities. As an example, let's look at the modern structure built on top of an ancient structure in the village center, next to the central antiquities site where the ancient structure is used as a cellar in the modern facility. In this example the ancient structure has lost its unique features, and

its identity is swallowed up by the modern building and the village as a whole risks losing its unique architectural characteristics. In conversations with village residents and village council members we were told explicitly that they do not want to build on top of the ancient village center. As far as they are concerned, this is a condition that was forced upon them by the Civil Administration without any consideration for their needs and for their desire to preserve their heritage and incorporate these remains into future plans for the village.

The Israeli Civil Administration does not enable the village to develop and expand in a natural pattern using plots of land owned by the residents on neighboring hilltops. Its heavy-handed imposition of a master plan that forces the residents to build in the village's ancient center is an example of what happens when priorities are dictated by a military government. The impact of these decisions on the unique qualities of the village and the future of its residents is far-reaching, not to mention the damage to the historical heritage, a resource that belongs not only to the villagers of at-Tuwani.

Recommendations:

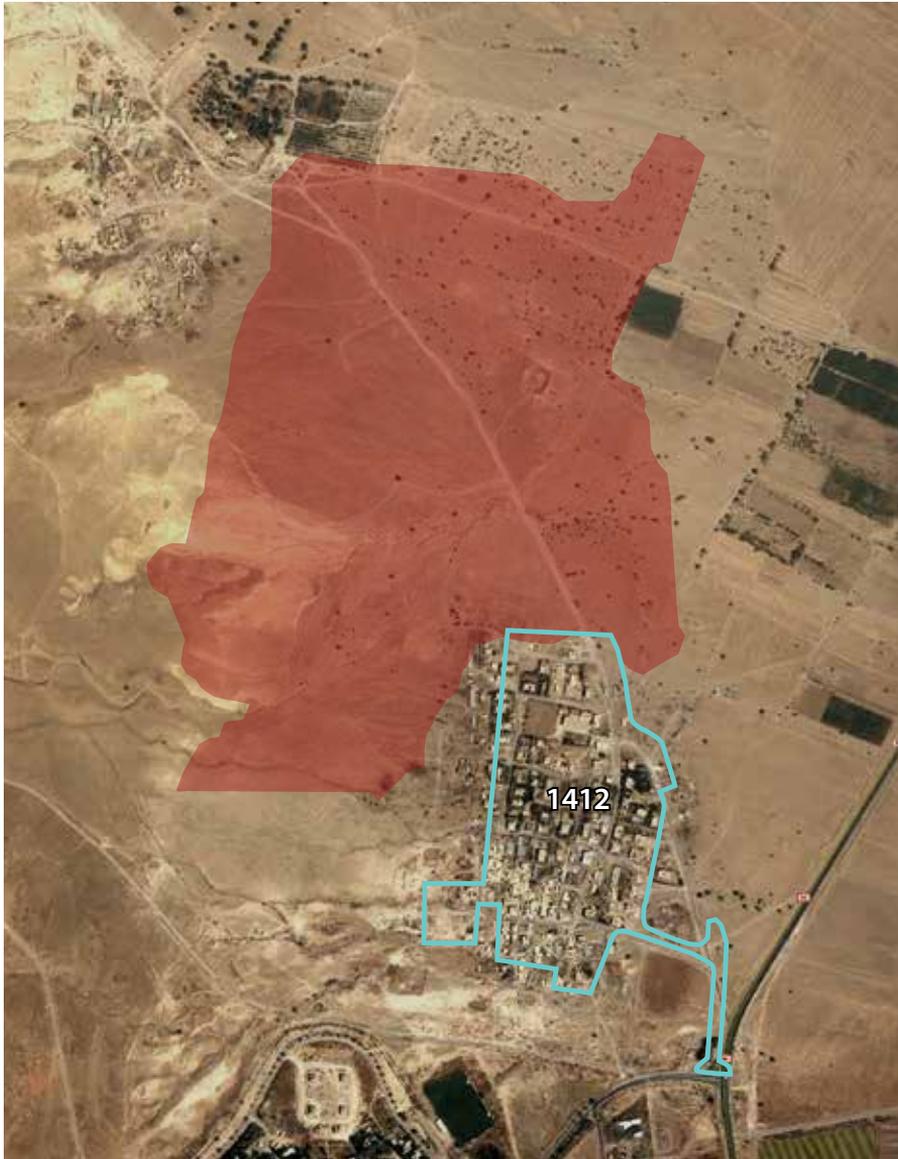
A master plan must include the historic center of the village and its residents ought to be involved in the process of drawing up the plans with their needs and desires taken into account. The need to preserve this unique village's heritage must be a central consideration in a master plan.

The master plan must be changed so that the village center is not designated as an area slated for construction. Alternative plots of land should be allocated for this purpose.

The role of the SOA is to limit the area defined as an antiquities site to the sites which clearly contain antiquities, and exclude from that definition areas which are unlikely to contain any archaeological remains.

The center of the ancient village should undergo a conservation and renovation process and be designated as a public center that includes council offices, a clinic, shops, etc.

Al-Fasayil



Al-Fasayil

- Archeological Area
- Borders of Master Plan



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The village of Al-Fasayil with the Tomer settlement in the background

Location and characteristics

The village of al-Fasayil is located in the Jordan Valley, 14 km north of Jericho, alongside Road 90 to the west. It is home to approximately 1200 residents, some of them refugees from Ramleh, Lod and the Negev and some of whom are tenant farmers who had cultivated the land and settled in the village.⁸ To the west is an ancient antiquities site that includes an old tel, remains of a large settlement from Roman times, and ancient aqueducts. To the north lie agricultural lands owned by the Samsam family, Palestinians from Nablus. The settlement of Tomer is situated to the south of the village.

The archaeological excavations at al-Fasayil

The archaeological site at al-Fasayil is one of a series of sites along the route of the al-Fasayil stream. The al-Fasayil springs are located 1.5 km to the west of the site. An aqueduct was built near the springs and next to it a flour mill. A large pool, called the Samsam pool, runs alongside the aqueduct. Human settlement near the springs began during the Chalcolithic period, in the 4th millennium BCE. Later, probably from the Roman period onward, aqueducts were introduced connecting the springs and the

8) Information based on conversations with local residents.

archaeological site found to the north and east of the village. In addition, a subterranean water system (called Qanat), was discovered which is based on interconnecting well-like vertical shafts along an underground tunnel. Situated to the east of road 90 is an agricultural farm from the early Islamic period (7th-8th centuries).⁹

In excavations conducted near al-Fasayil in 2011 by the SOA for the purposes of tourism, a large and highly developed settlement was discovered dating to the Roman-Byzantine period, which includes large residential structures most likely used as palaces or public buildings. In addition, a large bath was discovered dating to the Byzantine and early Arab period, as well as a large pool and a system of aqueducts.¹⁰ An additional area was excavated to the south of the central site and west of the village on a hill identified as an ancient tel. A church was uncovered at the site as well as a square-shaped structure with a mosaic floor. Muslim graves were excavated in the church the floor and the site is part of a cemetery that had been in use for hundreds of years.

Master plan

The location of al-Fasayil, in-between the Jordan Valley road to the east and the settlement of Tomer to the south, and a large area of ruins to the west and agricultural land to the north, does not allow for significant expansion. The village can only expand to the west and north. The SOA has limited construction to the west claiming that it could damage the antiquities site. We think this claim ought to be re-evaluated. Most of the village area is located within Area B, i.e. where the Palestinian Authority is responsible for civil matters, and Israel is responsible for security matters. A small portion of the village is located in Area C where Israel has full responsibility. To date, two master plans were presented for the village. The first one, drawn up by the IPCC organization and planner Professor Rassem Khamaisi, was rejected. The second, delivered by the Civil Administration and the Asia Company, has not yet been approved.

The master plan presented by Professor Rassem Khamaisi on behalf of the IPCC¹¹:

The area of the plan: 722 dunam, of which 422 are designated for residential use. According to the planner, by 2031 there will be a need for 10,000 housing units. Today 1200 live in the locality. The planning committee rejected this assessment, forecasting a housing need for 2500 people by the year 2031.¹²

Within the area outlined by the plan is an antiquities site measuring 350 dunam. The

9) H. Hizmi, Phasaelis (Khirbet al-Fasayil), Herod's last building project (Heb), The Second West Binyamin Conference, 23 October, 2010.

10) Ibid.

11) Plan 1412/2 Cluster 3, plots 7, 8.

12) Protocols of the Sub-planning Committee, no. 1/3 from 6.1.2013. Hanania Hizmi, the Second West Binyamin Conference, www.gofna.022.co.il/BRPortal/br/P102.jsp?arc=32607.

site was declared an antiquities site in 1944. Because the site was extensively excavated by the SOA, the latter claims that the area of the antiquities site is well known. From his point of view, the parameters of the area are sufficient and justified.

The plan was rejected by the Civil Administration for the following reasons:

1. The residents do not own the land. The land is owned by the state, the Jordan Valley Regional Council, and private owners—the Samsam of Nablus, whose land is cultivated by the tenant farmers of al-Fasayil.
2. The predicted increase in population is unrealistic.
3. A large antiquities site is located within the area of the master plan.
4. The plan spans a large area but does not address needs for roads and infrastructure.

The master plan produced by the Asia Company¹³:

The plan is designed for an area of 121 dunam¹⁴. Those who delivered the plan propose expanding the existing locality by building on 111 lots of a half a dunam each, which are included in the area of the existing village, in addition to a small expansion area. Since most of the village area is situated within Area B, the plan relates to Area B. However, the area recommended for expansion is within the jurisdiction of the Jordan Valley Regional Council and the nearby settlement of Tomer. For this reason the committee lacks the authority to discuss the plan. Therefore, prior to discussing and approving the plan, a special committee titled “the committee for allocation of land” belonging to the Civil Administration must discuss this issue with the aim of resolving the question of ownership.

Conclusion and recommendations:

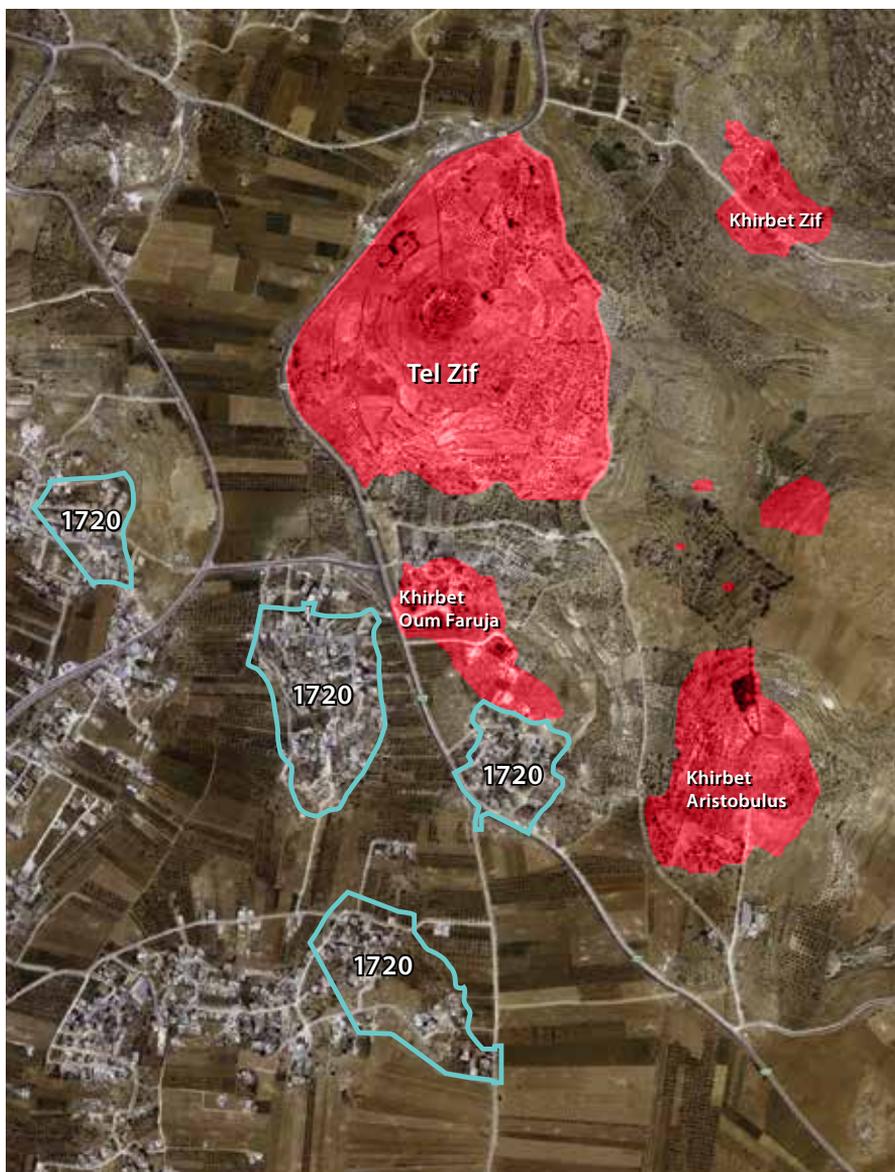
1. A detailed and extensive examination of the exact parameters of the antiquities site is required. Such an examination would yield a more precise assessment of the real boundaries of the site, the finds and their importance.
2. Many localities are built on antiquities sites. These sites are naturally integrated into the village style and do not constitute an obstacle for building and expanding a locality. In this case a different planning approach is required that would allow the village to expand westward, integrating the antiquities into its area.
3. The antiquities ought to be a financial resource for the residents. In the case of al-Fasayil, potentially the residents could manage and develop the antiquities site as a heritage and tourism site of local and global value. We are concerned that the antiquities

13) Plan 1412/1.

14) Protocol of the Civil Administration’s building and planning subcommittee no. 2014009 from 11.6.2014, based on the previous plan 1412.

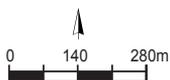
site will indeed be developed as a tourism site but that its management would be handed over to the settlers. If this were to happen, the management of the site and the history told within that context would, no doubt, become a means to restrict the development of the Palestinian village. In such a scenario, the authorities would focus on the need to develop tourism in the area with a view to forging a link between the Jewish people and the history of the site. Moreover, they would no doubt prevent the local residents from building in the area or taking part in the development process.

The village of Zif and Tel Zif



Zif Village

- Archeological Area
- Borders of Master Plan



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Zif Village

The archaeology of Tel Zif and its surroundings

Tel Zif is situated south of Hebron, east of the road leading to the communities in the South Hebron hills and near the Palestinian village of Zif. The tel is 840 meters high. The site has not been excavated and the information is derived from archaeological surveys. The results of the surveys demonstrate an early settlement during the Iron Age II (8th century BCE) and a continuation of the settlement during the Persian period (4th and 5th century BCE), the Hellenistic, Roman, Byzantine and Islamic periods (5th century BCE to the 10th-11th centuries CE). The Israeli army has set up a military post at the summit of the tel and a dirt path leads from the road to its peak.¹⁵

At the bottom of the southern slope is an antiquities site called Rujum al-Fahja. In this site remains of a mausoleum (a built-up burial structure) were found as well as details of buildings such as doorways, segments of columns, and burial caves from the Roman-Byzantine period. To the southeast of the site is Khirbet Istbul which contains evidence of a settlement during the Byzantine and early Islamic period. The remains include a monastery and a church, an olive press, and burial caves.¹⁶

15) A. Ofer, *The Judean Mountains during the Biblical Period*, PhD. dissertation, Tel Aviv, 1993.

16) Ibid.

The village of Zif

The Palestinian village of Zif is located in the South Hebron hills, in Area C, 7 km south of the city of Hebron, and is home today to about 1000 residents. In 2012 a master plan was drawn up for a section of the village, for expanding the neighborhood of al-Arus. The village is situated on both sides of the road leading from Hebron to the south Hebron hills. The village grew around the Tel Zif archaeological site and includes the archaeological sites of Rujum al-Fahja, and Khirbet Istbul, which today are integrated into the residential neighborhoods of the village.

The master plan

The master plan was drawn up by the Civil Administration.¹⁷ The plan includes the locality of al-Fahja on the southern slope of the tel and the village of Zif. The antiquities were surveyed by archaeologist Dr. Avi Ofer.¹⁸ In Ofer's opinion, the size of the area containing archaeological remains is one dunam, compared to the claim by the SOA of 50 dunam. Beyond the one dunam, the rest of the area contains a few quarries, wells and terraces.

The size of the ancient site at Tel Zif is 25 dunam, compared to the 200 dunam figure given by the SOA. A military base was built on the tel at the heart of the antiquities site. According to the opinion offered by Dr. Ofer on the master plan, the residential homes of al-Fahja could be incorporated and preserved within the new construction. In Dr. Ofer's opinion, the claim that this is an antiquities site and that therefore all construction should be banned is exaggerated when considering the scope of the ancient remains in the area.¹⁹

Recommendations:

1. A new, detailed assessment of the actual boundaries of the area containing archaeological artifacts must be undertaken in order to ascertain the real parameters of the finds rather than rely on a general estimate.
2. Each construction plan, or area designated for construction, ought to be assessed separately and the archaeological finds within it examined on a case-by-case basis. The examination should disregard whether or not the area was defined as an antiquities site and assess the actual size of the area containing or likely to contain antiquities.

17) Plan no. 1720/05.

18) An expert opinion offered as part of an objection to the plan by the organization Rabbis for Human Rights in 2008.

19) N. Shalev, E. Cohen Lifshitz, The forbidden zone - Israeli planning policy for Palestinian Villages in Area C, (Heb) June 2008, pp.118-121.

3. There is no dispute amongst archaeologists that ancient mounds are antiquities sites of the highest importance. Therefore, extra caution is required when planning and building near these sites. They must be preserved and any excavation undertaken should be purely academic. The decision to approve the construction of a military base at the top and center of the tel, and paving an access route and building structures that cause damage to remains, shows that permission has been given to destroy antiquities. It ought to be revoked and a permanent military presence on the tel should be prohibited.
4. The attempt to prevent construction at al-Fahja, claiming that there are important antiquities at the site which cannot be excavated, is incongruous with the decision by the Civil Administration to approve a military base at the top of the tel.
5. When considering the need for archaeological oversight and preservation of structures, proportionality is required. In areas that are not considered antiquities sites but which may contain antiquities, a limited exploratory excavation should be undertaken to ascertain whether ancient remains—which would warrant a ceasing of construction activities—are likely to be found. Construction should be prohibited only if important remains are discovered. If the area in question is devoid of significant antiquities then construction should be permitted on most of the area in question.

Conclusions and suggested work practices

1. The three examples discussed in this report share the following similarities: claims on behalf of archaeology are used to limit construction and prevent the expansion of Palestinian villages, and oblige the residents to bear the high cost of conservation, which they cannot afford. The fact that such conditions were presented as professional considerations warrant a reassessment of the decisions made by the Staff Officer for Archaeology.
2. The preconditions set by the SOA ahead of approving a master plan do not correlate with the needs of the residents. The SOA's decisions should be challenged when it is evident that these are to the detriment of the local population and prevent the necessary expansion and development of the villages.
3. No attempt has been made to involve the local residents or take their wishes into consideration when making decisions regarding the antiquities and their preservation. Likewise, there is no attempt to enable the residents to incorporate the antiquities into village life, neither from a planning perspective nor in terms of the economic and tourism potential.
4. The high costs of conducting an archaeological excavation and preserving antiquities render the master plans hard to implement. Most of the local residents cannot meet the required cost nor the conditions set by the Civil Administration through the Staff Officer for Archaeology. The situation whereby most land owned by Palestinians is owned by an individual family, as in al-Fasayil, means that the SOA's requirements and the requirements for preservation often becomes the responsibility of one person or a family who cannot afford to meet these requirements.
5. There is an urgent need to establish a professional archaeological apparatus which would supervise the conditions set by the SOA. Presently, there are no publically known or official regulations. In this situation the decisions taken by the SOA appear to be arbitrary and represent a form of control.
6. Palestinian planning bodies and the Israeli organizations that work in support of the Palestinian population should incorporate antiquities sites into their master plans, while at the same time exercise a judicious approach to the decisions made by the SOA. In our opinion it is crucial to incorporate archaeologists into teams working on master plans and in the legal battles around this issue.
7. A comprehensive solution must be found to the problem of funding for salvage excavations and the implementation of conservation plans to enable the preservation of archaeological remains and their integration into the day-to-day life of the local

residents. External funding and planning on the macro level could turn the antiquities sites located near Palestinian localities into an economic resource and a significant asset in the development of a tourism industry.

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