Selective Conservation

Policy and Funding for Minority Heritage Sites in Israel
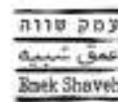
עמק שווה
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Baek Shaveh

THE ARAB CULTURE
ASSOCIATION

Emek Shaveh is an Israeli NGO working to defend cultural heritage rights and to protect ancient sites as public assets that belong to members of all communities, faiths and peoples

The Arab Culture Association is an independent non-profit organization aiming to strengthen Arab culture and identity for Palestinians living in Israel. It has contributed to the preservation of national and cultural identity especially among youth, and in affirming the position of the Arabic language.

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Introduction

This report examines the difference in conservation approaches for heritage sites identified with Jewish heritage as opposed to conservation of heritage sites identified with minority cultures in Israel. The report is divided into two parts. Part one examines government policy regarding the preservation and development of non-Jewish heritage sites by focusing on legal mechanisms, government projects, funding for sites, and the distribution of governmental budgets. Part two outlines conservation work in recent years in three ancient cities: Beersheva, Ramla and Jaffa. The cities differ from one another in their socioeconomic status, which in turn, indicates the efficacy of the municipal mechanisms that inform the quality of the city's management and symbolic status; yet they are similar in that central to their historic development are layers and periods associated with people and cultures who today are represented by minority communities in Israel.

An examination of the resources invested in the development of the three cities' heritage sites indicates how the legal systems that regulate conservation, organizations that derive their authority from these laws, and the municipalities themselves contend with Israel's complex past. The report will demonstrate how these components promote the conservation of sites reflecting Jewish heritage while leading to the marginalization or disappearance of sites reflecting ethno-national minority groups in Israel.

Part One:

The System of Laws Regulating the Conservation and Development of Heritage Sites

In Israel there are two laws that determine the means of allocating budgets for the conservation and development of heritage sites: The Antiquities Law (1978) and Amendment 31 to the Planning and Building Law (1965).[1]

The Antiquities Law

The Antiquities Law was enacted in 1978 and was intended to replace the British Mandatory Antiquities Law enacted in 1920. The law had a decisive influence on the distribution of the government budgets earmarked for heritage sites. The first clause of the Antiquities Law defines an antiquity as follows:

1. A man-made structure, whether detached or attached to the ground, built prior to the year 1700 CE, including anything added to it thereafter constituting an integral part thereof;

2. A structure, as noted in paragraph (1), made by someone after 1700 CE, which is of historic value and declared an antiquity by the minister;

3. Zoologic and botanical remains preceding 1300 CE.

This chronological division created a distinction between sites built before and after 1700 CE. Sites built prior to this year are granted protection from development actions that may harm them. In accordance with clause 5 of the law:

An antiquity (built before 1700 CE) discovered or located in Israel [...] is designated state property, along with the area in which it was found or discovered that is necessary for its conservation, in accordance with the boundaries determined by the authority.

That is, any site deemed an antiquity is state property, even if it is located on privately owned territory. As a result, the state is responsible for taking care of antiquities. However, the Antiquities Regulations (Fees for the Approval of Actions [2011]), are a series of regulations that grant the Israel Antiquities Authority the authority to enforce the Antiquities Law and stipulate that any decision regarding the treatment of antiquities sites is at the discretion of the director of the Israel Antiquities Authority. According to the regulations, the director of the Israel Antiquities Authority may require developers to carry out a variety of actions to document and preserve antiquities located in territory designated for development. These actions include, among other things, archaeological "salvage excavations," and even requiring the developer to conserve antiquities found in the course of development work. The excavations are to be funded by the developer. Per data published by the Israel Antiquities Authority, approximately two-thirds of its 2018-2019 budget was funded by private developers through salvage excavations.[2]

Amendment 31 to the Planning and Building Law

The Antiquities Law does not provide protection for sites built after the year 1700 (hereinafter: historic buildings). As a result, since the establishment of the state, many sites of historic and symbolic importance that were built after 1700 were demolished for development purposes. Among other noteworthy demolitions, are many Palestinian villages whose residents fled or were expelled from them in 1948, along with sites of symbolic value for the history of the Zionist movement – one of which is the Herzliya Hebrew Gymnasium. This structure was built at the end of Herzl street in Tel Aviv, and for many years was the most prominent building in the city, symbolizing the construction of a new national home

1. To read more on the complexities that these laws generated in the field of preserving and developing heritage sites in Israel, see Noah Hysler Rubin, 2018. Conservation in Israel, Content and Practice, **Emek Shaveh.**

2. Annual report per the Freedom of Information Law, **Israel Antiquities Authority**.

for the Jewish people in Israel. In 1959, despite considerable public protest, the building was demolished to enable the city's ongoing development.[3] Following increasing criticism of this state of affairs, in 1991 the Knesset enacted Amendment 31 to the Planning and Building Law, which stipulated that local authorities were to be responsible for the preservation of historic sites in their domain. Each local authority is required to generate a list of structures designated for conservation and locate the budgets required to preserve them. This decision privatizes the process of conserving historic buildings, as each local authority may set separate criteria to determine which sites warrant preservation.[4]

Problematic aspects of the laws

The Antiquities Law (1978) and Amendment 31 to the Planning and Building Law (1991) raise challenges for the system of conserving ancient structures, especially historic sites (built after 1700 CE). First, due to the fact that funding for the conservation of historic sites is the responsibility of the local authority, authorities with limited resources cannot fund preservation work. In many cases, authorities prefer to invest their budgets in issues related to residents' daily needs, such as improving infrastructure and education. As such, heritage sites, especially those not identified with the majority of the locality's population, are granted minimal budgets and remain neglected.[5]

The difference in the conservation process for archaeological as opposed to historic sites lies in, among other things, the extent to which the public may influence decisions. As indicated above, the Antiquities Authority has an exclusive mandate to decide which archaeological sites will be subject

to conservation and which can be released for demolition. In contrast, the conservation of historic sites (built after 1700) is subject to the Planning and Building Law. In accordance with clause 3 of Amendment 31 to the law, "conservation plans are equivalent to local master plans" - namely, a plan for the preservation of an historic site requires the approval of planning committees and is open to public scrutiny and objections.[6]

Significant differences between antiquity sites and historic sites are also apparent in the procedures regulating their protection: in accordance with the Antiquities Law, any structure built prior to 1700 is entitled to protection from development, regardless of its inherent historic worth; in contrast, to prevent damage to historic structures (built after 1700), the local authority must declare it a protected structure. This distinction provides each local authority with the power to demolish structures and sites for which the attributed historic worth is perceived to be inconsistent with that of the locality's heritage.[7] In this sense, both laws create a hierarchy of historic and symbolic importance between different layers in the same site. For example, in Zippori National Park, archaeological excavations focused on exposing the city that existed in the area in the early and late Roman period when the city was an important center for the Jewish population in the Galilee – and completely ignored remnants of the Palestinian community on site up until 1948, which are considered a historic stratum subject to the Planning and Building Law.[8]

Both of the aforementioned laws stand in the way of a uniform conservation policy in Israel. As a result, many organizations, including nongovernmental organizations that promote the preservation of heritage sites, seek to advance narrow ideological interests. In the following section we will outline the central bodies which promote the preservation of heritage sites in Israel.

3. Yossi Klein, 2011. **The Americanization of Tel Aviv: The "Herzliya" Hebrew Gymnasium Demolition Affair in Favor of Constructing the First Israeli Skyscraper "Shalom Meir Tower" (1959–1966)**, Jerusalem: Carmel.

4. Yossi Levi, 1991. "The Antiquities Law (Amendment 31) (Site Preservation Plans), 5751-1991: Its Principles and Innovations (The Legal Aspect)," in Yossi Schweid, Michael Turner, Chumi Novenstern, and Yossi Feldman (eds.), **Preservation of Structures and Settlement Sites: Legal and Ethical Aspects**, Mikveh Israel and Haifa: Council for the Conservation of Heritage Sites in Israel, the Society for the Protection of Nature and the Built Heritage Research Center, Technion, pp. 18-25.

5. Gideon Koren, 2012. "Conservation and Reform Legislation in the Planning and Building Law – Where are we Heading?" **Sites: The Magazine 2**, pp. 51-56. (Heb)

6. Tovi Fenster, 2007. "Memory, Belonging, and Spatial Planning in Israel," **Theory and Criticism** 30, pp. 189-212 (Heb).

7. Tovi Fenster, 2018. "Creative Destruction in Urban Planning Procedures: The Language of 'Renewal' and 'Exploitation,'" *Planning Theory and Practice* 19(4), pp. 496–513.

8. Joel Bauman, 2004. "Tourism, the Ideology of Design, and the Nationalized Past in Zippori/Sepphoris, An Israeli National Park," in Yorke Rowan and Uzi Baram (eds.), *Marketing Heritage: Archaeology and the Consumption of the Past*, Walnut Creek: AltaMira Press, pp. 3–23.

Institutions authorized by the Antiquities Law and Amendment 31 to the Planning and Building Law

The Israel Nature and Parks Authority

The role of the Israel Nature and Parks Authority is to regulate and manage the national parks and nature reserves in Israel, which comprise approximately 25% of the country's land. The Israel Nature and Parks Authority is a product of the merger of two pre-existing authorities – the Nature Reserves Authority and the National Parks Authority – following the enactment of the National Parks, Nature Reserves, National Sites and Memorial Sites Law (1998).[9] In accordance with the law, it falls under the auspices of the Ministry of Environmental Protection. In 2018, its budget was 320 million NIS.[10]

In accordance with clause 24(a) of the law, "Once an area has been declared a national park or nature reserve, the declaration will take precedence over any other designation of the same area." That is, with the exception of existing property rights in the area prior to the declaration of a national park, any action on the territory of a national park or nature reserve is subject to the approval of the Israel Nature and Parks Authority. Its approval is also required in the decision to conserve heritage sites – archaeological or historical – and to make them accessible to the general public. As a result, the Israel Nature and Parks Authority is one of the most important planning bodies in Israel, especially as it governs many of the open spaces in Israel. However, the Israel Nature and Parks Authority does not own the land in the areas declared national parks and nature reserves, but rather cooperates with landowners to enable the operation of parks

and reserves. In most cases, the Israel Nature and Parks Authority works with the Israel Land Authority, which owns most of the land in Israel. There are cases in which the Israel Nature and Parks Authority works with non-governmental bodies, such as the Caesarea Development Corporation in Caesarea National Park and the Franciscan Church in Mount Tabor National Park.

The Israel Antiquities Authority

The Israel Antiquities Authority is a governmental body within the Ministry of Culture and Sports. In 2018, its budget consisted of 318 million NIS, of which only 59 million NIS came from the ministry. In 2019 the Israel Antiquities Authority received 71 million NIS from the ministry from a total budget of 426 million NIS.[11] The remainder of its budget is derived from private developers seeking to build in areas which are declared archaeological sites who pay the Israel Antiquities Authority to oversee their work and ensure that they do not destroy antiquities in the process. The financial dependency on developers puts the Antiquities Authority at risk of making decisions which are not always informed by professional considerations.

The Israel Antiquities Authority's Conservation Department was established in 2009 (based on the conservation committee established in 1988). It is responsible for outlining the conservation policy for Israel's built and unbuilt cultural heritage, and for ensuring that artifacts representing all cultures that comprise the country's heritage undergo conservation and are presented to the general public.[12] For this report we examined the sites which the Conservation Department listed as having undergone conservation work.

The 98 sites identified have all undergone conservation work between 2001-2016. There is no information on conservation efforts promoted by the department in recent years. Of those sites, 27 embody Jewish heritage, 24 embody non-Jewish heritage (17 Christian and seven Islamic sites). The

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9. Yossi Katz, 2004. **Stopping the Bulldozer: The Establishment of Institutional Tools to Conserve Values of Nature, Landscape, and the Historical Heritage of the State of Israel**, Ramat Gan: Bar-Ilan University (Heb).
10. The Israel Nature and Parks Authority, **Budget Index (Heb)**.

11. Annual report per the Freedom of Information Law, **Israel Antiquities Authority (Heb)**.
12. Israel Antiquities Authority Policy for the Conservation of Built Cultural Heritage: General Principles, Israel Antiquities Authority (Heb).

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47 remaining sites include multi-layered archaeological strata presenting remains from different periods (see Graph 1).[13] These figures indicate that during this period the Conservation Department followed the spirit of the law. Although there is no up-to-date information on its operations, we can assume this trend has continued in recent years.

Graph 1: Heritage Sites in which the Israel Antiquities Authority Worked From 2001–2016
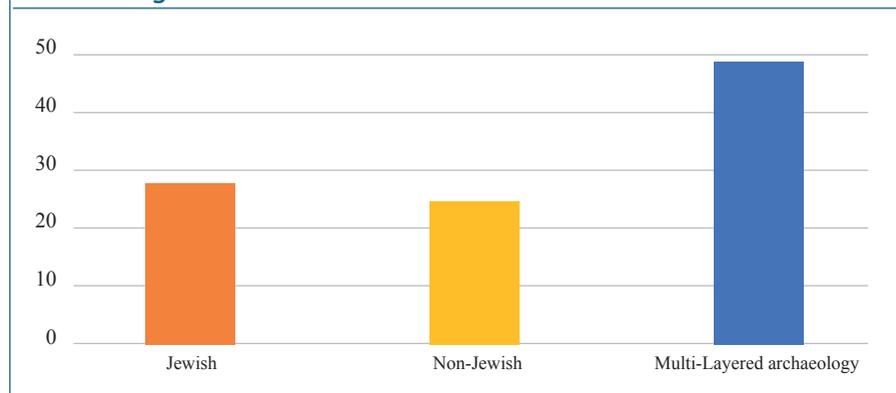
Ministry of Jerusalem Affairs and Heritage

The position of a minister in charge with Jerusalem affairs was created during the 24th government led by then Prime Minister Yitzhak Shamir. Until 2015, the minister for Jerusalem Affairs was subordinate to the Prime Minister's Office, and their authority and budgets were limited. In 2015, following the formation of the 34th government by Benjamin Netanyahu, a decision was made to create an independent office called the Ministry of Jerusalem Affairs and Heritage. Ever since, the budget for this ministry has steadily risen.[14] In 2019, the ministry's total budget stood at approximately 144 million NIS.[15] The Ministry has two divisions entrusted with two main

areas: the Jerusalem Division, responsible for the city's development in the fields of tourism, finance, high-tech, and culture, with an emphasis on reducing gaps between the city's neighborhoods; and the Heritage Division responsible for managing national heritage assets through conservation, restoration, enabling public access and presentation .[16] In 2019, the Jerusalem Division's budget stood at 65 million NIS, while the Heritage Division's budget was 79 million NIS. The Ministry's departments receive additional budgets for the projects under their supervision.[17]

The Heritage Division has a clear system for selecting heritage sites for conservation and development. Initially, the Division invites bodies that own, manage, or maintain sites worthy of being considered national heritage assets to submit proposals for upgrading, developing, or fortifying the sites. It is important to note that submitting a proposal for the development of a heritage site within the framework of a public appeal is a precondition for receiving a budget from the Ministry. The call for proposals is issued once every five years. The proposals are examined by committees of experts along with an inter-ministerial steering committee.[18]

The conditions of the tender are such that only bodies with direct responsibility over a particular site, such as municipalities or entities like the Jewish National Fund and the Israel Nature and Parks Authority, may propose sites for the program. As these sites are frequently run by government authorities, the policy may discriminate against underrepresented minority groups, chiefly Arab society. This is made evident in the words of Ran Yishai, director general of the ministry from 2016-2019, when he explained that the previous appeal issued by the ministry, known as Heritage Plan A, was intended for the sole development of Jewish sites.[19] It is also worth noting that over the years, two of the ministry's three director generals have been identified with right-wing

16. About, **Ministry of Jerusalem and Heritage**. (Heb).
17. From the Special Committee Meeting on the Implementation of Government Information Accessibility and Principles of Public Transparency, Protocol 135, Third Session, 20th Knesset, Open Knesset, 23.5.2018.(Heb)
18. Heritage Division Work Procedure, Ministry of Jerusalem and Heritage. (Heb)
19. From the Special Committee Meeting on the Implementation of Government Information Accessibility and Principles of Public Transparency, Protocol 135, Third Session, 20th Knesset, **Open Knesset**, 23.5.2018.(Heb)

13. List of Projects, **Conservation Department**. As of 1.8.2020. (Heb)
14. **Prime Minister's Office** and Related Clauses: Budget Proposal for the 2019 Fiscal Year and Explanatory Notes, Prime Minister's Office, p. 84, The Government, **Prime Minister's Office (Heb).**
15. Jerusalem and Heritage – Development, **Budget Index (Heb).**

NGOs. The ministry's first director general, Dvir Kahana, worked for the Elad Foundation prior to assuming the role. According to testimonies from senior officials involved in the development of the city of Jerusalem, throughout his tenure he promoted projects that served Elad more than the city of Jerusalem.[20] Mordechai Benita, too, who served as director general of the ministry from the years 2019-2020, was previously the director of the Ateret Cohanim Yeshiva (Ateret Yerushalayim) – a seminary located in the Muslim Quarter of the Old City of Jerusalem. He partakes in the Ateret Cohanim nonprofit's operations, which works to Judaize the Old City and the neighborhood of Silwan.[21]

Landmarks Program

One of the flagship programs of the Ministry of Jerusalem Affairs and Heritage is the Landmarks Program. It was launched in 2010, prior to the establishment of the ministry.[22] The program was initiated following growing complaints about the neglect of national heritage sites in Israel and was overseen by the Prime Minister's Office. But once the Ministry of Jerusalem Affairs and Heritage was created it took charge of the program.[23] However, at least in 2019, the program's budget was allocated by the Prime Minister's Office which has remained significantly involved in the decision making process.[24]

The program aims to:

> Unearth, conserve, restore, renew, and develop tangible and intangible national heritage; to safeguard content of national historical importance making it visible and accessible to the public, partly by utilizing digital formats; conserve the biological flora and fauna of the Land of Israel; encourage the involvement of

various bodies and authorities who are active in the area of heritage; train professionals in the field of heritage development; integrate national heritage content into the primary through tertiary education systems, as well as among soldiers and commanders of the Israeli Defense Forces; and additional actions necessary to develop and empower national heritage content within the public discourse in the State of Israel.[25]
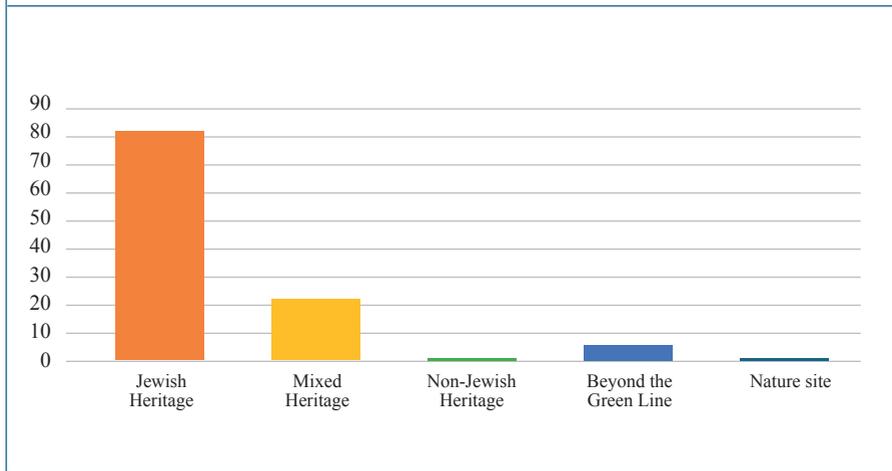
Much criticism has been voiced against the program since its founding. One of the central critiques claimed that despite its declaration that it sought to unite people through the development of common heritage sites, the only sites that were granted support were those that strengthened Zionist heritage, while disregarding sites that represented other identity groups, such as the ultra-Orthodox community and Arab Israeli citizens.[26] In this context, it is important to emphasize that although the state has the right to promote programs intended to preserve certain societal sectors' heritage sites, if there are no parallel programs to advance the conservation of other sectors' heritage sites, then the system is flawed.

An examination of the sites included in the program confirms the criticism levelled against it. One-hundred-and-fifty sites comprise the initial list. The sites were divided into groups: archaeological and historical sites; sites that strengthen the country's built heritage: museums, archives, collections, monuments; and intangible heritage. For the purpose of this document, we examined heritage represented by a list of 100 archaeological and historical sites: 81 represent Jewish heritage exclusively – ancient synagogues (such as Bar'am, Umm el-Qanatir, and more), archaeological sites perceived as embodying Jewish heritage (such as Beit She'arim and Masada), historic sites that reflect the development of the Zionist settlement in Israel, as well as sites in which important events for the history of the Zionist enterprise took place (the first houses in certain settlements, Independence Hall, and Metzudat Koach); a mere 21 sites on the list reflect heritage that may be linked to a mix of Jewish and non-Jewish sectors in Israel. Five sites are located beyond the Green Line with an additional natural site (the Twin Caves in the Judean

20. Nir Hasson, 6.2.2015. What's the Top Priority for the Director General of the Ministry of Jerusalem Affairs, a Right-Wing Activist Appointed by Bennett, **Haaretz**.(Heb)
21. Mordechai Benita, **Wikipedia**.(Heb)
22. Government Decision: Fortifying National Heritage Infrastructure: Heritage Plan, Plan No. 1412, The 32nd Government, Prime Minister's Office, 21.2.2010. (Heb)
23. Government Decision: Establishment of the **Ministry of Jerusalem and Heritage** and Transfer of Areas of work, decision no. 46, **Prime Minister's Office**. (Heb)
24. Prime MInister's Office and Related Clauses: Budget Proposal for Fiscal Year 2019 and Explanatory Notes, **Prime Minister's Office**, p. 84. (Heb)

25. About, **The Landmarks Program (Heb).**
26. Gili Izikovich, 19.4.2010. National Heritage Program: Zvi Hauser, Executor, **Haaretz**.(Heb).

Graph 2: Types of Heritage Reflected in Archaeological and Historical Sites Proposed by the Landmarks Program

Chart with vertical axis from 0 to 90. Categories: Jewish Heritage (~81), Mixed Heritage (~22), Non-Jewish Heritage (~1), Beyond the Green Line (~5), Nature site (~1).

foothills). Not one site embodies non-Jewish heritage in its entirety (Graph 2).[27]

The 23 sites that reflect the general heritage of the country are in theory a respectable representation of non-Jewish heritage. However, 12 of them are archaeological sites such as Caesarea, Megiddo, Beit She'an, and Arad. These sites embody the many cultures and peoples that have settled the land over the generations. Eleven sites reflect modernization processes that took place in the country in recent times, including the Jezreel Valley Railway and the Jerusalem Railway Station. Yet, the construction of the railway does not embody the history of a major local minority, the Palestinians, as do the many towns and villages in existence before 1948, but rather broader regional powers and developments that left their mark in the country. The list thus indicates inbuilt inequality in the Landmarks Program.

An examination of the terminology at the list of sites that have received budgets for development through this program, further reinforces the criticism. These sites are listed in chronological order in accordance with the periods they represent, yet the names of the periods on the list are not

the accepted scientific names from archaeological and historical research, but rather emphasize the Jewish connection to the land. For example, the Bronze and Iron Ages, a period of time that spans over 3,000 years, is referred to as the biblical period based on the assertion that the Kingdoms of Israel and Judah existed during the Iron Age. However, the terminology disregards the vast regional changes that took place during these periods, unrelated to the development of the two kingdoms, and the changes that took place after the two kingdoms were no longer in existence. Similarly, the Byzantine period and the Early and Late Islamic periods, are merged under the headings of the Mishnah, Talmud, and Middle Ages – thus sidelining the importance of Byzantine and Muslim rulers in the country's development.[28]

It should come as no surprise that the descriptions of the sites from each period also focus exclusively on periods of existence that indicate Jewish presence in the country over generations. It is important to emphasize that this observation is not motivated by an intention to diminish or disregard Jewish presence in the Land of Israel, but rather to encourage such programs to find suitable means to draw attention and recognition toward non-Jewish regional identity groups as well.

Council for the Conservation of Heritage Sites in Israel

The Council for the Conservation of Heritage Sites in Israel is a semi-private nonprofit established in 1984 as "The Council for the Conservation of Buildings and Heritage Sites" under the Society for the Protection of Nature in Israel. During its early years, the council focused on promoting legislation designed to ensure the protection and conservation of sites that are not designated as archaeological under the Antiquities Law. As noted, this effort bore fruit in 1991, upon the enactment of Amendment 31 to the Planning and Building Law. Following the enactment of the amendment, the Council began to focus on raising awareness to the need to conserve historic sites (built after 1700 CE). In 2008, the nonprofit changed its name to the Council for the Conservation of Heritage Sites in Israel, severing

27. Outline for the Restoration and Fortification of National Heritage Infrastructure, **Prime Minister's Office**. (Heb).

28. Periods, **Landmarks**. (Heb).

relations with the Society for the Protection of Nature in Israel.[29]

The Council has no statutory authority, and yet it is one of the bodies responsible for the conservation of historic sites – it initiates and advances conservation for structures and sites across the country, and also leads struggles against development that it perceives may endanger historic buildings. Under the present circumstances whereby legislation does not designate a governmental body in charge with conservation, the state can advance conservation work by transferring budgets to the Council for Conservation of Heritage Sites in Israel, thereby controlling the sites, content, and nature of conservation. At the same time, the Council's capacity to criticize government policy is limited because it is financially dependent on it and lacking legal mechanisms to regulate its work. For example, in 2018 from a total budget of 65 million NIS, approximately 20 million NIS was funded by the state.[30]

The Council for the Conservation of Heritage Sites in Israel is divided into seven districts: six of them are responsible for conservation by division into geographical areas, while the seventh is defined as a "Minority District". Established in 2008, the Minority District is responsible for promoting the heritage sites of minority groups across the country.[31] An assessment of the districts budgets from 2011-2016, indicates that though there has been an increase in the Minority District budget since 2013, its budget is relatively small (see Graph 3).[32] Unsurprisingly, since 2008, following the establishment of the Minority District, the discrepancy between the number of Jewish and non-Jewish heritage sites selected for conservation, has increased (see Graph 4).[33]

29. Keren Matrany, 2008. "Conserved Property" and Its Relation to the Environment: The Case of Tel Aviv's Old Municipal Center, Doctoral Thesis, Bar-Ilan University; Nili Schori and Leah Shamir Shi-nan, 2016. **Systematic Conservation Management: Preservation of Heritage Built by the Regional Authority**, Mikveh Israel: Yehuda Dekel Library – The Council for the Conservation of Heritage Sites in Israel. (Heb)
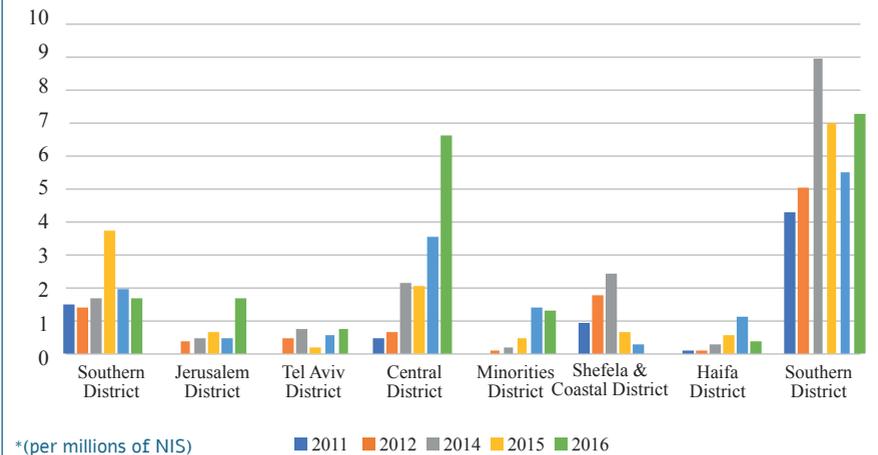
30. The Council for the Conservation of Heritage Sites in Israel, GuideStar: Israel's non-profit website. (Heb)

31. Districts, The Council for the Conservation of Heritage Sites in Israel. (Heb)

32. The information used to prepare the graph was sourced from annual reports published by the Council for the Conservation of Heritage Sites in Israel from the website GuideStar: Israel's non-profit website. (Heb)

33. The information used to prepare the graph was sourced from annual reports published by the Council for the Conservation of Heritage Sites in Israel from the website GuideStar: Israel's non-profit website. (Heb)

Graph 3: The Council for the Conservation of Heritage Sites in Israel's Budget From 2001–2016*

*(per millions of NIS)   ■2011 ■2012 ■2014 ■2015 ■2016

Graph 4: Number of Funded Sites 2008–2011

Non-Jewish heritage ■ Jewish Heritge ■
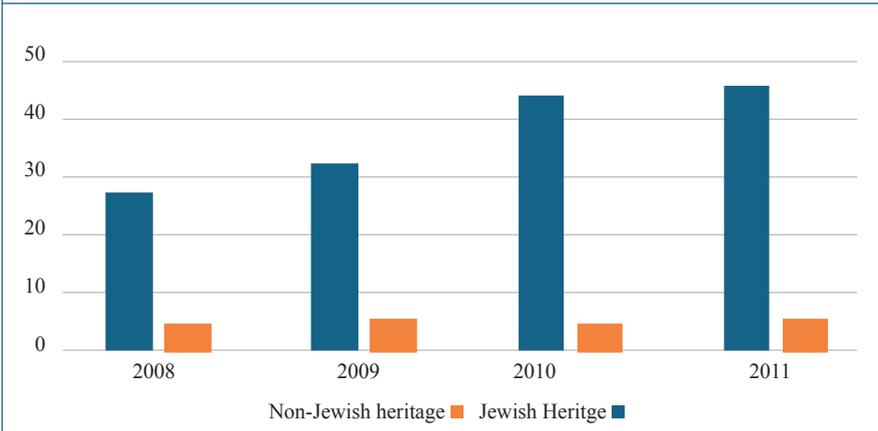
The Council for the Conservation of Heritage Sites in Israel's website lists 166 sites. A review of them reveals that the development and curation of 148 of the sites emphasize elements of its Jewish heritage, while only 13 sites were developed in a manner which highlights aspects of the non-Jewish heritage embodied within the site. In addition, 4 sites did not represent a Jewish or Palestinian heritage - and were therefore designated as neutral – and one site was located beyond the Green Line (Graph 5).[34]

Graph 5: Number of Sites Mentioned on the Website per Heritage Affiliation
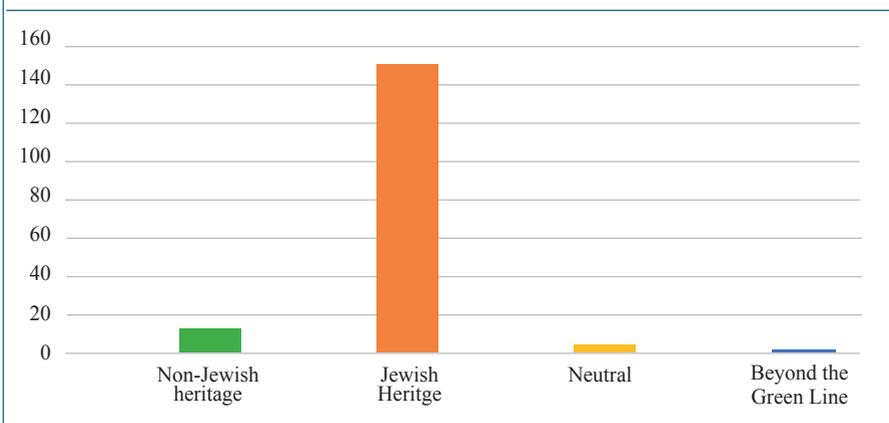
The Ministry of Tourism

The Ministry of Tourism is responsible for setting the financial policy for the optimal management of the tourism industry in Israel. Heritage sites are only one category among the various genres of tourism that fall under the ministry's jurisdiction, which also include sun and beach activities, nightlife, family fun attractions and more.

One of the ways in which the Ministry of Tourism develops tourist sites in Israel, is to create a mechanism of core tourist cities: Jerusalem, Eilat, Mitzpe Ramon, Acre, Nazareth, Tiberias, and the entire coastline 300

34. Heritage sites, **Council for the Conservation of Heritage Sites in Israel**. (Heb)

meters from the sea, apart from the coastal strip of Herzliya, Tel Aviv-Jaffa, and Bat Yam. According to a pamphlet circulated by the Ministry of Tourism in 2019, 70% of the total development budget for tourist infrastructure available to the Ministry is earmarked for these cities. These cities are eligible for submission of additional applications requesting support for the development of tourism infrastructure from the Ministry of Tourism. The core cities (aside from the coastal cities) may submit up to eight applications per year; authorities along the coastline may submit up to three requests per year, yet no more than two will be authorized annually; the remaining authorities are permitted to submit requests for the ministry's support for two projects annually, although the ministry will not support more than one annually.[35]
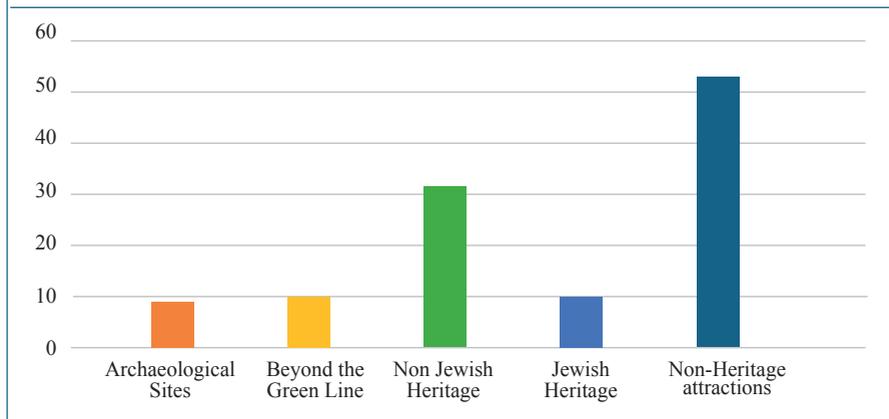
The list of core tourist cities includes many tourist attractions based on the development of sites that conserve a range of different categories of heritage. In order to assess the extent to which this hierarchical division indeed allows for the conservation of diverse heritage sites, we analyzed the mode of operation of the Government Tourism Company, which serves as the Ministry of Tourism's executive arm.

According to the Government's Tourism Company's website, as of September 2020, it was involved in the development of 115 sites (Graph 6).[36] Among them, 10 are located beyond the Green Line. As this document focuses on the conservation of heritage sites within the Green Line, we will not expand on them here. Out of the 105 remaining sites, ten conserve Jewish heritage, 32 conserve non-Jewish heritage, and nine are archaeological sites. In some of these sites, the focus placed on early layers means that the preservation disregards the remains of the Palestinian villages that existed on the site until 1948. Fifty-four additional sites were developed with an emphasis on tourism only. These sites were characterized by the development of crowd-drawing attractions such as promenades and bird-watching points, rather than on heritage and include sites such as Jaffa, Tiberias, and Acre.

35. Instructions from the Director General, **Ministry of Tourism**, 2019. (Heb)
36. Projects, **Government Tourism Company**. For the full list of sites included in this graph see Appendix 5. (Heb)

Graph 6: Sites developed by the Government Tourism Company by categories

A bar chart showing values for five categories:
- Archaeological Sites: ~9
- Beyond the Green Line: ~10
- Non Jewish Heritage: ~31
- Jewish Heritage: ~10
- Non-Heritage attractions: ~52

An examination of the system of laws that regulate conservation procedures in Israel indicates an attempt to equally distribute resources invested in the development of heritage sites among a range of societal identity groups. However, most organizations operating under these laws do not promote equal distribution. One of the primary reasons for this is the hierarchy that the Antiquities Law and Amendment 31 to the Planning and Building Law generate by distinguishing between archaeological and historical sites. Taken together, these two laws do not allow for the equal investment in non-Jewish compared to Jewish heritage sites. An examination of the projects that bodies such as the Council for Conservation of Heritage Sites and initiatives like the Landmarks Program have invested in clearly indicates this.

In addition to countrywide projects, there are specific development programs that emphasize the heritage of a specific site or space. These initiatives, however, focus exclusively on Jewish heritage. For instance, a hiking trail was established in recent years between Tiberias and Beit Shearim National Park, called the Sanhedrin Trail. This trail was developed by the Israel Antiquities Authority who facilitated the development of sites that tell the story of Jewish life in the Galilee during the Byzantine period, yet omits the impact that other cultures had on the region's development.[37] While all these programs are important, the fact is that non-Jewish heritage sites are significantly sidelined and are not subject to nearly the same level of investment. This problem is brought into into greater relief when considering the development agenda for three historic cities: Ramla, Beersheva, and Jaffa.

37. Sanhedrin Trail, **Israel Antiquities Authority.** (Heb)

Part Two:
Case Studies

Ramla

Historical Background

Ramla was built during the early Islamic period, in the 8th century CE by the Umayyads, as part of their efforts to consolidate their control over the region. Its establishment served to advance two goals: on the one hand they aspired to maintain continuity with past regimes over the regional administrative systems. For example, the name of the province of Palestina, in which the city of Ramla was established, was changed to Jund Falastin.[38] On the other hand, the Umayyads sought to distinguish themselves from their predecessors, especially from the Byzantine rulers, and establish their own independent heritage in the area. Ramla was built on the sand dunes adjacent to the former district capital, Lod, with the obvious goal of replacing it. By order of the authorities, most of the industries that had previously been in Lod were transferred to Ramla along with a large part of the city's population. Pilgrims on route from Jaffa to Jerusalem at the time, could stop to rest in Ramla without having to visit Lod nearby.

Within a few years, Ramla became the central city in the area. Its golden age lasted from the 10th through the 11th centuries CE, when it was a large city of approximately four sqm. The 10th century historian Al-Maqdisi described it as one of the most magnificent cities in the world at the time. Over the years, the city saw some of the most impressive construction enterprises in the region: an aqueduct led water to the city from springs near Tel Gezer, located approximately 10 kilometers from Ramla.[39] The water accumulated within a system of pools dispersed throughout the city; Ramla's White Mosque was likely built when the city was founded, and

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38. Gideon Avni, 2008. "The Most Beautiful of Cities": Ramla During the Early Islamic Period: An Archaeological Survey, **Qadmoniot: Journal of Antiquities from the Land of Israel and Biblical Lands** 135, pp. 2–11. (Heb)
39. Amir Gorzalczany, 2008. "The Umayyad Aqueduct to Ramla," Qadmoniot: Journal of Antiquities from the Land of Israel and Biblical Lands 135, pp. 11–16. (Heb)

The Radwan Hammam in Ramla

served as its main mosque.[40]

Two earthquakes in 1038 and 1068 severely damaged the city and it was unable to recover. Although rebuilt after the earthquakes, it was on a much smaller scale, and its center shifted approximately one kilometer east – from the area of the White Mosque to the current location of the Old City of Ramla.[41] However, Ramla remained a central regional nexus and a multicultural city inhabited by large communities of Muslims, Christians, Jews, Karaites, and Samaritans as evident from the churches and mosques built in the city over the years.

Development Plans Within the City

Ramla as a multicultural city, continued to exist into the 20th century. In 1948 it was occupied by IDF forces in 'Operation Danny'. Of the city's 17,000 residents only approximately 400 remained, and they were concentrated in one neighborhood of the city known as the "Ramla Ghetto."[42] In place of the former residents of Ramla, new residents, who had arrived in Israel during the large waves of immigration that followed the establishment of the state, were housed in the now empty neighborhoods. Over the years no significant budgets have been invested in the city's development and it has become a poor city at the bottom of Israel's socioeconomic indices. According to the socioeconomic index published by the Israel Central Bureau of Statistics, in 2019 Ramla was ranked among cluster 4 out of 10.[43] In 2018, approximately 75,000 residents

lived in Ramla, 57,000 of them Jewish and 18,000 of them Arab.[44]

Although Ramla still has some monumental historic buildings that represent the city's development under centuries of Islamic rule, the municipality has hardly invested any money in their preservation. In fact, up until the establishment of the Israel Antiquities Authority in 1990, only five archaeological excavations took place in the city. Only once the Israel Antiquities Authority was established and it began to enforce criteria for construction at declared antiquities sites did more details begin to emerge about the city's past. However, an extensive research excavation is yet to take place in the city.

The city also lacks a comprehensive plan for tourism development. In 2016 former Minister of Tourism Yariv Levin, committed to investing in the upgrading and development of the city's major tourist sites and as a result, funds were channeled to specific sites, including the Pool of Arches. However, focus on specific sites without an overall plan, prevents the municipality from carefully assessing the city's major heritage sites and preparing plans to integrate them into broader development plans. As a result, many sites that reflect the city's Islamic and Palestinian heritage are neglected or erased. An example of this is the impressive Ottoman period Radwan Hammam at the center of Ramla's Old City. Today, its entrance hall is exposed and fenced off, yet the remaining rooms are buried under the parking lot of an adjacent events hall. Because the hammam is centrally located, a decision was made to allow for its conservation and development, yet ultimately this decision was not executed.[45] Today, the open fenced-off area of the hammam, is filled with litter and building waste.

The Armenian Quarter of the city also suffers from neglect. Historical sources attest to an Armenian community in Ramla since the Crusader period. In 2001, the municipality decided to demolish large parts of the quarter in order to build a parking lot for visitors to the market.[46] Today, sharp-sighted visitors who come to the area may notice the remains of magnificent buildings on site, yet without conservation they, too, will

40. Myriam Rosen-Ayalon, 2008. "The White Mosque of Ramla: Retracting its History," **Qadmoniot: Journal of Antiquities from the Land of Israel and Biblical Lands** 135, pp. 51–55; Katia Cytryn-Silverman, 2008. "The Minaret of the White Mosque in Ramla," Qadmoniot: Journal of Antiquities from the Land of Israel and Biblical Lands 135, pp. 56–64. (Heb)

41. Shimon Gat, 2008. "The Disappearing Destruction of Early Ramla," Qadmoniot: Journal of Antiquities from the Land of Israel and Biblical Lands 135, pp. 65–69. (Heb)

42. Majdulin Baydas, Anat Moshe, Raghda Elnabilsy and Yuval Tamari, 2004. Remembering Ramla, **Zochrot**. (Heb)

43. List of Clusters, **Israel Central Bureau of Statistics**. Socioeconomic clusters gauge local authority's socioeconomic level distributed on the basis of demographic figures, quality of life, education and training, occupation, underemployment, and pension. By Tamir Agmon, 2016. The Israel Central Bureau of Statistics Socioeconomic Index: description and analysis of its use for allocation budgets to local authorities and a description of additional indices, **The Knesset**, Research and Information Center. (Heb)

44. Ramla – General Data, 2018, **Israel Central Bureau of Statistics**. (Heb)

45. Radwan Hammam, **Ramla Municipality Tourism Department**. (Heb)

46. The Armenian Church in Ramla, **Yoaview: a different point of view**.

become rubble. Without underestimating the importance of offering parking spots to Ramla Market visitors, it seems likely that had there been a comprehensive plan for the city's development and the conservation of its heritage sites, other alternatives for the parking lot may have been explored.

Structure in state of neglect in Ramla's Armenian quarter

The Old City of Beersheva

Historical Background

The city of Beersheva is located in the northern Negev. Based on archaeological finds, the first settlement in the area emerged during the Chalcolithic period (6000-4000 BCE) along the Beersheva River. There has been periodic settlement in the area ever since, with fluctuations caused by climate change and demographic shifts in the region. During the Roman period, for example, a Roman camp was established in the area and evolved into the nucleus of a city which remained in existence until the early Islamic period.[47]

In late Islamic and Ottoman times, most of the population in the Beersheva and Negev area were nomadic Bedouin, and there was no urban center in Beersheva. Only toward the end of the 19th century, following the opening of the Suez Canal, renewed interest in Beersheva led to the establishment of a regional city. This was the only city in Palestine which had been built by Ottoman authorities from the ground up. The city was thoroughly planned and paved with a system of roads arranged in a grid. Plots of fixed sizes were marked along the roads. The city rapidly developed into the administrative center of the entire Negev region, and government buildings were established along with educational and cultural institutions – including, a police station, governor's residence, and the Great Mosque. During the First World War, a railroad was built between Beersheva and Ramla, to facilitate the passage of military forces.[48]

The city continued to develop both following the British occupation in 1917, and under Israeli rule. Over the years, new neighborhoods were established around the Old City,[49] and it continued to serve as a commercial center until 1990 – when the first mall was built and businesses migrated out of the Old City.

47. Peter Fabian and Isaak Gilead, 2010. Beersheva (Compound C), **Archaeology News** 122; Davida Eisenberg-Dagan and Svetlana Talis, 2020. Beersheva (Compound C), **Archaeology News** 132.
48. Ilan Gal-Peer, 1991. "The Establishment of Beersheva During the Ottoman Period", in Gideon Biger and Eli Shiller (eds.), **Sites of Beersheva**, Jerusalem: Ariel, pp. 31–37; Pinchas Pick, 1991. "Conquest of Beersheva During the First World War," in Gideon Biger and Eli Shiller (eds.) (ibid.), pp. 38–44. (Heb)
49. Hila Tal, 1991. "The Establishment of Hebrew Beersheva," in Gideon Biger and Eli Shiller (eds.) (ibid.), pp. 53–63. (Heb)

Development Plans for Beersheva

According to the Central Bureau of Statistics, Beersheva falls into socioeconomic cluster 5.[50] As of 2018, from among 209,000 residents, 203,500 are Jews and approximately 5,500 are Arabs.[51] Since the early 2000s there has been tremendous development in Beersheva – including the construction of new neighborhoods, [52] the expansion of Ben-Gurion University in the Negev,[53] and the establishment of a new area for the high-tech and cyber industry.[54] There are also plans to move the center of the intelligence forces to the area of Beersheva.[55] All initiatives are intended to contribute to ongoing development in the city and its prosperity in the coming years.

50. List of Clusters, **Central Bureau of Statistics**. (Heb)
51. Beersheva – General Data, 2018, **Central Bureau of Statistics**. (Heb)
52. Sharon Tal, 2018. From Early 2018: Record Growth in Building Permits in Beersheva, **b7net: The City's DNA**. (Heb)
53. Danny Beller, 2013. Ben Gurion University Will Double Its Territory, **NRG**. (Heb)
54. National cyber system activity in the city of Be'er Sheva - the cyber capital of Israel, **National Cyber System**. (Heb)
55. Amir Bohbot and Yanir Yagne, 2.7.2020. Gantz ordered to advance the transfer of the Military Intelligence Directorate to the Negev: Results of the tender next week, **walla**. (Heb)
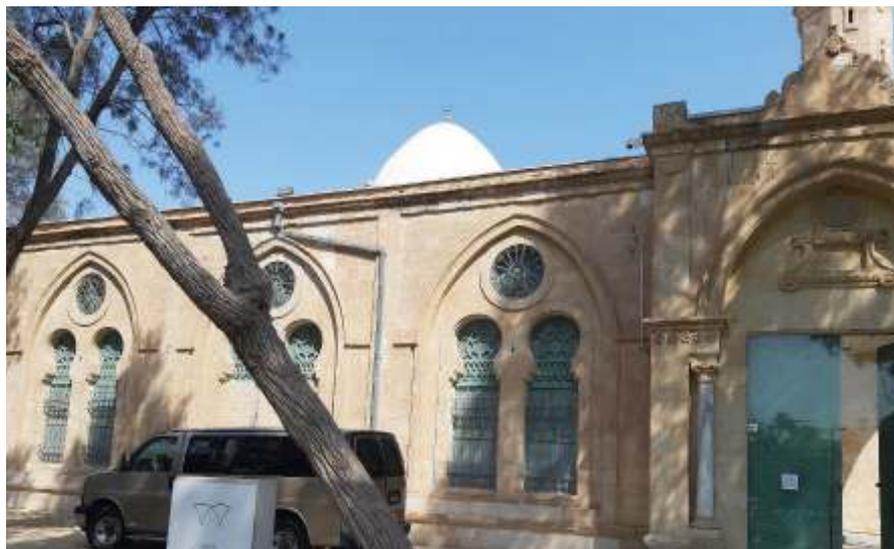
The Great Mosque in Beersheva

Within the framework of these plans, the Beersheva Municipality is also advancing the development of entertainment complexes in the city. The Old City has been chosen to be among such complexes. The development plans aim to preserve the planning model developed for the city during the Ottoman period, and transform it into a center for leisure activities.[56] Toward this end, the municipality promotes the restoration and conservation of buildings in cooperation with government ministries.[57] Yet these ministries and other bodies, among them the Council for the Conservation of Heritage Sites in Israel, did not participate in shaping a wholistic policy for the Old City's conservation and development, but focused on supporting site-specific projects.

Throughout the Old City of Beersheva, historic sites that reflect its heritage as an Ottoman and Arab city are scattered alongside those that reflect its Jewish and Zionist heritage. Beersheva is one of the exceptional cases where the preservation of a non-Jewish heritage is integrated into urban development processes. One such example is the treatment of the compound of the city's Great Mosque and the governor's residence, which previously served as the city's administrative center. Following the establishment of the state, the mosque served as a detention center, and as of 1953 it became an archaeological museum called the Negev Museum of Art. The museum closed in 1992. In 2002, the Adalah Center for Rights and Freedoms filed a petition to the High Court of Justice along with other human rights and community organizations in the Negev, against the municipality's decision to establish a museum in the city's Great Mosque. The petition posited that although there are thousands of Muslim residents of Beersheva, there is not a single mosque in the city. It sought to restore the mosque for prayer, yet the municipality objected as it claimed that reopening it could encourage violence. The court accepted the municipality's claim, despite a minority opinion held by Judge Salim Joubran, yet obliged the municipality to open a museum of Islamic history in the mosque. In 2014, after over a decade of legal battles, the Museum of Islamic and Near Eastern Cultures was opened on site.[58]

56. Conservation of the Old City, **Be'er Sheva Municipality**. (Heb)
57. Old City and Tourism Director, **Be'er Sheva Municipality**. (Heb)
58. Shany Littman, 21.12.2014. Why does the Museum of "Islamic and Near Eastern Cultures" Upset Muslims?, **Haaretz**. (Heb)

The Muslim community ought to have been allowed to use the structure as a mosque. However it is worth noting that as part of the conservation work undertaken in the process of converting the mosque into the museum, efforts were made to preserve the structure's façade, including the ornamentation and inscriptions denoting its original function as a mosque. A visitor's pamphlet details the history of the building. The pamphlet is available in Hebrew, Arabic, and English.

The year that the Museum of Islamic and Near Eastern Cultures opened in the former Great Mosque of Beersheva, the Negev Museum of Art also opened in a building that served as a governor's residence during the Ottoman period.[59] Conservation work in the building ahead of the museum's opening, sought to preserve the original plan. A sign placed outside of the museum explains its historic importance. Yet art exhibitions displayed there over the years almost exclusively present Jewish artists, and there is no attempt to promote exhibitions and activities that reflect a recognition of the complex past of the building and of Beersheva at large.[60]

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59. About, **The Negev Museum of Art.**
60. The Building, **The Negev Museum of Art.**

Signs at entrance to Allenby Gardens and at the entrance to the Governor's House/Negev Museum of Art

Opposite the mosque complex and the governor's residence is the entrance to Allenby Garden. This garden was planted in 1902 and was redesigned in 1915 per Djemal Pasha's orders, who served as the military governor of the Syrian province. This is the first public garden established in Beersheva, and one of the first in the entire country. In 1923, approximately six years after the British Empire's conquest of Beersheva, a statue of General Allenby, who commanded the British forces that occupied Palestine, was placed on a pillar in the center of the garden. The statue was destroyed during the riots of the Great Arab Revolt in 1936. As part of the garden's restoration work in 2007, the municipality erected a replica of the statue. Today visitors of the garden may enjoy its beauty along with detailed explanations of its history.

Monument commemorating Ottoman casualties in the battle against the British forces

It is also important to note the conservation of the Turkish Railway station in Beersheva, which was established outside the city limits. Today the railway station serves as a cafe and performance complex. A monument was erected outside the station, in memory of the Ottoman combatants killed while defending the city from British forces.

The municipality also promotes the preservation of Jewish and Zionist heritage in the area of the Old City. For example, in its center, near the parking lot, a sign was put up detailing a concert given by the Israel Philharmonic Orchestra conducted by Leonard Bernstein following the conquest of the city in 1948, which had been attended by soldiers who had fought in the war.

Another example is the Abraham's Well International Visitors' Center built in in 2013. The center features a well that was excavated during the Crusaders period.[61] Yet the well is presented to the general public as having been excavated by Abraham the patriarch, approximately 2,500 years earlier, during the Middle Bronze Age. The visitors' Center, funded by the Landmarks Program, seeks to brand itself as a center where children may hold Bar or Bat Mitzvah ceremonies and connect to their Jewish roots.

As a whole, the city of Beersheva has chosen a unique means of conserving findings in the area and presenting them to reflect the heritage of a range of different identity groups in the area, past and present.

Jaffa

Historical Background

Jaffa is one of the oldest cities in the country, and an important port city. The natural bay along the city's coast was conducive to the emergence of a central port. The city's proximity to the sea route, which linked Egypt with Syria, made Jaffa a major regional economic center, and its proximity to Jerusalem turned it into a major transit point for Christian pilgrims.[62]

Historically, the settlement in Jaffa experienced ups and downs. According to archaeological evidence, the city was a political and administrative center in the Late Bronze Age (1500-1200 BCE), and the Egyptian Empire, which governed the Land of Canaan at the time, established a fortified city. Excavations of the area currently known as the Summit Garden uncovered parts of this city.[63] According to the writings of the Roman historian Titus Flavius Josephus, during the Hasmonean period, the city was conquered by the Hasmonean kingdom and served as its main port city, until the Roman conquest in the first century AD.[64]

The city was an urban center until the Muslim conquest of the 7th century, yet thereafter the appeal of the port declined, along with that of the entire city. The city was destroyed by the Mamluk Sultan Baibars in order to prevent Crusaders from reconquering it. During Napoleon's conquest of 1799, Jaffa was described as a small fishing village.[65]

The 19th century was a time of renewal in Jaffa as it grew into the most important port city in the region, serving as the city's primary economic engine and driving a multicultural urban scene. Up until the end of the

61. Ilan Gal-Peer, 1991. ″Challenges in Be'er Sheva,″ in Gideon Biger and Eli Shiller (eds.) (supra note 48), pp. 75–144. (Heb).

62. Debra Foran, 2011. ″Byzantine and Early Islamic Jaffa,″ in Aaron A. Burke and Martin Peilstöcker (eds.), *The History and Archaeology of Jaffa*, I, Los Angeles: Cotsen Institute of Archaeology, pp. 109–120.
63. Aaron A. Burke, 2011. "Early Jaffa: From the Bronze Age to the Persian Period," in Peilstöcker and Burke (eds.) (ibid.), pp. 63–78.
64. Yoav Arbel, 2011. "The Hasmonean Conquest of Jaffa: Chronology and New Background Evidence," in Peilstöcker and Burke (eds.) (ibid.), pp. 187–196.
65. Katherine Strange-Burke, 2011. "Mamluk Jaffa: A Note," in Peilstöcker and Burke (eds.) (ibid.), pp. 127–128.

19th century, Jaffa was the most important economic and cultural center in the region,[66] boasting a diverse population of Muslims, Christians, and Jews living in the city in mutual respect.[67] In the second half of the 19th century, the city experienced a major development boom: the walls surrounding the Old City were demolished, and new neighborhoods built in a modernist European style grew up around it. One of the neighborhoods was Ahuzat Bayit, which was established in 1908 and later developed into the city of Tel Aviv.[68]

Tel Aviv soon transformed from a neighborhood of Jaffa into a rival city. As Tel Aviv became the Zionist movement's urban center, Jaffa served as the urban center for Palestinian society. Thus, the conquest of Jaffa in 1948 and its annexation in 1951, are among the symbols of Palestinian defeat and the State of Israel's victory. The narrative according to which Jaffa is Tel Aviv's opposite, continued to play a decisive role in Jaffa's development process following the establishment of the state.[69] Up until 1948, Jaffa was referred to as the "Bride of the Sea" and served as an economic, political, and cultural regional center. In 1951, it was annexed to Tel Aviv, its neighborhoods became slums, and its infrastructure was neglected.[70]

Development Plans in the City

According to data from the Central Bureau of Statistics, the city of Tel Aviv-Jaffa is located in socioeconomic cluster 8; as of 2018, the city was home to approximately 451,000 residents – 431,000 of them Jews, and 20,000 Arabs.[71] Most of its Arab residents live in Jaffa.

66. Rassem Khamaisi, 2009. "Jaffa: From a Central City to a Peripheral Neighborhood in Tel Aviv-Jaffa," in Baruch Kipnis (ed.), **Tel Aviv-Jaffa: From a Garden Suburb to a Global City** Haifa: Pardes, pp. 174–193; Ruth Kark, 2003. **Jaffa: The Growth of a City 1799–1917**, Jerusalem: Ariel; Mark LeVine, 2005 (Heb). *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine 1880–1948*, Berkeley, Los Angeles and London: University of California Press.
67. Menachem Klein, 2017. **Links: The Story of the Children of Israel**, Tel Aviv: Hakibbutz Hameuchad – Kav-Adom. (Heb).
68. Hizki Shoham, 2012. "Tel Aviv's Founding Myth: A Constructive Perspective," in Maoz Azaryahu and Ilan Troen (eds.), *Tel Aviv, the First Century: Visions, Designs, Actualities*, Bloomington and Indianapolis: Indiana University Press, pp. 34–59.
69. Mark LeVine, 2007. "Fateful Triangles: Modernity and Its Antinomies in a Mediterranean Port City," in Alev Çinar and Thomas A. Bender (eds.), Urban Imaginaries: Locating the Modern City, Minneapolis and London: University of Minneapolis Press, pp. 121–147.
70. Daniel Monterescu and Roy Fabian, 2013. "'The Golden Cage': On gentrification and globalization in the luxurious Andromeda gated community in Jaffa," **Theory and Criticism** 23, pp. 141–178. (Heb).
71. Tel Aviv-Jaffa – General Data, 2018, **Central Bureau of Statistics**. (Heb).

Tel Aviv-Jaffa is among the richest and best-established cities in Israel, yet Jaffa itself did not reap the benefits of this wealth, and among Jewish-Israeli society was considered a slum with high crime rates. In the 1990s, this trend changed, and the municipality began promoting plans for the development of Jaffa as a tourist hub. The plans included the conservation of multiple structures that symbolized the transformation of Jaffa into an urban center for Palestinian society in the early 20th century, namely, the square around the Jaffa Clock Tower built in the late 19th century at the entrance to the city including the governor's residence (Saraya), a police station and detention center (Qishle), the largest mosque in Jaffa (Mahmoudiya Mosque) and the Clock Tower itself, after which the square is named, built to mark twenty-five years of Sultan Abdul Hamid II's reign. Additional plans were drawn up for the development of the port – the economic engine that enabled Jaffa's development, and later Tel Aviv's.[72]

These plans were promoted by the Tel Aviv-Jaffa Municipality and the Government Tourism Company, the Ministry of Tourism's executive arm. Yet many other bodies have a vested interest in the decisions regarding the conservation of heritage sites in the city, which was reflected in the submission of objections to development plans. An example of this is the objections to plans for the development and conservation of the Clock Tower and the buildings situated around the square. The Clock Square was built in the late 19th century to serve as a new entrance to the growing city. In 2005, the municipality decided to convert the designation of the Qishle building, which had served as the headquarters of the Israel Police's Yiftach subdistrict, into a luxury hotel.[73] Two objections were filed against this plan. The first was submitted by the Council for the Conservation of Heritage Sites in Israel who claimed that the additions to the building approved for the developers, would damage the Clock Square's historic character, as the elevated buildings in the complex would hide the Mahmoudiya Mosque's minaret from anyone arriving to the area from the north.[74] The second

72. **Jaffa Tourism Development Implementation Plan for 2001–2006**, Tel Aviv: Ministry of Tourism, Government Tourism Company and Tel Aviv-Jaffa Municipality, Jaffa Mishlama, 2002. (Heb).
73. Shiri Hadar, 2017. A Peek at the New Hotel in Jaffa's Famous Square, **ynet**. (Heb).
74. The Qishle Building – David Raziel Street 22: objection to request for eased restrictions regarding Building Permit No. 13-0710, Building File No. 3002-022. Submitted on 9.4.2013, **The Tel Aviv-Jaffa Municpality's Engineering Archive**. (Heb).

objection to the plan was issued on behalf of the Jaffa Islamic Council – according to which the hotel slated for construction in the Qishle complex would be built on the remains of a Muslim cemetery that was located on site until the early 20th century. However, the Israel Antiquities Authority, which carried out salvage excavations on site, claimed that no graves were found and thus approved the construction. In both cases, the court rejected the oppositional claims.[75]

The Council for the Conservation of Heritage Sites in Israel also filed an objection to a conservation plan for the Jaffa Port as the plan called for the demolition of the port's terminal building – this structure was the gateway for anyone entering Palestine through the port, yet the municipality claimed in response that the building was in terrible condition, and the economic resources required to invest in its conservation would not justify such efforts.[76] According to the Council for the Conservation of Heritage Sites in Israel, the building has first-rate historical and architectural values, and it proposed turning the structure into a museum of the history of Zionist immigration to the Land of Israel, thus creating another economic anchor to enable the development of the Jaffa Port and the city at large.[77] Following a long process that included appeals across all courts, the High Court of Justice ruled in favor of the Tel Aviv-Jaffa Municipality in approving the demolition of the structure.[78] In July 2020 the demolition process commenced.[79]

75. Bloc 7118, plot 14, Building File No. 3002-022, Application No. 03-0170, 22.4.2013. The Tel Aviv-Jaffa Municipality's Engineering Archive. (Heb).

76. Nili Armoza, 2015. **Documentation File: The Northern Building – Jaffa Port**, Tel Aviv: Lir Architects LTD. (Heb).

77. Shmuel Groag, Shmuel Giller and Eyal Ziv, 2013. **Passenger Terminal, Jaffa Port – Mandatory "Custom House": Documentation File**, Mikveh Israel: The Council for the Conservation of Heritage Sites in Israel. (Heb).

78. HCJ 5974/17, **The Council for the Conservation of Heritage Sites in Israel v. The National Council for Planning and Construction, Protection of the Coastal Environment Committee, Government of Israel and Tel Aviv-Jaffa Municipality**, 29.11.2018. (Heb).

79. Dotan Levy, 2020. Despite the Appeal: The Tel Aviv Municipality has Begun Demolishing the Jaffa Customs House, **Calcalist**. (Heb).

Conclusion

In this document we sought to examine the policies which underlie the investment in conserving and developing non-Jewish heritage sites in Israel and the implementation of these policies. The conservation of heritage sites has been an important part of the process of shaping the identity of Israeli society. As with many countries throughout the world, state authorities responsible for selecting sites for development invest the majority of their resources in developing heritage sites that strengthen the hegemonic societal group's connection to the land, which in this case is that of the Jewish people. As a result, heritage sites representing non-Jewish identity groups have been neglected and even demolished.

As indicated by the data presented in this report, this state of affairs worsened with the enactment of Amendment 31 to the Planning and Building Law of 1991 which stipulated that each municipality may determine the conservation policy for its territory. In theory, municipalities with populations from diverse ethno-national backgrounds and whose heritage sites represent changing cultures, are granted the opportunity to emphasize diverse aspects of the existing multicultural heritage in the State of Israel. Yet in effect, the amendment created two separate sets of laws – one for the conservation of archaeological sites, which are entitled to automatic protection from development actions that may harm them; the other for the conservation of historic sites (sites from after 1700) where there is a built-in burden of proof of historic importance.

The creation of two separate sets of laws is particularly detrimental to the preservation of heritage sites that represent underrepresented societal minority groups. For the most part, these groups lack the political and economic levers needed to preserve these heritage sites. Indeed, in recent years many programs have emerged that aim to preserve Jewish heritage sites, yet there remains an ongoing shortage of financial resources for the conservation of heritage sites for non-Jewish societal identity groups.

The case studies presented in the document emphasize that this situation is prevalent in well-established municipalities, such as Tel Aviv-Jaffa, as well as in less well-endowed municipalities, such as Ramla. In this context, it is

worth noting that the conservation approach manifest in Beersheva, made it possible to preserve the heritage of diverse, and not only Jewish, identity groups. However, as this report shows, Beersheva is the exception rather than the rule.

There is a clear need to create a nation-wide mechanism that will set a comprehensive policy for the conservation of archaeological and historical sites, enabling adequate representation for all the cultures that contributed to the development of the country. Promotion of such an initiative will not only enrich existing knowledge of the variety of cultures that left their traces in the county but will also generate new opportunities for tourism development for the benefit of all sectors of the population.