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Cabinet Decision to Allow Israeli Civil Administration Jurisdiction at Heritage Sites in Area B of the West Bank

The recent reports in the Israeli media about the cabinet's decision to penalize the Palestinian Authority (PA), legalize outposts, and advance steps towards annexation (along with the allocation of hundreds of millions of shekels to Minister Orit Stroom), have revealed [another decision](#) concealed within it which would empower the Israeli Civil Administration (ICA) to enforce actions against the destruction of heritage sites in Area B of the West Bank. This decision effectively nullifies governance distinctions in the field of antiquities as defined by the Oslo Accords. In practice, the decision grants the ICA (now under the auspices of far-right Minister Bezalel Smotrich) permission to expand its activities, to restrict development and even carry out demolitions in areas designated as antiquities sites or suspected of containing antiquities in Area B.

Summary of the decision and its implications (details to follow)

This decision joins a [series](#) of [recent decisions](#) by the government and the cabinet regarding the West Bank, aimed at accelerating the process of annexation led by settlement leaders. The decision reflects recommendations from far-right organizations over recent years. On the one hand, they promote the expansion of the ICA's powers, in this case, those of the Staff Officer for Archaeology (SOA), beyond the remit stipulated by the Oslo Accords into Areas B and even A. On the other hand, the settlers aim to withdraw powers from the SOA in the West Bank and hand responsibility over to the Israel Antiquities Authority (IAA). These two processes complement each other, rendering Israel's obligation as an occupying power to protect antiquities into a means for advancing annexation.

Approximately 6,000 archaeological sites have been identified in the West Bank. Almost every village or settlement contains archaeological and historical remains that require archaeological supervision to prevent damage to sites, structures, or findings. Thousands of sites are located in Areas A and B, and, according to the Oslo Accords, the responsibility for their management was transferred to the Palestinian Department of Archaeology and Cultural Heritage (DACH), operating under the PA's Ministry of Tourism. Thus, expanding the powers of the SOA into these areas represents another Israeli departure from the Oslo Accords. The implications of the decision for Palestinian residents are far reaching. The SOA, which derives its authority from the antiquities law effective in the West Bank (the

Jordanian Antiquities Law of 1966), will now be empowered to perform various enforcement actions in Area B including:

- Declaration of archaeological sites, determining their boundaries.
- Issuing work stoppage orders for any development within the boundaries of a declared site or a site suspected of containing archaeological remains.
- Imposing fines for damage to an antiquity site, whether the site is declared or not.
- Demolishing structures located within a declared archaeological site or one that will be declared in the future.
- Collecting information, investigating, and requesting the arrest of suspects in antiquities theft or illegal antiquities trade.

This decision taken together with other decisions for Area B aimed at promoting annexation will dramatically reduce Palestinian space. It should be noted that the SOA consistently avoids enforcing the law when it comes to heritage site destruction by settlers (this is true in [Hebron](#), [Battir](#), and in other places).

The cabinet's decision has several very serious implications:

- **Further erosion of Israel's commitment to the Oslo Accords and to the two-state solution** – annexation of Area C, alongside the establishment of mechanisms for seizing land in Area B under the pretext of heritage preservation.
- **Further reducing Israel's commitment to international law and international heritage conventions** (even those which Israel is a signatory to).
- **A further withdrawal from international frameworks and international organizations in the field of heritage** – notably UNESCO and ICOMOS.
- **Strengthening the boycott movement and increasing international isolation of Israeli archaeologists** – particularly as the line between legitimate archaeological activity and activities which violated international laws and norms in the oPt is increasingly blurred.
- **Heritage policy based on notions of Jewish superiority** – the decision ostensibly seeks to save "national" (Jewish) heritage but ignores, and necessarily undermines, all non-Jewish heritage.

The expansion of archaeological activity into the oPt, especially as reflected in this cabinet decision, indicates the government's intention to promote annexation by any means. It also fundamentally challenges the possibility of conducting impartial archaeological-scientific activity as long as it operates as part of an oppressive mechanism under military auspices.

Israeli archaeological activity in the West Bank necessarily becomes an act of land appropriation and a deepening of Israel's hold on the West Bank. This action violates international law and ethics, disregards the existence of the Palestinian community, and serves as a weapon for oppression.

The destruction of sites cannot and should not serve as a pretext for political action, and political action should not be disguised as archaeological activity. Blurring the distinction between heritage preservation and settlement and annexation activities turns the practice of archaeology into a weapon of oppression while undermining its professional legitimacy.

Expanded Explanation of the Decision and Its Significance

The legal framework governing antiquities in the West Bank is subject to [international treaties and conventions](#) regarding territories under military occupation. All Israeli governments (until the current one) have at the very least been guided in their approach to areas beyond the Green Line by these conventions, regardless of their political stance. According to Article 43 of the 1907 Hague Convention, when a territory is under occupation, the occupying power must respect and preserve the legal system previously in place. Thus, the primary law relevant to ancient sites is the 1966 Jordanian Antiquities Law. Additionally, the First Protocol of the [1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict](#), to which Israel is a signatory, limits the actions of the occupying power to the protection of cultural property. For these reasons, the Staff Officer for Archaeology (SOA) unit must remain separate from the Israel Antiquities Authority (IAA), which operates under Israeli law not applied to the territories, thus making the IAA unauthorized to operate in the West Bank.

The SOA is a unit within the [Israeli Civil Administration \(ICA\)](#) serving as the de facto replacement for the head of the Jordanian Antiquities Department and the ultimate authority for professional decisions on the treatment of antiquities in the area. The antiquities laws under which the staff officers operate include the 1966 Jordanian Antiquities Law and military orders from 1986 (Orders 1166 and 1167), some of which are institutional (e.g., appointing the SOA instead of the relevant minister; allocation of responsibilities) and others entail ongoing adaptations in response to developments.

In 1995, Israel and the Palestinian Authority (PA) signed the [Oslo II Agreement](#) (the Interim Agreement on the West Bank and the Gaza Strip), dividing the West Bank into three parts: A, B, and C. In Areas A and B (constituting about 40% of the West Bank), governance over

civil matters (including the responsibility for archaeological sites and artifacts) was handed over to the PA. In Area C (about 60% of the West Bank), the ICA continued to manage civil matters. The agreement stipulated that archaeological activity in Area C would gradually transfer to the PA, in accordance with progress on a permanent settlement.

Throughout Israeli military rule in the West Bank, Israeli scholars in the field of archaeology attempted to safeguard scholarly research of sites ostensibly, politically and ideologically neutral, from the increasing exploitation of archaeology and heritage sites for ideological purposes by the Jewish settlement movement. However, over recent years, this distinction has been eroded, and archaeological activity in the oPt as a whole blurs the boundaries between academic research and ideological-messianic action. Today, the academic field of archaeology in the oPt has been weaponized to facilitate the appropriation of land, displacement of Palestinians from their homes, and severing communities from their cultural heritage. Various settler organizations have emerged in recent years across the West Bank to develop archaeological sites for tourism, alongside scientific and pseudo-scientific research projects aimed at proving an exclusive connection by the Jewish people's connection to specific sites and by extension to the entire West Bank (Judea and Samaria). These organizations also host professional conferences and publish collections of articles intended to lend an appearance of scientific legitimacy to their [political claims](#).

In recent years, senior officials from the IAA and various academic institutions have attended and participated in these conferences, granting them an appearance of professional recognition and legitimacy. This occurs while leading academic bodies worldwide refrain from participating in research in the occupied territories due to their commitment to [international law and conventions](#). This commitment, which is almost absent among the Israeli archaeological community, fuels arguments for boycotting Israeli academics.

Since 2019, there has been a significant increase in settler activity at antiquities sites across the West Bank, with the central organizations involved (Regavim, Shomrim Al Hanetzach (Guardians of Eternity), and Shiloh Forum) focused on highlighting the importance of the sites to "national heritage" (i.e., Jewish heritage), alongside an effort to create the appearance of a state of "archaeological emergency" (unsupported by data), which portrays Palestinians as looters and destroyers of antiquities, operating with a clear strategy to erase "Jewish" heritage sites and to deny the Israeli connection to the area. In the name of "protecting antiquities" these organizations seek to intensify Israeli archaeological activity

in the oPt by bringing academics and representatives of the IAA lending legitimacy to Israeli presence and deepening Israeli control over Area C and even increasingly over Area B.

In September 2021, the Shiloh Forum published the "[National Heritage Survey](#)" in the "Judea and Samaria" areas, claiming that 80% of the surveyed sites had been damaged by looting. However, the survey did not provide details about the research methods used, the sites examined, or the criteria for determining the degree of site destruction. Continuing the core messages of the archaeological-political campaign, the report offered a one-sided, ostensibly professional solution that entailed expanding the IAA's activities into the West Bank and creating "heritage sovereignty", ideas that effectively mean annexing West Bank territories.

At a discussion initiated by MK Orit Strook in January 2022 at the Knesset Education, Culture, and Sports Committee, led mainly by representatives of "Shomrim Al Hanetzach" (Guardians of Eternity), the committee recommended examining extending the remit of the IAA into the West Bank (to either assist the SOA or alternatively establish a "Judea and Samaria district", effectively canceling the SOA). The main justification for this recommendation was the claim that the SOA unit lacks the resources to perform its work (although the SOA's activities have never been fully reviewed, and there is insufficient data to assess its operation and quality). Early signs of this decision were seen in July 2022, when the IAA published a series of tenders for positions for the West Bank. In January 2023, destruction of structures in Area B citing archaeology as a reason were reported as having been carried out in November 2022, in violation of the Oslo Accords.

Following the establishment of the 37th government, a government decision to [reorganize](#) the heritage field (Decision No. 90) was passed. Following on coalition promises, the [primary objective](#) was to make the Heritage Ministry an independent office headed by settler minister Amichai Eliyahu, a member of the far-right Otzma Yehudit (Jewish Power) party. In this framework, responsibility for the IAA, along with relevant personnel and budgets from various government ministries, was transferred to the ministry. Entrusting (or abandoning) the Heritage Ministry and control over the field to a far-right settler minister necessarily indicated that archaeological sites in the West Bank would be top priority.

In January (15/01/24), during the war, the chair of the Subcommittee on the Occupied Territories (Subcommittee on Judea and Samaria Affairs under the Foreign Affairs and Defense Committee), MK Zvi Sukkot, held a [discussion](#) on the situation of the Mount Ebal site (located in Area B within the village of Asira a-Shamaliya). The site made headlines in

January 2022 and again in March following a sifting project conducted in December 2019 and January 2020 by settlers and archaeologists belonging to an American evangelical ministry. During those months, soil from the site was excavated and collected (without an excavation license, as the authority to issue such a license belongs to the PA's DACH) and [large soil bags were transported](#) from the excavation site to a school in the settlement of Shavei Shomron settlement (Area C). About a year ago, in July 2023, a second operation was carried out by the same individuals, this time accompanied by the SOA unit, and the public was even invited to [participate in the sifting](#). These actions ostensibly violate local and international law, as well as the Oslo Accords. In the discussion held by Sukkot, while completely ignoring the illegal excavation, settler representatives demanded expanding the military and SOA enforcement activities at the site. ICA officials reiterated that unless official policy changes, the Oslo Accords prohibit actions at the site.

In response to the cabinet's recent decision, MK Sukkot published an opinion piece on Channel 7, clarifying the cabinet's intention: "The State of Israel is claiming for itself the authority to enforce the law at all our heritage sites, even in Area B, such as Mount Ebal, Tel Aroma, etc. ..."

This decision aims to legitimize the continued dismantling of the PA, the collapse of the two-state idea, and increased settler activity in Area B (such as the [pilgrimage](#) held in October 2023), all under the guise of "protecting" and "caring for" antiquities (as long as they can be linked to the Jewish narrative).

It is important to note that the SOA unit repeatedly avoids enforcing the law when it comes to the destruction of heritage sites by settlers. For example, the SOA legitimized and whitewashed the activity at [Mount Ebal](#), carried out without a license. The SOA also ignored the destruction of the [World Heritage Site in Battir](#) due to the establishment of an illegal outpost within the site and the destruction of dozens of ancient terraces by settlers. Also, the SOA consistently overlooks settler activities that severely damaged the Deir al-Arba'in site (the Tomb of Jesse and Ruth), which underwent extensive renovation without a preservation plan and was carried out by unskilled workers.

The destruction of ancient sites and historic monuments is a painful issue throughout the Middle East, due to either rapid development or conflict. Hundreds of sites within the State of Israel and beyond are damaged annually by infrastructure construction, and hundreds of sites have been damaged and looted due to regional conflicts (such as in Syria and Iraq). The current government decision reflects a fundamental shift in policy, authorizing settlers and the Heritage Ministry to operate anywhere in the West Bank, including in Area B, under

the pretext of heritage protection, without the cooperation of the PA. This decision indicates the government's intention to promote annexation by any means, severely undermining the Oslo Agreements and is contrary to international law and the values embodied in it. In addition, the decision will no doubt put pressure on the departments of archaeology at the universities who will be seen by colleagues around the world as complicit in serving this ultra-nationalist policy of land appropriation in the oPt.

About Emek Shaveh

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. We object to the fact that the ruins of the past have become a political tool in the Israeli-Palestinian conflict and work to challenge those who use archaeological sites to dispossess disenfranchised communities. We view heritage sites as resources for building bridges and strengthening bonds between peoples and cultures and believe that archaeological sites cannot constitute proof of precedence or ownership by any one nation, ethnic group or religion over a given place.

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