

Press Release: Urgent Alert – Knesset to Debate Legislation Representing Annexation In Realm of Antiquities

November 25, 2024 –

This Wednesday, November 27th, the Knesset's Education, Culture, and Sports Committee will deliberate a proposed amendment to the Antiquities Authority Law (1989) to expand the Israel Antiquities Authority into the West Bank. The proposed amendment which passed a preliminary vote [in July](#) threatens to fundamentally change the governance of antiquity sites in the West Bank.

The proposed amendment to the 1989 Antiquities Authority Law (P/2345/25: The Israel Antiquities Authority Law (Amendment – Authority of the Israel Antiquities Authority in Judea and Samaria), 2023), introduced by Likud MK Amit Halevi, is intended to equate the status of antiquities in Israel with those in the West Bank and to extend the responsibility of the Israel Antiquities Authority (IAA) to this area.

If passed, the bill will transfer governance over antiquities in the occupied territories from the Staff Officer for Archaeology within the Israeli Civil Administration which is a military body to an Israeli civilian body, replacing the Jordanian Antiquities Law of 1966 with Israeli law. This in stark violation of the 1907 Hague Regulations and contrary to the spirit of the 1954 Hague Convention on the Protection of Cultural Property in Armed Conflict.

Article 43 of the Hague Regulations requires the occupying power to respect existing laws that were in effect prior to the occupation. In this case the relevant law is the 1966 Jordanian Antiquities Law. The obligation to uphold, as far as possible, the domestic law established in Article 43 of the regulations attached to the Hague Convention was recognized in an Israeli HCJ ruling. It granted Article 43 a quasi-constitutional status, which provides a general framework for the manner of exercising the duties and powers of the Military Commander in the OPT (the Order Regarding the Antiquities Law (Judea and Samaria) (No. 1166), 1986.)

Additionally, according to the [First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954](#), to which Israel is a party, the actions of the occupying power are limited to the protection of cultural property (and prohibit their removal from the occupied territory).

If passed, Halevy's law will be tantamount to de jure annexation of sites in the West Bank, erasing the distinction between Israel and the occupied territory under the pretence of cultural preservation.

Concerned that eliminating the distinction between legitimate archaeological activity within sovereign Israel's borders and illegitimate archaeological activity in the oPt the Israeli archaeological community would be **subject to an extensive boycott, the Israeli archaeological community overwhelmingly objects to the law**. The Israeli Antiquities Authority, the Israel Antiquities Authority Council and the Israel Archaeological Association have have written to the committee saying the bill would have severe consequences for the entire Israeli archaeological community (see the letter by the Israeli Archaeological Association (Annex II)

For more information and analysis see [here](#).

The Committee

Now that the law has passed a preliminary vote, it has been sent to a Knesset committee (in this case the Knesset's Education, Culture and Sports Committee) for discussion. If it progresses, it will be tabled for a first vote in the Knesset. Afterward, it will undergo another round of committee discussions and amendments before being tabled for a second and third (final) vote.

The Knesset's Education, Culture and Sports Committee consists of the following members:

For the Coalition:

Yosef Taib, Shas, (Chairman), Avichai Boaron, Likud, Michel Bouskila, Religious Zionism, Eliyahu Bruchi, United Torah Judaism, Galit Distel Atbarian, Likud, Michal Waldiger, Religious Zionism, Tzega Tzgenesh Malko, Likud, Limor Son Har-Melech, Otzma Yehudit, Ketzi Shtrit, Likud.

Opposition:

Simon Davidson, Yesh Atid, Kinley Tor-Paz, Yesh Atid, Naama Lazimi, Labor (Democrats), Yevgeny Soba, Yisrael Beiteinu, Yosef Attouna, Hadash, Yasmin Friedman, Yesh Atid.

Annex A – Translation of P/2346/25: The Israel Antiquities Authority Law (Amendment – Authority of the Israel Antiquities Authority in Judea and Samaria), 2023

Initiator: MK Amit Halevi

Bill No.: P/2346/25

Antiquities Authority Law (Amendment – Authority of the Antiquities Authority in Judea and Samaria) 2023

Amendment to Section 1

1. In the Antiquities Authority Law 1989 (hereinafter – the primary law), in Section 1 before the definition of “Antiquities Law” shall come:
“The area” – as defined in the Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Assistance) 1967.

Amendment to Section 5

1. In Section 5(a) of the primary law, after the word “Israel” shall come “and in the Area”.

Amendment to the Antiquities Law 3.

1. In the Antiquities Law 1978, in Section 22, everywhere after the word “from Israel” shall come “or from the Area”.

Explanatory Notes

The Antiquities Authority is responsible for handling all matters concerning antiquities in Israel and is authorized to perform any action necessary for the fulfillment of its duties as stated. For this purpose, its powers are regulated in the Antiquities Authority Law.

“It is not a foreign land that we have taken, nor have we set our rule over the property of strangers. This is the inheritance of our Forefathers, which at one time was illicitly conquered, and we, when the opportunity arose, recovered the inheritance of our Fathers.”

These words of Simon the Hasmonean echo the deep and well-known connection of the Jewish people to their land. Despite the fact that the areas of Judea and Samaria are the cradle of the Hebrew nation and despite the presence of archaeological findings of national and international importance from various periods, the current version of the Antiquities Law does not apply to these areas, and the antiquities in the area have been placed in the hands of the Archaeological Staff Officer in the Civil Administration under the military government.

There is no dispute that these areas are rich in Jewish history, and thus these findings have no historical or other affiliation with the Palestinian Authority. Therefore, the discussion on the political status of the areas of Judea and Samaria is irrelevant to determining Israel’s responsibility for the archaeological findings that belong to its

people, hence this bill – which is intended to extend the authority of the Antiquities Authority to these areas as well. Additionally, the Civil Administration lacks the knowledge and means to properly handle the scope of archaeological findings in these areas, and as a result, the condition of antiquities in Judea and Samaria today is dire.

Entire sites are damaged by antiquities theft for economic or nationalistic purposes, which is, of course, a cultural crime that Israel must not ignore. Transferring the responsibility for antiquities in Judea and Samaria to the direct responsibility of the Antiquities Authority will allow it to exercise all its powers in the area and ensure that the professional and organizational authority over antiquities in the territories of Judea and Samaria is entrusted to a professional entity with international scientific standards in an efficient and effective manner. Accordingly, it is proposed to stipulate that the powers of the Antiquities Authority shall also extend to the territories of Judea and Samaria and that the removal of an antiquity from these territories shall be treated as its removal from Israel.

Submitted to the Speaker of the Knesset and its deputies
and laid on the Knesset's table on the 22nd of Shevat, 5783 (13.02.2023)