

Appropriation and Expropriation of Palestinian Archeological Sites in the Name of Urban Development: Khirbet Najmat el-Houdali as a Case Study

Salah Al-Houdalieh

Abstract

The expropriation of Palestinian archaeological sites presents a complex issue that carries significant cultural, historical, economic, and political implications. This study investigates the methodical procedure involved in the confiscation of the Palestinian archaeological site known as Khirbet Najmat el-Houdali, located in Saffa village. The research explores the resulting impact on the loss of cultural heritage and the broader political consequences within the Israeli-Palestinian framework. Through an analysis of scholarly literature, reports, and site visits, this study sheds light on the systematic expropriation of Kh. Najmat el-Houdali and its subsequent effects on the inhabitants of Saffa. Furthermore, the study examines the utilization of a newly confiscated Palestinian archaeological site as a mechanism for asserting dominance over historical narratives. This examination specifically focuses on the destruction, modification, and exploitation of land and cultural heritage.

Keywords: Palestinian cultural heritage, Saffa village, Khirbet Najmat el-Houdali, Palestinian-Israeli conflict.

الاستيلاء ومصادرة المواقع الأثرية باسم التنمية الحضرية: خربة نجمة الهودلي كحالة دراسية

الملخص

تُعتبر مصادرة المواقع الأثرية الفلسطينية مسألة معقدة، وتحمل آثارًا ثقافية وتاريخية واقتصادية وسياسية كبيرة وخطيرة. ويركز هذا العمل على الإجراء العملي الذي اتبعته سلطة الاحتلال الإسرائيلي في مصادرة خربة نجمة الهودلي الواقعة في قرية صقّا، وعلى تداعيات هذه المصادرة على مالكي أرض هذه الخربة ومحيطها خاصة، وعلى الموروث الحضاري الفلسطيني عامة.

الكلمات المفتاحية: التراث الثقافي الفلسطيني، قرية صقّا، خربة نجمة الهودلي، الصراع الفلسطيني-الإسرائيلي.

- Prof. Salah Hussein Al-Houdalieh, Al-Quds University, email: shoudalieh@staff.alquds.edu.

- Copyright 2024, all data in this article is protected and permission for use must be obtained through Al-Quds University (www.alquds.edu).

Introduction

Hundreds of thousands of dunams of Palestinian land, including archaeological sites and features, have been appropriated for the establishment of settlements, industrial zones, roads, farms, tourist attractions, and various other structures. To ensure the security of Israeli settlements, the Israeli military sets up checkpoints, imposes restrictions on Palestinian travel, limits or denies Palestinian access to their own lands, and maintains a substantial presence of personnel on the ground (Yesh Din, 2021).

In July 2016, the Israeli occupation authorities articulated their intention to seize a vast area from Saffa village. This plan was subsequently put into action to create a new industrial zone within the designated area, named the «Maccabim Industrial Zone.» A more comprehensive analysis of this plan reveals that Israel had already designated this specific area as «State land.» Consequently, Israel intends to leverage this classification to transform the region into a hub for industrial activities, ultimately to be governed and operated by the adjacent Modi'in Illit settlement bloc (ARIJ, 2017). By early June 2023, heavy machinery had commenced the bulldozing of the area, despite protests from the landowners (Jamal Falana, the president of Saffa village council, personal communication).

It is estimated that there are over 900 archaeological sites and features located within illegal Jewish settlements in the West Bank. Additionally, roughly 3,500 sites and features have been confiscated and annexed by Israel as a result of the construction of the apartheid wall; among these approximately 500 are considered key archaeological sites, which hold great significance as integral components of the Palestinian cultural heritage (Taha, 2015). Moreover, there is an anticipation that around 2,450 sites and numerous historic and archaeological features situated in the West Bank will be incorporated (Eicher, 2023). The Israeli actions targeting Palestinian archaeological sites and features are in clear violation of several international conventions and regulations. These include the Hague Convention and regulations of 1907, the fourth Geneva Convention of 1949, the Hague Convention and Protocol of 1954, the UNESCO Convention of 1970, the World Heritage Convention of 1972, as well as various other regulations and recommendations pertaining to the preservation and protection of cultural heritage in occupied territories (Taha, 2010, P.17; Rjoob, 2010).

In May 2023, the Israeli government has designated NIS 32 million (\$8.6 million) for the purpose of «safeguarding and developing» the archaeological site of Sebastia, situated north of Nablus. Subsequently, on July 17th 2023, the same government has granted an additional sum of NIS 120 million (\$32.4 million) to facilitate excavation, conservation, preservation, development, and the prevention of antiquities looting at archaeological sites in the West Bank, primarily in Area C (Arad and Ezrahi, 2023). The initial phase of this plan centers around a selection of four to seven sites, while maintaining awareness of the numerous heritage sites that have been designated as «Jewish» heritage by Israeli politicians (Lynfield, 2023).

Saffa village is a crime scene for the third time in its contemporary history

Saffa Village is positioned 22km northwest of Jerusalem and 16km west of Ramallah (Fig.1). Its original lands cover an area of approximately 14,000 dunums (with each dunum equivalent to 1,000 square meters). Within this expanse, about 1,000 dunums were confiscated by the Israelis during the Nakba of 1948. Furthermore, the construction of the Israeli Apartheid Wall in 2005 along the western geographical boundaries of the Saffa lands led to the expropriation of an additional 4,300 dunums (Al-Houdalieh, 2010, p.174).

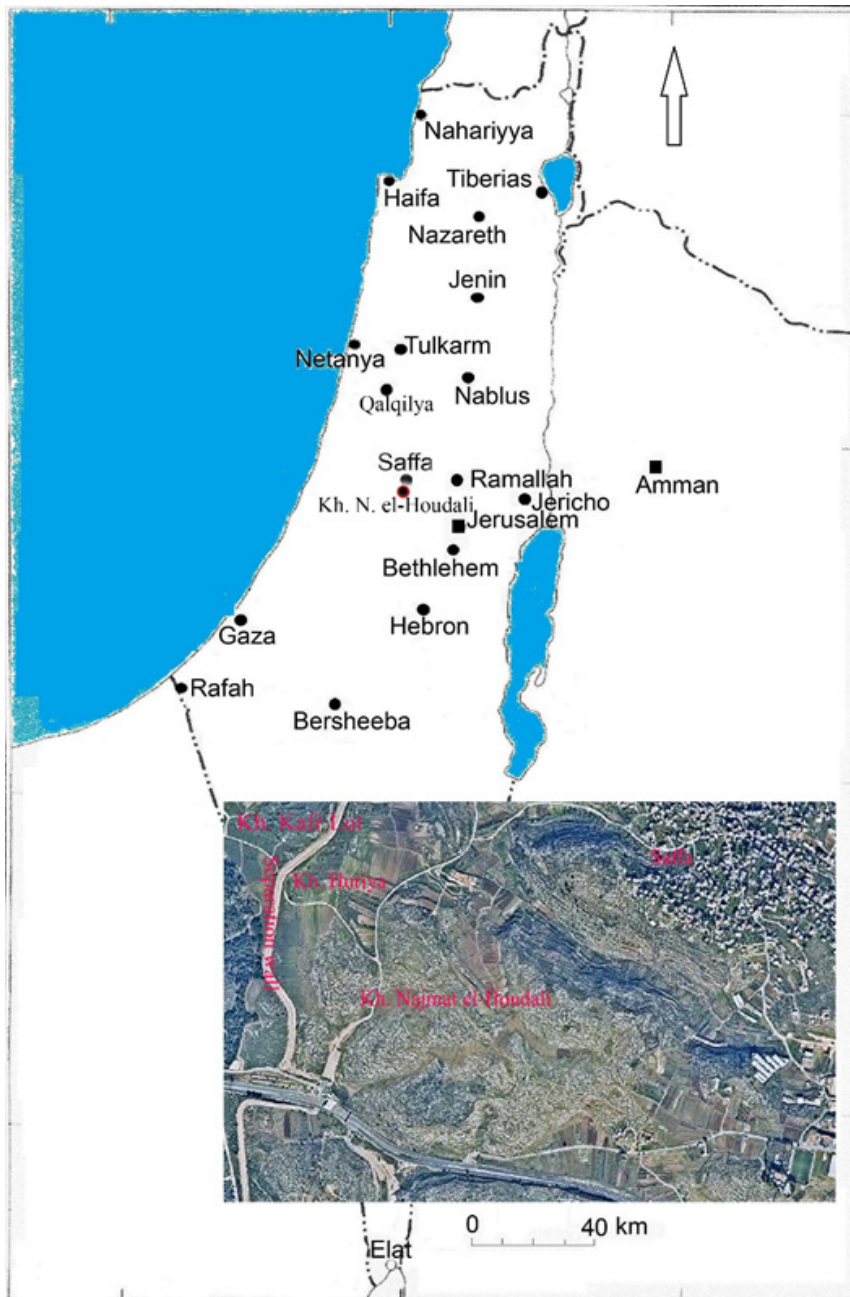


Figure 1: A map of Palestine locating Saffa and Khirbet Najmat el-Houdali.

In early June 2023, for the third time amidst the ongoing Israeli occupation, the Israeli occupation authority confiscated an additional 350 dunums of Saffa's land, citing the establishment of an industrial zone as the reason. Subsequently, heavy machinery was deployed to bulldoze the newly seized land, facilitating the creation of stable foundations for new structures and the necessary infrastructure (Mada News, 2013). This specific area lies eastward of the apartheid wall and the Green Line, which is internationally recognized as the boundary between the Palestinian Territories and Israel. It is positioned between the villages of Saffa and Beit Sira, falling within Area C and entirely owned by families residing in Saffa. Notably, the area encompasses a significant archaeological site (Al-Houdalieh, 2006: Fig. 2).

Over the three previously mentioned phases of confiscating lands from Saffa village territory, the community of Saffa in particular and Palestinians in general, have already lost eleven archaeological sites, which are as follows: Kh. El-Ku'ma: Roman and Byzantine period; Kh. Badd Isa: Middle Bronze Age, Iron Age, Hellenistic, Roman and Byzantine period; Kh. Um eth-Thinein: Roman, Byzantine, and Early Islamic period; Kh. Kureikur: Hellenistic, Roman, Byzantine, Ayyubid, and Early Ottoman period; Kh. Kreesina: Roman, Byzantine, and Early Islamic period; Kh. ed-Daliya: Roman, Byzantine, Early Islamic, and Ayyubid period; Kh. Kafr Lut: Persian, Hellenistic, Roman, Byzantine, Early Islamic, Crusader, and Late Islamic period; part of Kh. Huriya: Roman, Byzantine, Early Islamic, Ayyubid-Mamluk, and Early Ottoman period; Kh. Fa'ush: Roman and Byzantine period; Kh. Najmat el-Houdali and Kh. Baten Hassan: Persian, Hellenistic, Roman, Byzantine, and Early Islamic period (Al-Houdalieh, 2006, p.102).

Khirbet Najmat el-Houdali is the most recent but never-ending appropriation

The local inhabitants of Saffa refer to this region as Khalit e-Khleif, ed-Dawaweer, Eṛak Dabour, Baten Hassan/ Kh. Ibn ḳAwad, and Najmat el-Houdali. The archaeological site, previously labeled by Finkelstein and Liderman as Khirbet Najmat el-Hadali (Finkelstein and Lederman, 1997), covers the summits and slopes of two hills at an elevation of 320m. From this particular vantage point, there is a commanding view that encompasses a broad expanse of places in all directions. The ancient settlement (referred here as Najmat el-Houdali) has been determined to cover a total area of approximately 25,000 square meters (personal site visit, August 16th 2023); however, the best-preserved part of the ancient settlement constitutes an area of 4,000 square meters, located at the southwestern end of the larger site. Khirbet Najmat el-Houdali was inhabited during the Persian, Hellenistic, Roman, Byzantine (Finkelstein and Lederman 1997, p.144), and Early Islamic periods (Batz, 2002, p.57-59), and was later used as agricultural land throughout the Ottoman-Turkish period and down to modern times (Safiya Nasser, 73 years old, personal communication).

The ruins of the site are scattered on both sides of the Roman road connecting the coastal plain with Jerusalem. In close proximity to the west of this Khirbet lei three archaeological sites: Kh. Huriya, Kh. Kafr Lut, and Fa'ush. This Khirbet was first excavated in 1998 by personnel of the Israeli Staff Officers for Archaeology at five distinct areas, resulting in the discovery of many significant features such as: a limekiln, remnants of structures from the Roman era, caves,

cisterns, wine presses, and a section of the Roman road (Batz, 2002, p.57). An impressive stretch of the Roman road in this area, extending in an east-west direction, can be traced for approximately 2 kilometers. On average, the combined width of the road and its margin walls measures 6.8m. The margin walls consist of two courses, each measuring 1m in width, constructed with huge and medium-sized roughly dressed stones. Some of these stones remain standing, reaching a height of 1m. The road was mostly founded on bedrock, and in several places on a layer of soil. In places characterized by elevated bedrock, the bedrock was flattened and then included into the construction of the roadway. The roadbed consisted of small fieldstones that were joined together with plaster, upon which the paving stones were laid. These were roughly dressed, medium and large fieldstones with soil and mortar in the gaps. The paving stones exhibit a high level of preservation at various locations along the road (Batz, 2002, p.57; Finkelstein and Lederman, 1997, p.146).

The author surveyed this khirbet over four working days in February 2011 as part of a research project focusing on tomb robbery in western Ramallah governorate. The results of this particular survey indicated the presence of the following features: a segment of an ancient paved road was traced for 2.3km but extending east-west measuring between 4m to 4.8m and bounded by low walls 1m in thickness; remains of ancient walls along both sides of the above-mentioned road and nearby parcels of agricultural land, all of which are built of stones of varying sizes and mud and stand in height up to 1.4m above the present-day ground level; a total seven vandalized and looted subterranean rock-cut burial chambers of loculi and arcosolia types (arched, shelf-like niches hewn along the chamber walls) and all of them were left either partially or entirely visible by the antiquities looters (Fig. 2); a large number of agricultural terraces built of different-sized, undressed stones in irregular courses up to 0.9m in height, some of these terraces include worked and well-cut stones indicating that the required stones for constructing these terraces were collected from the area surrounding the terraced land parcels; four natural and man-made caves of various shapes and sizes, one of which is known as the "Karaja" cave; eight abandoned cisterns of various sizes and shapes, but all with round shaft openings and internal faces coated with reasonably thick coats of typical hydraulic plaster; Five different-sized winepresses hewn into the bedrock each had a treating-vat and a juice-collecting vat, but none had mosaic floor pavement; a large number of cup-marks of different shapes hewn into the bedrock; several stone quarries; a number of well-cut and dressed rock facades that may indicate the presence of subterranean burial chambers; and, traces of a limekiln.

In April 2021, personnel from the Palestinian Ministry of Tourism and Antiquities conducted a salvage excavation at a Roman-Byzantine tomb (Fig. 3) that had fallen victim to looting. Situated about 300m to the west of Kh. Najmat el-Houdali, around 380m southeast of Kh. Huriya, and approximately 500m northeast of Kh. Fa'ush, this tomb comprised a solitary subterranean rock-cut chamber, measuring an average of 3.3m x 4.4m x 2.2m in height.



Figure 2: A looted subterranean tomb in Kh. Najmat el-Houdali, looking south (Photo by S. Al-Houdalieh).



Figure 2: A looted subterranean tomb in Kh. Najmat el-Houdali, looking south (Photo by S. Al-Houdalieh).

The chamber contained seven tunnel-like loculi that were cut perpendicular to the tomb's walls. These loculi shared a similar shape but varied in measurements, ranging from 1.9 to 2.2m in length, 0.7 to 0.85m in width, and 0.8 to 0.9m in height. Externally, these loculi were surrounded by three intricately carved, recessed frames, each approximately 0.15m wide and 0.13m deep. Amid the debris on the chamber floor, five intact stone slabs were discovered. These slabs were of the same size as the recessed frames of five loculi, suggesting that these loculi were originally sealed with stone slabs.

The staircase leading to the tomb was carved into the natural limestone bedrock. It comprised four roughly cut steps along with a landing. The entrance, positioned at the center of the northern façade, measured 1.1m in height and 0.85m in width. The tomb's door, still in an upright position, was crafted from a massive stone slab measuring 1.8m × 0.85m × 0.15m in thickness. This door was affixed to the right side of the entrance. The threshold stood 0.4m above the chamber floor. Within the entrance, a step was carved into the bedrock, leading to the roughly hewn bedrock floor of the chamber. Over the course of a one-week excavation, only a limited number of pottery sherds, primarily lamps, were recovered. Additionally, a considerable amount of poorly fragmented human skeletal remains was collected.

In July-August 2023, while the heavy machines were identifying the boundaries of the newly confiscated area from Saffa land with the goal of constructing an industrial zone, the Israeli Staff Officers for Archaeology conducted an excavation at several distinct areas, resulting in the discovery of many significant features such as: a section of the Roman road, which was recently partially destroyed by the bulldozers (Fig. 4); a subterranean rock-cut burial chamber; remains of several different residential and agricultural buildings (Fig. 5), and a kiln hewn into the bedrock, outlined by a thick wall and its internal face was coated with thick layers of traditional plaster (Fig. 6); and, natural and man-made cavities hewn into the bedrock.



Figure 4: A section of the Roman road at Kh. Najmat el-Houdali, looking west ((Photo by S. Al-Houdalieh).



Figure 5: Remains of residential buildings at Kh. Najmat el-Houdali, looking north (Photo by S. Al-Houdalieh).



Figure 6: A kiln hewn into the bedrock at Kh. Najmat el-Houdali, looking west (Photo by S. Al-Houdalieh).

Legal context

The Hague Regulations (1907) and the Fourth Geneva Convention (1949) prohibit the destruction, pillage, and loot of cultural heritage property during armed conflict. In 1957, Israel ratified the 1954 UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict. In 1999, Israel ratified the 1972 World Heritage Convention but not the 1970 UNESCO Convention on the Prevention of Illicit Import, Export, and Transfer of Cultural Property, which protects cultural heritage in war and peace. This international legal framework is supported by international human rights legislation, which recognizes cultural rights as crucial for a people's development and survival.

Article 22 of the Universal Declaration of Human Rights states that everyone has the right to social and cultural rights essential for their dignity and personal growth. It is supported by Article 1(1) of the ICCPR and ICESCR, which states that "[a]ll peoples have the right [to] freely pursue their economic, social and cultural development". The key point is that a people's identity is tied to their ability to develop their cultural legacy, which includes participating in cultural life and preserving, developing, and spreading science and culture (UNESCO 1972; cited in Guillaume 2022, p.6-8).

As Occupying Power since 1967, Israel has governed all Palestinian Territories (including East Jerusalem) in accordance with international law, human rights law, customary international law, and relevant treaties, including the Hague Regulations (1907), the Fourth Geneva Convention (1949), and international human rights law. However, throughout this time, Israel has employed a policy of cultural erasure, the military targeting of cultural property, and the appropriation of cultural heritage in order to entrench its colonial domination. Such strategies, approaches, and practices have contributed to illegal Israeli archaeological excavations and surveys, illicit trafficking in antiquities, and destruction of archaeological and historic site and feature. Meanwhile, archeological sites in the West Bank are increasingly under threat from Israel's annexationist policies. The construction of the apartheid wall, outpost and settlement development, industrial zones, and bypass routes have all irreparably harmed Palestinian cultural heritage to a large extent, while effectively closing off many archeological sites in the West Bank to further illegal de facto annexation (cited in Guillaume 2022, p.6-8).

The archaeological fieldwork carried out by the Staff Officers for Archaeology at Kh. Najmat el-Houdali and its surrounding areas throughout the 1980s, 1998 (Finkelstein and Lederman 1997; Batz 2002), and 2023; The partial destruction of this archaeological site, specifically a significant portion of the road that historically linked the coastal plain with Jerusalem during the Roman-Byzantine era and constitutes the most well-preserved segment of this ancient road; the curtailment of the regular on-site protest activities planned and anticipated by the residents of Saffa and neighboring Palestinian villages; as well as the appropriation of land parcels in this specific region, flagrantly contravene universally acknowledged human rights and humanitarian standards and norms. Therefore, we urged the United Nations and local, regional as well as global cultural heritage organizations and commissions to fulfill their obligations in this matter; to recognize Israel's illegal destruction of Palestinian cultural heritage, particularly in Saffa, as a key component that allows Israel to advance its colonial project in Palestine and entrench its apartheid regime over the Palestinian people and their lands by erasing their cultural identity; and, to share the Palestinians in protecting, preserving, and developing their cultural heritage resources.

Conclusion

Despite the formal ratification of the 1954 UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1972 World Heritage Convention by the state of Israel, its adherence to the outlined stipulations within both conventions remains lacking. Israel's role as a prominent political and military entity is characterized by a stance of dominance and exclusivity, particularly towards the Palestinian populace and broader communities in the region. The expropriation of the area from Saffa village, encompassing an archaeological site distinguished by its historically significant architectural elements, stands as more than an isolated occurrence.

It is my assertion that the recurrence of such incidents is likely unless a proactive and strategic collaboration emerges between local Palestinian institutions and international bodies dedicated to the preservation of cultural heritage.

This imperative collaboration must transcend the boundaries of mere discourse and translate into concrete actions. Moreover, it necessitates a concerted effort to raise awareness within the Palestinian population about the profound significance and inherent value of cultural heritage. By elevating cultural heritage to the status of a paramount concern for the Palestinian community, we can aspire to safeguard not only our collective past but also our future. This vision demands the convergence of knowledge, advocacy, and resolute action to ensure the endurance and prosperity of Palestine's cultural legacy.

References:

- Al-Houdalieh, S. (2006). *The destruction of Palestinian archaeological heritage: Saffa as a model*. Near Eastern Archaeology, 69 (2), pp. 102-112.
- Al-Houdalieh, S. (2010). Archaeological heritage and related institutions in the Palestinian national territories 16 years after signing the Oslo Accords. *Present Pasts*, Vol.2, No.2, pp.31-53.
- Arad, A. and Ezrahi, T. (2023). *Annexation in the name of archaeology*. <https://www.972mag.com/annexation-archeology-west-bank-heritage/>. Accessed on August 4th 2023.
- ARIJ. (2017). *Israel boots its land appropriation policy by establishing new industrial zones in the occupied West Bank*. <http://poica.org/2017/02/israel-boosts-its-land-appropriation-policy-by-establishing-new-industrial-zones-in-the-occupied-west-bank/>. Accessed on August 23, 2023.
- Batz, S. (2002). Khirbet Najmat el-Hadali. *Hadashot Arckheologyot: Excavations and Surveys in Israel*, No.114, pp. 57-59.
- Eicher, I. (2023). *Israel to allocate millions to protect antiquities on the West Bank*. <https://www.ynet-news.com/travel/article/h1wkj5tth>. Accessed on August 19, 2023.
- Finkelstein, I. and Lederman, Z. (1997). *Highlands of many cultures, the southern Samaria survey, the sites*. Monograph series No. 14. Tel Aviv: Tel Aviv University.
- Guillaume, Alixia. 2022. *Cultural apartheid, Israel's erasure of Palestinian heritage in Gaza*. https://www.alhaq.org/cached_uploads/download/2022/02/22/for-upload-cultural-apartheid-gaza-report-1645550273.pdf. Accessed on August 16th 2023.
- Jamal Falana, 40 years old, personal communication, on July 15, 2023.
- Lynfield, B. (2023). *West Bank archaeological plan "an annexation by rezoning*. <https://plus61j.net.au/israel-middle-east/west-bank-archaeological-plan-annexation-by-rezoning/>. Accessed on August 3rd 2023.
- Mada news (2025). *Saffa, the occupation confiscates "360" dunums to establish a settlement industrial zone*. Mada News
- Rjoob, A. (2010). *Contested management of archaeological sites in the Hebron district*. *Present Pasts*, 2 (1), pp. 75-88. فيديو|| صفًا.. الاحتلال يصادر "٣٦٠" دونماً لصالح إقامة منطقة صناعية إستيطانية.
- Safiya A. Nasser, 73 years old, personal communication, on July 9, 2023.
- Taha, H. (2010). The current state of archaeology in Palestine. *Present Pasts*, Vol.2, No.1, pp. 16-25.
- Taha, H. (2015). Archaeological heritage in Area C. *This Week in Palestine*, November 2015, pp. 56-63.
- UNESCO (1972). *Convention Concerning the Protection of the World Cultural and Natural Heritage*, 16 November, 1972. <https://whc.unesco.org/en/conventiontext/>. Accessed on August 22, 2023.
- Yesh Din. (2021). *The impact of Israeli settlements in the West Bank on the human rights of Palestinians, report to the UN special rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967*. <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/UN+Special+Rapporteur++The+impact+of+Israeli+settlements/YeshDin+++Hashpaat+4.21+++Eng+FINAL.pdf>. Accessed on August 21, 2023.