

## Special Focus on Sebastia for World Tourism Day: Palestinian Tourism Remains a Major Target of Israel's Colonial Strategy



Sebastia © Al-Haq 16 June 2021

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As the world celebrates World Tourism Day, Palestinian tourism remains affected by Israel's policies and practices designed to entrench its settler-colonial and apartheid regime over the Palestinian people and their lands, including through erasing Palestinian memory and presence by the Zionist narrative.<sup>1</sup>

The United Nations World Tourism Organization (UNWTO) has dedicated [World Tourism Day 2021](#) to the promotion of inclusive growth, and to the Second Principle of the 2030 Agenda for Sustainable Development and Sustainable Development Goals, "[Leave No One Behind](#)." Tourism represents an important opportunity to foster Palestinian economic, social and cultural development in the pursuance of the Palestinian peoples internationally-recognized inalienable right to self-determination.<sup>2</sup>

However, the Covid-19 pandemic compounded by Israel's policies and practices in the occupied Palestinian territory (OPT), has hindered the development of Palestinian tourism, through the implementation of border controls, restrictions of tourists' movements, monopolization of touristic

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<sup>1</sup> See Al-Haq's forthcoming report on tourism in Palestine; see also Halal Ahmad, "Tourism in Service of Occupation and Annexation," *Al-Shabaka*, 13 October 2020, <<https://al-shabaka.org/briefs/tourism-in-service-of-occupation-and-annexation/>>;

<sup>2</sup> UNGA, 3376(XXX). Question of Palestine, <[https://undocs.org/en/A/RES/3376\(XXX\)](https://undocs.org/en/A/RES/3376(XXX))>; see Common Article 1(1) to the ICCPR and ICESCR: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, <<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>; UNGA, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, <<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>>.

discourse to force a Zionist narrative over the Palestinian lands - all of which have had a disastrous social and economic impact on Palestinian tourism. Since the discovery of the first cases of Covid-19 in May 2020, borders have stayed closed to tourism, severely disrupting one of the most crucial economic sectors in Palestine.

To shed light on the specific limitations Palestinian tourism face, the case of Sebastia archeological site is presented in order to detail how the potential for development and ‘inclusive growth’ has been hindered by Israel’s occupation and apartheid regime.

## Case Study: Sebastia, Archeology for the Sake of Occupation

Located in the Nablus governorate, north of the occupied West Bank, 450 metres above sea level, the village of Sebastia is home to 3,430 inhabitants.<sup>3</sup> Like 53 percent of the 7,000 historical and archeological sites located in the occupied Palestinian territory,<sup>4</sup> Sebastia has been designated as Area C under the Oslo Accords,<sup>5</sup> which give Israel full civil and military control over them.<sup>6</sup> Facing the village and vestiges of Sebastia, the illegal settlement of ‘Shavei Shomron’ was established as a communal religious colony in 1977 on Sebastia lands.<sup>7</sup> In 2019, it was populated by 977 religious Jewish-Israeli settlers.<sup>8</sup>

Under the terms of the Oslo Accords, “powers and responsibilities in the sphere of archaeology in the West Bank and the Gaza Strip will be transferred from the military government and its Civil Administration to the Palestinian side [including] the protection and preservation of archaeological sites, management, supervision, licensing and all other archaeological activities.”<sup>9</sup> Between 1967 to 2007, Israel excavated 980 archeological sites in the Occupied West Bank, and issued 1,148 excavation licenses.<sup>10</sup> Similarly, instead of gradually transferring the archeological compound to Palestinian governance, Israel has been incrementally reinforcing its military and political control over Sebastia archeological site, listing it amongst the sites “of archaeological and historical importance to the Israeli side.”<sup>11</sup>

The creeping annexation of the archeological site of Sebastia, may be described through three interrelated dimensions: (1) a coercive environment of force Palestinian displacement, including the military support of violent attacks against Palestinian residents and their lands near the Jewish-Israeli settlement of Shavei Shomron; (2) the impediments to Palestinian initiatives aimed at preserving the archeological compound and encouraging touristic development; (3) applying a distorted Jewish narrative around the archeological site to further the settlement enterprise.

### 1. Settlers’ Incursion into the Sebastia Archeological Compound

<sup>3</sup> 2021-2017 عدد السكان المقدر في منتصف العام لمحافظة نابلس حسب التجمع [http://www.pcbs.gov.ps/Portals/\\_Rainbow/Documents/NablusA.html](http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/NablusA.html) [accessed 9 May 2021]

<sup>4</sup> Hamban Taha, “Archeological Heritage in Area C,” *This Week in Palestine*, <https://thisweekinpalestine.com/archeological-heritage-in-area-c/> [accessed 27 September 2021].

<sup>5</sup> State of Palestine, Israel’s Exploitation of Palestinian Tourism and International Complicity: Tourism as a Tool to Normalize Occupation, December 2017, 14.

<sup>6</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021; POICA, ‘Shavei Shomron’s Buffer Zone Legalized by Israel’s Supreme Court,’ 1 July 2006, <http://poica.org/2006/07/shavei-shomrons-buffer-zone-legalized-by-israels-supreme-court/#:~:text=Shavei%20Shomron's%20buffer%20zone%20legalized%20by%20Israel's%20supreme%20court.-July%201%2C%202006&text=Israeli%20bulldozers%20continue%20to%20devastate.the%20settlement%20of%20Shavei%20Shomron> [accessed 9 May 2021]

<sup>7</sup> PeaceNow, ‘Shavei Shomron,’ <https://peacenow.org.il/en/settlements/settlement127-en> [accessed 10 May 2021].

<sup>8</sup> Israel Central Bureau of Statistics, ‘Population in the Localities 2019.’

<sup>9</sup> State of Palestine, Israel’s Exploitation of Palestinian Tourism and International Complicity: Tourism as a Tool to Normalize Occupation, December 2017, 8; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995, Annex III, Protocol Concerning Civil Affairs, Appendix I, Article 2(1), [https://web.archive.org/web/20021125081409/http://knesset.gov.il/process/docs/heskemb4\\_eng.htm](https://web.archive.org/web/20021125081409/http://knesset.gov.il/process/docs/heskemb4_eng.htm)

<sup>10</sup> State of Palestine, Israel’s Exploitation of Palestinian Tourism and International Complicity: Tourism as a Tool to Normalize Occupation, December 2017, 14.

<sup>11</sup> Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995, Annex III, Protocol Concerning Civil Affairs, Appendix I, Schedule I “Archeological Sites of Importance to the Israeli Side,” [https://web.archive.org/web/20021125081409/http://knesset.gov.il/process/docs/heskemb4\\_eng.htm](https://web.archive.org/web/20021125081409/http://knesset.gov.il/process/docs/heskemb4_eng.htm)

Every Wednesday, Jewish-Israeli settlers take tours to the Sebastiyya vestiges, under a program organized by Yossi Dagan (Head of the Shomron Regional Council), under the protection of the Israeli Occupation Forces. The IOF check every person entering the area near the archeological site, and limit the freedom of movement of residents, as well as the access of any person to the archeological site for the time of tour.<sup>12</sup> During the incursions, Palestinian shop owners are not allowed to open their businesses and farmers are prevented from accessing their lands and homes.<sup>13</sup> According to Al-Haq field information, settlers used to come in much larger numbers before the Covid-19 pandemic, to the point of filling up the parking area with settler cars and buses.<sup>14</sup> However, local Palestinians have voiced concerns over the last few months that Jewish-Israeli political leaders' have publicly demonstrated political intent to officially appropriate and *de facto* annex the archeological site.

In March 2021, several Israeli officials included Amit Halevi, Likud-affiliated Knesset member 2020-2021, and Amir Ohana, then Minister of Public Security, made incursions into the archeological site, and explicitly expressed their willingness to strengthen both Israeli civilian and military presence in the archeological compound.<sup>15</sup>



<sup>12</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>13</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>14</sup> Field Visit Information, Al-Haq Field Visit, 16 June 2021.

<sup>15</sup> Amit Halevi's facebook post, incursion to Sebastia archeological site, facebook post dated 21 March 2021, <https://facebook.com/MKAmitHalevi/posts/3661280747313203>

English translation of the Hebrew post (emphasis added):

***“The state stands on three things: identity, security, economy.***

*Sebastia, ancient Samaria, is an unparalleled national heritage treasure. We are committed to **conducting extensive excavations and developing this site**, as an integral part of the renewal of Jewish settlement in modern-day Samaria.*

*I toured today with my friend the Minister of the Interior, Amir Ohana and the tireless head of the Samaria Council, Yossi Dagan. Minister Ohana, who led the preservation of our identity in enactment of the Nationality Law and strengthened the preservation of our security throughout the country, announced the promotion of **a comprehensive security program in Sebastia**, in favor of preserving the Jewish and world heritage from the past and expanding the Zionist act to the future.*

*There are many reasons why it is important to form a national government headed by the Likud, this is definitely one of them. It's up to you. Wednesday. Do not miss.”*

English translation of Amit Halevi's statement in Hebrew (emphasis added):

*“A country stands on three legs: identity, security and economy. As the Minister rightly said: **If we do not invest in identity and invest only in security and economy, it will survive as long as it survives** - but the people of Rome have fallen. Regarding the Roman aspect here, because of the identity, because every patriot has sunk in this bathhouse and there are many of these in Ethiopia as well, hence **our duty as a country vis-a-vis international bodies like UNESCO**. Rewriting world history. Strengthening our identity here.*

*It will also bring a safe space to all the captives of Greater Samaria. Ancient text and industrial area. But first, it maintains our national security. In doing so, we are strengthening the roots that the minister spoke about, it is a dramatic thing for the people and the country. We are an ancient people but a young country. This is our duty and I very much hope that we will get out of here for an orderly staff work. We will also be partners in the Knesset for the aspect.*

*This aspect should worry less, but worrying about our future is the thing to do. I very much respect you, Minister; I wish you a historic visit. I said earlier to the head of the council. Because of your political power. Because of your public empowerment. That you are here touching on the right point - the roots. This is a very significant thing. I hope we will do another tour here in the coming months.”*

Amit Halevi's statement of intent combines multiple pillars of Israel's strategy to entrench colonization over the West Bank, including cultural appropriation, compounded by development claims to preserve cultural heritage at the expense of the local population, reinforcing the security apparatus to maintain domination over them. The archeological site of Sebastia provides a clear example of how cultural heritage is used to entrench colonization and apartheid.

*Settler Incursion of 16 June 2021*

On Wednesday 16 June 2021, Al-Haq field researchers conducted a field visit to the archeological site of Sebastia. At around 12:00 pm, they tried to access Al-Baidar Square that leads to the entrance of the archeological compound. Military jeeps led by a couple dozen Israeli soldiers were blocking the two



entrances to the square, located in Area B. Four soldiers stopped the Al-Haq team as they walked towards the Eastern entrance of the square. They were asked to show their identity documents and to open their belongings. A soldier ordered that they wait for 30 minutes until the settlers had finished their tour of the archeological compound. The place was almost deserted; a couple of cars, one minivan and bus for settlers were parked on the Baidar Square (turned into a parking lot after renovation was financed by Belgian funds). After some 45 minutes, a group of settlers with cameras headed towards the Palestinian souvenir shop 'Holy Land Sun' located in front of Baidar Square.

Some visited the souvenir shop, while others sat around tables at the front, enjoying coffee and some Palestinian sweets. Five soldiers came closer to monitor their presence in the area. Another group of young settlers, seemingly under the supervision of their guide, gathered in the parking lot, some of them playing frisbee. The air was full of a disquieting and abnormal atmosphere of uncomfortable normality.



The Israeli Occupying Forces bar the entrances of Al-Baidar Square, during the settler incursion © Al-Haq 16 June 2021



Al-Baidar Square is deserted while settlers visit the archeological site © Al-Haq 16 June 2021







Young Jewish-Israeli settlers congregate around Al-Baidar Square, after touring the archeological site of Sebastia © Al-Haq 16 June 2021

## 2. Coercive Environment in the Vicinity of Sebastia

The village of Sebastia is the target of a range of human rights violations perpetuated by Jewish-Israeli settlers and condoned by the IOF, the Israeli civil administration or the military to foster a coercive environment for Palestinians, including through raids, arrests, home demolitions and settler attacks.

### *Settlers' Attacks on Palestinian Lands and Trees*

Palestinian private lands in Sebastia are the constant target of colonial settlers' attacks, including by uprooting of trees, fencing off land, and polluting agricultural lands with sewage water. Palestinians are regularly physically harassed and abused by nearby settlers.

Nizar Ahmed Fares Kayed, 65, from Ras Kabous, southwest of Sebastia, owns a 11-dunum agricultural plot located some 300-400 meters away from Shavei Shomron colonial settlement. The plot used to be planted with olive trees that were uprooted by IOF bulldozers. At the beginning of 2020, he planted 650 apricot saplings over some 20 acres protected by an iron fence, as part of a joint project of the Palestinian Economic Development Center supported by the Danish government.<sup>16</sup>

Throughout the planting process, Nizar Ahmed Fares Kayed was subjected to a campaign of harassment

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<sup>16</sup> Al-Haq Affidavit 146E/2021, given by Nizar Ahmad Fares Kayed, 65, Doctor in Sebastia, 28 April 2021.

by the security guard from Shavei Shomron, supported by the IOF, who asked the workers to leave the lands and cease cultivation under the pretext of requiring prior security coordination. In April 2020, colonial settlers from Shavei Shomron destroyed sections of the fence and stole iron corners, and uprooted some 400 apricot saplings. Accompanied by the Palestinian Civil Liaison, Nizar Ahmed Fares Kayed submitted a complaint before the Israeli military liaison headquarters, Hawara, south of Nablus. He was told by the Israeli officer that his land was subject to military rule and that his complaint will therefore be submitted to the Beit El headquarters, Ramallah.<sup>17</sup>

On 23 April 2021, 10:00 am, two farmers with tractors were to plow the land at the request of Nizar Ahmed Fares Kayed, when a security guard from Shavei Shomron informed them that access to the land required prior coordination with the Israeli Civil Administration. When he visited the lands with the two workers later in the day, the land had been covered with sewage and polluted with water on its eastern side.<sup>18</sup>

### **3. Obstruction to Palestinian Economic and Cultural Development to Revive Sebastia's Historical Center**

#### *Cultural Appropriation*

The cultural appropriation of Palestinian touristic sites through discourse alleging Jewish identity is key to Israel's strategy of land grab and entrenchment of its colonial control over Palestinian lands and resources. The ongoing takeover of Sebastia is being carried out via the "National Heritage Sites Project" initiated in 2010 with claims to invigorate the Jewish connection to the land, comprising Qumran ruins near the Dead Sea, Susya, Herodion, Jebel al-Fureidis, Tel Shiloh, Modi'in Ilit-Qiryat Sefer/Khirbet Bad-Issa, Biar Aqueduct, Jerusalem Walls National Park, the City of David, Silwan, and Rachel's Tomb/Bilal Bin Rabah Mosque, Bethlehem.<sup>19</sup> Israel has already appropriated and monopolised, thousands of archeological and heritage sites in the occupied West Bank, under the aegis of the Israeli Ministry of Tourism and the Israel Nature and Parks Authority.

Further, the civil administration has prohibited the waving of the Palestinian flag on Al-Baidar Square, which is located in Area B and therefore under Palestinian administrative control.<sup>20</sup> Al-Haq filed a petition to contest the decision before the Israeli High Court in mid-2020.<sup>21</sup> The issue remains undecided.<sup>22</sup> The removal of the Palestinian flagpole is based on a military order issued on 30 August 2020 under security instructions no. 1651 at the request of settlers under the argument that the Palestinian flag constitutes a provocation.<sup>23</sup>

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<sup>17</sup> Al-Haq Affidavit 146E/2021, given by Nizar Ahmad Fares Kayed, 65, Doctor in Sebastia, 28 April 2021.

<sup>18</sup> Al-Haq Affidavit 146E/2021, given by Nizar Ahmad Fares Kayed, 65, Doctor in Sebastia, 28 April 2021.

<sup>19</sup> State of Palestine, Israel's Exploitation of Palestinian Tourism and International Complicity: Tourism as a Tool to Normalize Occupation, December 2017, 14.

<sup>20</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>21</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>22</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>23</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.





The Palestinian flag flying over Al-Baidar Square © Al-Haq 16 June 2021

### *Prevention of Palestinian Development and Protection Projects*

Since the Oslo Accords, the Palestinian Ministry of Tourism and Antiquities has been prevented from carrying out cultural valorisation and rehabilitation of its architectural sector. In 2019, the Sebastia municipality, with the assistance of the Palestinian Authority and under the supervision of UNESCO, initiated a rehabilitation program for the Sebastia historic center.<sup>24</sup> The project has faced several obstacles from colonial settlers, the West Bank Settlements Council, the civil administration and the military.<sup>25</sup>

In particular, the rehabilitation project of Al-Baidar Square has been obstructed by its use as a parking lot for colonial settlers' cars and buses during their incursions into the archeological sites.<sup>26</sup> Nonetheless, the

<sup>24</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>25</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>26</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

opening of three restaurants in the immediate vicinity of the archeological site (Area B), as well as a tourist information office has proceeded.<sup>27</sup> Israel's narrative of archeological protection serves as an excuse to justify further Israeli excavations into the site, thereby impeding the Palestinian right to development and self-determination and right to economic self-determination.

### *Reinforcement of the Military Occupation*

On 21 March 2021, Amir Ohana, Israeli Minister of Public Security, announced a comprehensive plan to enhance the 'security' of Jewish-Israeli settlers around Sebastia.<sup>28</sup> The project will include the establishment of an Israeli police station.<sup>29</sup>

## **4. Sebastia: an Epitome of Israel's Policies of Cultural Appropriation, Economic Exploitation, and Military Oppression**

Israel, the Occupying Power is obliged to comply with the laws of military occupation. Article 43 of the 1907 Hague Regulations lays out the basic duty of the Occupying Power to "take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."<sup>30</sup> Archeological protection falls within the remit of civilian governance, with very little significance in terms of security. As such, its appropriation by the Occupying Power, through the imposition of a military regime, appears as irrelevant, and in breach of Article 43.

As cultural property, archeological sites and artefacts in occupied territories are afforded general protection under the generic umbrella of civilian objects, which prevents their targeting based on customary humanitarian principles of distinction, proportionality, precautions in attacks, against the principle of military necessity.<sup>31</sup> In particular, Rules 40 and 41 of customary humanitarian law stipulates that:

- *Rule 40. Respect for Cultural Property.* Each party to the conflict must protect cultural property: [...] (b) Any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, property of great importance to the cultural heritage of every people is prohibited.<sup>32</sup>
- *Rule 41. Export and Return of Cultural Property in Occupied Territory.* The Occupying Power must prevent the illicit export of cultural property from occupied territory and must return illicitly exported property to the competent authorities of the occupied territory.<sup>33</sup>

<sup>27</sup> Field Visit Information, Al-Haq Field Visit, 16 June 2021.

<sup>28</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>29</sup> Al-Haq Affidavit 145A/2021, given by Muhammad Abdul Karim Muhammad Azim, 46, Mayor of Sebastia, 28 April 2021.

<sup>30</sup> Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, Article 43, <https://ihl-databases.icrc.org/ihl/WebART/195-200053?OpenDocument#:~:text=43,in%20force%20in%20the%20country>.

<sup>31</sup> See International Humanitarian Law Database, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul) : Rule 7 "The Principle of Distinction between Civilian Objects and Military Objectives," Rule 11 "Indiscriminate Attacks," Rule 14 "Proportionality in Attack" and Rule 15 "Principle of Precautions in Attack"

<sup>32</sup> International Humanitarian Law Database, Rule 40. Respect for Cultural Property, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule40](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule40)

<sup>33</sup> International Humanitarian Law Database, Rule 41. Export and Return of Cultural Property in Occupied Territory, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule41](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule41)

Under Article 56 of the 1907 Hague Convention, cultural property “shall be treated as private property,” which provides additional protection as private property “must be respected [and] cannot be confiscated” under Article 46.<sup>34</sup>

In addition, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict [Hague Convention], as well as 1954 Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict [Protocol I], reflective of customary international law and ratified by Israel in 1957 and 1958,<sup>35</sup> allot special protection to cultural property, and embodies a relevant protective framework within the context of military occupation:

- *Prohibition of Theft, Pillage and Misappropriation.* Article 4(3) Hague Convention. “The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.”
- *Support of the Competent National Authorities.* Article 5(1) Hague Convention. “Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.”
- *Prevention of Transfer of Cultural Property.* Article I(1) Protocol I. “Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property [...]”
- *Assistance from UNESCO.* Article 23(1) Hague Convention. Assistance of UNESCO. “The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.”

## Conclusion and Recommendations

The recurring incursions of Israeli settlers in the archeological site of Sebastia, under the protection of the IOF, is an example of how Israel uses archeology to reassert both its military and civilian control over Palestinian sites in the occupied West Bank. Israel capitalizes on Palestinian archeological resources to mythicize the “Jewish” identity of the land of Palestine, while conjointly disparaging competing Palestinian narratives based on indigenetity and national sovereignty over occupied lands. Various impediments on Palestinian initiatives to exert their right to national sovereignty in the furtherance of protection and preservation of the archeological site of Sebastia are harnessed to advance its domination over Palestinian property, under the argument of cultural necessity.

Israel’s takeover of the touristic sites in the OPT is a fundamental aspect of its strategy to entrench an apartheid-colonial regime over Palestinian lands, as per Article II of the 1973 Apartheid Convention that defines the crime of apartheid as “policies and practices of racial segregation and discrimination [that] shall apply to [...] inhuman acts committed for the purpose of establishing and maintaining domination by

<sup>34</sup> Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, Articles 46 and 56, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/195-200056?OpenDocument>

<sup>35</sup>UNESCO, “Armed Conflict and Heritage,” <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/states-parties/>

one racial group of persons over any other [...] and systematically oppressing them.”<sup>36</sup> It further results in a grave infringement on the Palestinian people’s right to cultural self-determination. Article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights prescribes that everyone has the right to take part in cultural life.<sup>37</sup> By thwarting the Palestinian people’s right to self-determination through apartheid practices involving the taking over of the tourism industry in occupied Palestine, Israel intentionally seeks to annihilate any potential growth for the tourism sector in Palestine, and for the Palestinian society more generally.

As tourism gradually resumes across the globe, Al-Haq calls on:

- Civil Society Organizations to adopt a critical stance against Israel-friendly tourism, especially the role it plays in the indirect and direct legitimization of Israel’s illegal annexation, apartheid and colonization of the West Bank, including Jerusalem;
- Tourist businesses should inform their customers on the status of the State of Palestine and conduct enhanced human rights due diligence in the pursuance of their risk analysis for business activities in the OPT;
- Touristic groups and individual tourists should refrain from engaging with any Israeli-led tour company operating in the OPT, and favor Palestinian-led touristic initiative that would benefit to the Palestinian touristic growth.

Just as in Sebastia, Palestine is bursting with historico-geographical landmarks and artefacts, religious markers, and a rich and flourishing culture. Especially in the context of protracted occupation, apartheid and colonization, tourism reminds the world of the Palestinian people’s enduring connection to their lands as inseparable from their identity. It reminds the world that the Palestinian people own the land, and maintain their right of return to it.

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<sup>36</sup> UNGA, International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973, A/RES/3068(XXVIII), [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10\\_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf)

<sup>37</sup> United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, Article 15(1)(a), <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>