

Tainted tourism

Package tourism's contribution to the illegal settlement economy in Israeli occupied territories



March 2021



Colophon

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The Dome of the Rock in occupied East-Jerusalem is regularly marketed as an Israeli tourist attraction, and therefore a well-known example of misrepresenting the location of tourist sites.



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The Global Legal Action Network (GLAN)

is a non-profit organisation that pursues innovative legal actions across borders to challenge powerful actors involved in human rights violations and systemic injustice by working with affected communities.



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SOMO investigates multinationals. Independent, factual, critical and with a clear goal: a fair and sustainable world, in which public interests outweigh corporate interests. We conduct action-oriented research to expose the impact and unprecedented power of multinationals. Cooperating with hundreds of organisations around the world, we ensure that our information arrives where it has the most impact: from communities and courtrooms to civil society organisations, media and politicians.



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GLAN and SOMO

Amsterdam, March 2021

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Introduction

In this report, the Global Legal Action Network (GLAN) and the Centre for Research on Multinational Corporations (SOMO) expose how tour operators across Europe and North America are deceptively offering unsuspecting consumers misleading package tours to Israel and Palestine.

These tours are labelled as destined to 'Israel' but actually include locations in the occupied Palestinian territory (OPT), and in the occupied Syrian Golan. Many include illegal Israeli settlements, which are the source of a wide range of serious human rights violations suffered by Palestinian communities and the Palestinian people as a whole.

By marketing tours to settlement-based sites, European and North American tour companies are contributing to, and profiting from, the maintenance, development and expansion of illegal settlements, which amount to war crimes under international criminal law. Consequently, they are exposed to a range of reputational risks and potential liability under domestic and international law.

These tour operators often help entrench Israel's control of the tourism market in the OPT, by contracting with Israeli companies, to the exclusion of many Palestinian businesses.

The report calls on these tour operators to remove settlement sites from their itineraries, and to halt deceptive marketing practices. Finally, the report calls on the home States of tour operators to bring an end to business transactions with these settlement sites, and to prevent the false advertisement of illegal settlements.

1 Executive summary

Package holidays make up about a third of incoming tourism to Israel, according to the Israeli Ministry of Tourism — a booming industry that brought 4.55 million visitors in 2019 alone.¹ The vast majority of such tours travel beyond Israel's internationally recognised borders, and include sites in Jerusalem's Old City and Bethlehem in the Occupied Palestinian Territory (OPT), as well as other sites of religious, historical, cultural and natural significance in the OPT.² This report examines the direct and indirect links between international tour operators and ongoing Israeli violations of human rights in the OPT.

Most of the package holiday tours are operated by Israeli tour companies and include visits to historical, religious and cultural sites that are administered by Israeli authorities and support the economy of illegal Israeli settlements in the OPT. As a result, these tours contribute to the serious abuses of human rights of the Palestinian population in the OPT.

European and North American tour operators – including the companies profiled in this report, which are headquartered in the UK, France, the Netherlands, Spain, the USA, and Canada – contract with Israeli companies in order to market and sell their itineraries to consumers. As such these tour operators benefit from and contribute to an illicit economy linked to the Israeli settlement enterprise. By supporting business with settlements, these tour operators also contribute to serious human rights abuses.

This GLAN-SOMO report focuses on the sub-sector of package and organised tourism and analyses the ways in which foreign tourism companies, sometimes unwittingly, contribute to and benefit from serious abuses of human rights and violations of international law in the OPT. For this report, GLAN and SOMO reviewed 100 US and European tour operators by screening the package holidays to Israel.

By marketing tours that visit sites in settlements and generating revenues from their sale, foreign companies benefit from the serious human rights abuses caused by Israel's violations of the fundamental rules of international humanitarian law. GLAN and SOMO's research and analysis did not find a single instance, out of 100 reviewed tour operators, where a European or North American tour operator properly listed a location to be an Israeli settlement. As this report shows, the promotion of settlement-based locations in tourism itineraries have helped to entrench Israel's illegal settlements and restricted Palestinians' access to their land and natural resources in violation of international humanitarian law. This report also analyses the risks that European and North American businesses assume by dealing with Israeli businesses operating in settlements in the OPT and benefiting from the movement restrictions imposed on Palestinians, particularly in settlements and settlement-based sites.

In many cases, European and North American consumers who buy package tours are being misled by tour companies. GLAN's analysis of online marketing materials from 100 tour operators across 10 jurisdictions, in 2018 and 2019, shows that 40% of itineraries presented as visiting sites in Israel

also included sites in the OPT. This is because many foreign companies obtain their marketing materials from Israeli tour operators.³ Since 2018, on a number of occasions, several NGOs have raised concerns with Airbnb and Booking.com respectively regarding these companies' activities in illegal Israeli settlements. As a result, Airbnb proceeded to delist accommodation in settlements, although it excluded those in East Jerusalem or Golan Heights without explanation. Airbnb has regrettably gone back on its decision to delist such properties, which it had initially also extended to the case of properties in the occupied Georgian territories of Abkhazia and South Ossetia. Booking.com has not made public any changes to its business practice.

Israeli policies and practices have also severely restricted the Palestinian business sector. The Israeli government supports Israeli tour operators financially as well as with other means. This includes not only promoting tourism sites in the OPT but also disseminating their materials, assisting them to form links with foreign businesses, and concluding international agreements on tourism cooperation. One of the effects of such measures is that Palestinian businesses and professionals are excluded from access to certain services, sites, and international markets through a host of unwritten and informal practices. Furthermore, Palestine's international and domestic tourism markets are dominated by Israeli businesses.

According to the World Bank⁴ and independent analysts, Palestine has been able to utilise only about 1.66% of its potential for international tourism.⁵ Given that tourism contributed a total of US\$215.6 million to Palestine's GDP in 2011,⁶ the fact that up to 98.34% of potential revenues are being lost indicates that, based on the World Bank's analysis, Israel is depriving the Palestinian economy of vast sums (approximately 2 billion USD annually), including through restrictions placed on trade, access to, and movement within and out of the OPT.⁷ Meanwhile a large percentage of revenue generated by tourism to Israel is apparently driven by consumer interest in sites located in Palestinian territory.

Reports by leading international human rights groups, including Amnesty International's 2019 report *Destination Occupation* and Human Rights Watch's *Bed and Breakfast on Occupied Land*, detailed how online travel companies such as Airbnb, Booking.com, Expedia and TripAdvisor featured places to stay and visits in Israeli settlements in the OPT, and in doing so contributed to violations of human rights, in some cases also in direct contradiction with their own corporate standards.⁸

2 Methodology

The systemic and widespread nature of Israel's human rights and international law violations in the OPT and the occupied Syrian Golan and the negative impact of Israeli settlements on the Palestinian population have been documented for years by the UN and leading international and local NGOs.⁹

To understand the direct and indirect links between international tour operators and ongoing Israeli violations of human rights in the OPT, GLAN researchers investigated the links between foreign and Israeli tourism businesses, and the Israeli government's support to the tourism industry in Israeli settlements. The contracts maintained between foreign and Israeli tour operators are not public and were not available to the report's authors. Researchers obtained information from some foreign operators about the Israeli operators that handle their tours on the ground, in both Israel and the OPT. Researchers reviewed open-access marketing materials from the 100 reviewed tour operators, as well as governmental bodies and trade fairs in Israel and abroad, visited key tour attractions, and reviewed Israeli government and Palestinian tourism industry policies and budgets, as well as agreements and arrangements with third parties, including companies and governments.

To understand the effects of Israeli restrictions on Palestinian businesses and their exclusion from significant parts of the tourism market in the OPT, researchers conducted interviews with five sector experts with leading roles in industry associations and economic and policy research bodies. Likewise, researchers met with representatives of at least 10 civil society groups that specialise in documenting restrictions on the Palestinian economy the OPT and those that document human rights violations around tourism sites.

Since the vast majority of tourists come from Europe and North America¹⁰, the report focuses on nine tour operators based in these markets. This information draws on the market surveys GLAN conducted of European tour companies, including online material from 100 European companies. In order to develop an understanding of the implementation of relevant consumer protection directives, information was collected across 10 European jurisdictions at three different time-points, in November 2018, March 2019 and November-December 2020. GLAN is also in the process of filing national and EU level complaints under consumer protection laws. Companies that feature in this report were selected on the basis of their size, based on assessments of relative turnover, comparative market share, and the number of offered and scheduled tours to Israel that include locations in Israeli settlements in the OPT.

The report showcases nine tour operators, seven in Europe and two in North America, each with global reach as described below. It analyses information about the package holidays advertised by the companies on their websites and by their sales representatives. In researching these companies' business operations, GLAN reviewed their annual reports, policy documents, websites and a wide range of other publicly available material.

Prior to publication, SOMO wrote to the nine companies profiled to provide them with an opportunity to respond to its findings. Insight Vacations and Explore provided responses, but Audley, Globus, Goed Idee Reizen, Kensington, Promoséjours, TUI, and Viajes Catai did not. Researchers also phoned the companies and spoke to their customer service representatives about the destination and sites visited on their advertised tours as well as inquired about the handling agents who receive and manage the tour on the ground. The organizations reviewed the responses in detail and took appropriate account of information provided in updating its findings.

The report also profiles three key tourist sites located in Israeli settlements in the OPT (hereafter 'settlement sites') that are commonly included in itineraries sold by foreign tour operators. The report examines the harms these settlement sites cause to adjacent Palestinian communities and the Palestinian people as a whole. It further looks at broader policies that result in the unlawful appropriation of land and the confiscation of natural resources.

GLAN's researchers conducted field visits in June and July 2019 during which they interviewed representatives of communities affected by the sites. These include a resident of Jericho who owns land near Qasr al-Yahud¹¹; a family in the Bedouin community of Sath al-Bahr; two residents of Jibt al-Deeb; and three residents of Tel al-Fureidis. The researchers also reviewed international and local human rights organizations' reports. Information about the status of the land in and around the sites, including maps embedded in the report, was provided by Kerem Navot, an Israeli NGO which monitors and carries out research on Israeli land policy in the West Bank.

All interviewees were informed of the purpose of the interviews and how the information gathered would be used, and freely consented to be interviewed. Most interviewees' names are withheld in this report in order to protect their identity for security reasons.

Although the research was initiated prior to the COVID pandemic, the findings contained in the report reflect the situation several months into the pandemic. Due to COVID-related travel restrictions the number of tours offered by the respective companies might currently be lower than is otherwise the case.

3 Context

3.1 Israel's occupation of the OPT and Golan

Israel captured the West Bank, as well as the Gaza Strip - known today as the Occupied Palestinian Territory (OPT)¹² - during a war with neighbouring Arab countries in 1967.¹³ It continues to militarily occupy and administer the OPT till this day. Also in 1967, Israel unilaterally annexed East Jerusalem and included these Palestinian parts of the city, as well as a surrounding area of over 70km², within the boundaries of the Israeli municipality of Jerusalem.¹⁴ In the same year, Israel also occupied the Syrian Golan Heights, which it proceeded to effectively annex in 1981 with the Golan Heights Law, which brings the territory directly under Israeli domestic law. Despite the US's attempted recognition of the annexation as lawful,¹⁵ the majority of the international community does not consider the territory to be part of Israel.

3.2 Israeli settlements in the West Bank and Golan

Since 1967, it has been Israeli government policy to promote the creation and expansion of Israeli settlements in the OPT and occupied Golan. Successive governments have implemented this policy through a combination of legal and administrative measures.¹⁶ They have also provided subsidies, tax incentives and low-cost utilities and resources to encourage Jewish Israelis to live in these places and to support the settlement economy.¹⁷

Israeli settlements in the OPT and occupied Golan are meant to be permanent places of residence or economic activity for Jewish Israelis and are built with the sole purpose of serving their needs, to the detriment of the Palestinians and Syrians who live and work in those areas. There are now approximately 250 settlements in the West Bank and a further 34 in the Golan.¹⁸

In the West Bank, Israeli settlers control more than 53,000 hectares – the equivalent of 40% of the land.¹⁹ This includes 20 industrial zones and an estimated 9,300 hectares of agricultural land.²⁰ Israel has also designated large chunks of the West Bank as military zones (30%) or nature reserves and parks (14.5%), further blocking Palestinians' access to their land through imposed movement and access restrictions.²¹

Since the beginning of its occupation of the Syrian Golan and the West Bank in 1967, Israel has systematically transferred Israeli settlers into those occupied territories. Since 1967, over 622,000 settlers have moved into the West Bank, reducing the space and living conditions of three million Palestinians to isolated and fragmented *Bantustans*.²² While settlements are created and expanded, Palestinians in the West Bank are faced with Israeli-imposed home demolitions, the denial of building permits and residency status, while facing impediments to their movement because of the settlements and related infrastructure.²³ Also since 1967, Israel enabled the transfer of almost as many Israeli settlers (26,261) into the occupied Syrian Golan as there are Syrians (26,600) who are restricted to a very small portion of the land, living in five villages, and are subject to discriminatory

land, housing and development policies.²⁴ These actions were condemned by the Security Council,²⁵ following which Israel continued to increase the number of Israeli settlers in the territory and made it into an economic hub primarily for agriculture businesses but also for nature tourism.²⁶

3.3 Settlements and international law

The situation in the OPT is primarily governed by two international legal regimes: international humanitarian law (including the rules of the law of occupation) and international human rights law. International criminal law is also relevant as some serious violations may constitute war crimes or crimes against humanity. Whereas the occupied Golan is in fact governed by Israeli domestic law, having been illegally annexed by Israel, international humanitarian law and international human rights law applies in that Israeli-occupied territory as a matter of international law.

Israel's policy of settling its civilians in occupied Palestinian and Syrian territory and displacing the local population contravenes fundamental rules of international humanitarian law. As the occupying power, Israel is prohibited from transferring its own civilian population into the territory it militarily occupies.²⁷ Israel also is forbidden from using state land and natural resources for purposes other than military or security needs or the benefit of the local population.²⁸ Under the Geneva Conventions, "Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly" and the "transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" constitute war crimes.²⁹ The unlawful appropriation of property by an occupying power amounts to "pillage", which is prohibited by both the Hague Regulations and Fourth Geneva Convention³⁰ and is a war crime under the Rome Statute of the International Criminal Court³¹ and many national laws.³² In addition to violating international humanitarian law and constituting war crimes, Israel's settlement policy also violates the peremptory international law prohibitions on the use of force to acquire territory and on denial of self-determination, from which no derogation is permitted.³³

As party to the major international human rights treaties, Israel is under an obligation to respect, protect and fulfil the human rights of the local indigenous population in the occupied territory, as people living in territory that is outside its national borders but under its effective control.³⁴ However, as has been well documented for many years by the UN, Amnesty International and other local and international NGOs, Israel's settlement policy is one of the main driving forces behind the mass human rights violations resulting from the occupation. These include violations of the right to life; the right to liberty, security of the person and equal treatment before the law; the right to access an effective remedy for acts violating fundamental rights; the rights to freedom of expression and peaceful assembly; the rights to equality and non-discrimination; the right to adequate housing; the right to freedom of movement; the rights of the child; the right to enjoyment of the highest attainable standard of physical and mental health; the right to water; the right to education; and the right to earn a decent living through work.³⁵

There has long been an international consensus that Israeli settlements constitute serious violations of international law. The illegality of the settlements was recently reaffirmed by UN Security Council Resolution 2334, passed in December 2016, which reiterates the Security Council's call on Israel to cease all settlement activities in the OPT.³⁶ The European Union (EU) has clearly stated that: "settlement building anywhere in the occupied Palestinian Territory, including East Jerusalem, is illegal under international law, constitutes an obstacle to peace and threatens to make a two-state solution impossible."³⁷ The serious human rights violations that stem from Israeli settlements have also been repeatedly raised and condemned by international bodies and experts.³⁸

3.4 The role of businesses

An independent fact-finding mission, mandated by the UN Human Rights Council to investigate the human rights implications of the Israeli settlements in the OPT, reported in 2013 on how a range of business activities, involving both Israeli and foreign companies, sustains settlements.³⁹ Based on this report, the Human Rights Council requested that the UN Office of the High Commissioner for Human Rights (OHCHR) create a database of business enterprises involved in certain activities in the settlements.⁴⁰ A progress report, published in 2018, noted that tourism activities "ensure the sustainability of residential settlement communities" and "contribute to the profitability of the settlements".⁴¹ The first tranche of companies listed in the database, released by the UN in February 2020, includes the tourism companies Airbnb, TripAdvisor, Booking.com, Expedia, Opodo and eDreams.⁴² The UN HR Council resolution that established the database mandates that it be updated annually.

4 Israel's package tourism economy in the settlements

Israeli tourism businesses sell package holiday tours and act as handling agents for incoming tour groups that visit sites in the OPT, including East Jerusalem, and the occupied Syrian Golan Heights, including sites that are located in Israeli settlements.⁴³ These tourism operations are subject to Israeli domestic laws, which the Israeli government applies to the OPT and Syrian Golan in contravention of international law.⁴⁴ As a result most tours, like those profiled in this report, are conducted by Israeli entities without either coordination or the consent of relevant Palestinian authorities whilst also acting contrary to international law.⁴⁵

Most itineraries prepared by Israeli handling agents are marketed to international travel agencies and tour operators as ready-made.⁴⁶ "Israel" branded itineraries invariably include sites in the OPT, including in particular occupied East Jerusalem which frequently is misrepresented as being located inside Israel's borders.⁴⁷ Likewise, historic sites in the OPT are often marketed as having a uniquely Israeli history and cultural context.⁴⁸

Given the international consensus on the illegality and invalidity of the settlements and the non-application of Israel's domestic legal jurisdiction to the OPT, foreign businesses that contribute to the settlement economy contribute to internationally wrongful acts. Consequently, they bear the risk of reputational, economic and legal consequences.

Holiday package tourism includes both groups and individuals who purchased, in one package, most of the services for the trip, often including the flight ticket, accommodation, transportation and tourism sites' entrance fees. Package tours to Israel and Israeli settlements makes up about a third of incoming tourism,⁴⁹ a booming industry that has hosted 4.55 million incoming tourists in 2019 alone.⁵⁰ According to a 2014 survey by the Israeli Tourism Ministry, nearly 40% of touristic sites frequented by international visitors were located in the OPT.⁵¹ Moreover, some 70% of visitors to Israel are said to visit the Western Wall located in the Old City of Jerusalem, which is located in the occupied part of the city.⁵² A quarter of incoming tourists listed "pilgrimage" as the purpose of their visit, suggesting that visitors concentrate on the key biblical sites in places like Bethlehem and the Old City in East Jerusalem.⁵³

Consequently, the vast majority of tours to Israel travel beyond Israel's internationally recognised borders, and visit religious, historical, cultural and nature sites in the OPT.⁵⁴ Tours to OPT sites led by Israeli businesses are enabled and supported by the Israeli government and are administered by Israeli government bodies such as the Israel Nature and Parks Authority and the Israel Antiquities Authority. Moreover, they are linked with the Israeli settlements' economy while providing little to no benefit to Palestinian communities, who have limited access to such sites. This arrangement entrenches Israeli control of the land, natural resources and cultural heritage of the Palestinian people in the OPT.

4.1 Israeli government support for and promotion of package tourism to the OPT

The Israeli government provides a range of financial, infrastructural, and administrative support to settlements in the OPT to attract international tourism, including direct investment incentives to companies. This includes generous budgets for settlements as well as fast-track infrastructure permit approvals for tourism initiatives based in settlements.⁵⁵ On 19 June 2016, 5 million NIS (approximately US million \$1.4) was granted by the Israeli government to develop the infrastructure of public tourism in the occupied West Bank.⁵⁶ This “special financial aid” programme budgeted US\$1.3 million for “public tourism infrastructure” in settlements, with a further set of subsidies announced in 2018 for the “establishment, conversion and expansion” of hotels, bed and breakfasts and guest rooms in settlements.⁵⁷ The Israeli government has also made significant investments in tourism infrastructure in occupied East Jerusalem. In May 2018, approximately US\$13 million was provided for excavations at the City of David, a settler-managed archaeological site in the Palestinian neighbourhood of Silwan, that has harmed Palestinian homes and had damaging effects on the lives of the community,⁵⁸ and a further US\$54 million was set aside for a controversial cable car between the City of David and West Jerusalem.⁵⁹

The integration of settlements into Israel’s economy also gives them an advantage in terms of both their sustainability and profitability, with industries like tourism playing a key role in enhancing the integration of the OPT into Israel.⁶⁰ Settlement-linked touristic sites enjoy preferential access to a well-developed Israeli infrastructure, including roads, electricity and water. Israeli construction and tourism development plans in the OPT extend beyond the settlements and include nature reserves.⁶¹ In contrast, Palestinians are faced with restrictions on developing sites that could promote tourism.⁶² Moreover, Palestinian landowners are deprived of the ability to use their land, and face forced evictions and land expropriation.⁶³ Communities living in the vicinity of settlement tour-sites are deprived of access to basic infrastructure and other services and endure discrimination.⁶⁴

The Israeli government’s economic and structural investments in the tourism sector are complemented by a coordinated international marketing campaign. Promotional materials produced by Israel’s Ministry of Tourism for domestic and international tourists consistently include many sites in the OPT including settlements.⁶⁵ In promoting Israel as a destination on the international market, the Ministry provides settlement-linked tourism activities with a platform at international trade shows where destinations to the OPT are portrayed as being located in Israel.⁶⁶ Not unlike other states, Israel’s Ministry maintains 18 official branch offices that provide support to Israeli tourism operators seeking to conclude cooperation agreements with third states and foreign tour operators,⁶⁷ that officially promote sites as part of Israel’s tourism attractions.

4.2 Restrictions placed on the Palestinian economy and tourism sector

The Palestinian tourism sector is rich in potential, but is under-developed and suffers from considerable impediments as a result of the military occupation and related economic restrictions caused by various Israeli policies. These have had the overall effect of crippling Palestinian economic development.⁶⁸ Although exact numbers representing the extent of the effects of Israeli restrictions on the Palestinian economy remain unknown due to the incomplete data, they are clearly very significant.⁶⁹ The loss of revenue from restricted access to the northern Dead Sea shore alone is comparable to the revenues gained by the counterpart industry on the Dead Sea shores inside Israel's territory, which amounts to over USD 290 million per annum.⁷⁰ Due to Israeli government restrictions and market control of incoming tourism,⁷¹ Palestinian tourism businesses in Bethlehem and Jericho currently perform below their potential, according to market studies.⁷² Although the Gaza Strip is not focused on in this report, it is important to note that over the past 25 years Israel has imposed increasing movement restrictions on this coastal area.⁷³ Since 2007 it has imposed a crippling blockade on the Gaza Strip, closing it off from the outside world and causing a chronic humanitarian crisis, as well as clear detrimental impact on the economy in general and tourism in particular.⁷⁴

Despite commitments to the contrary, Israel has continued to deny both the Palestinian Authority and private Palestinian businesses from developing tourism and archaeological sites in over 60% of the West Bank (Area C),⁷⁵ including the prime locations such as the northern shore of the Dead Sea, discussed below.⁷⁶ A total of 26 such sites are in the Jordan Valley and northern Dead Sea⁷⁷ at least two of which are included in Palestine's tentative list of World Heritage Sites.⁷⁸

Israel also imposes restrictions on the movement of Palestinian tour guides and operators that hinder their ability to take groups to sites in East Jerusalem or to meet groups at Israel's Ben Gurion airport. This is part of a broader systemic regime of disproportionate internationally unlawful restrictions on the freedom of movement imposed on Palestinians inside the OPT and between the OPT and Israel.⁷⁹ The Paris Protocol of the Oslo Accords contains provisions on mutually beneficial tourism-specific arrangements, which provide for the freedom of movement of tourists, tourism professionals, goods and services, and set out the mutual recognition of licensing and liability.⁸⁰ The Israeli authorities cite the Paris Protocol to justify permitting Israeli tourism companies to bring tour groups to Bethlehem. Meanwhile, Palestinian led tour groups have not been granted access to tour sites located primarily in Israeli-occupied East Jerusalem, even though they should have access to these sites which are part of their territory, as provided in the agreement.⁸¹ Industry experts noted that only 25 of the 42 Palestinian guides that have received permits to enter Israel are operational as of 2015 (the only numbers published by Israel), whereas many others who have permits are not using their permits due to financial restrictions.⁸² Israeli authorities have also withheld border crossing fees paid by tour groups that travel to Bethlehem from the Palestinian authorities, due to them under the Oslo Accords.⁸³ The Protocol established the Joint Tourism Committee (JTC) as a venue for deliberation of issues related to the development and management of tourism sites in the OPT, but the Committee has not met since 2000.⁸⁴

Tour groups operated by Palestinian travel agencies that enter the West Bank from Jordan face prolonged and intrusive security checks and interviews at the Allenby/King Hussein crossing between Jordan and the Israeli-occupied West Bank, and have had their entry denied on discriminatory and arbitrary grounds.⁸⁵ Incoming tour groups that seek to travel to the OPT via Israel through Palestinian tour operators experience difficulties in obtaining entry permits or tourist visas to Israel, and Palestinian travel agents' visa entry-permit applications are routinely denied, forcing tourists to make individual applications with a lower chance of success.⁸⁶

5 Package holiday tours to 'Israel': a market snapshot

Package tourism is a prominent category of cultural, historical and recreational tourism to Israel and the OPT accounting for a third of all tourism.⁸⁷ The main actors in the market for package travel are Israeli and international tourism companies who package, sell, market and operate tours on the ground. This section profiles nine European and North American tourism companies whose business activities include advertising, selling and coordinating international groups to go on package holiday tours to Israel and the OPT.

The companies were chosen on the basis of their size, assessments of relative turnover, comparative market share, and the number of offered and scheduled tours to Israel that include locations in Israeli settlements in the OPT.

5.1 Misrepresentation of business operations in settlements

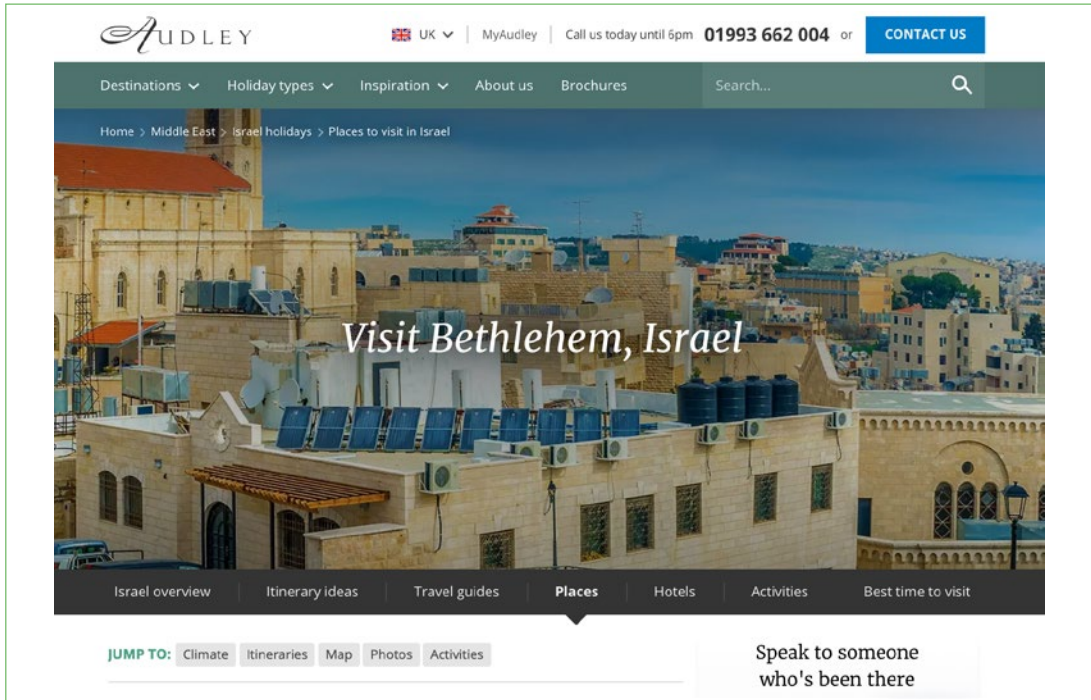
None of the brochures advertised by the companies we profiled provided complete and accurate information about the tour's destination and the itinerary locations. Six out of the nine companies' brochures do not indicate that the tour travels outside of Israel and into Palestinian and Syrian territories, which Israel occupies militarily and parts of which it has annexed to its territory. Both the written and visual information in all brochures either omit or misrepresent the location of OPT (and in some instances the occupied Syrian Golan) sites as being inside Israel, often accompanied by images of such sites alongside exclusively Israeli branding. All profiled brochures, including those of the profiled companies, present the West Bank as being areas located within Israel. Brochures that do mention Palestine give the impression to consumers that they leave Israel only when they enter the city of Bethlehem e.g. 'Bethlehem (Palestine)' giving travelers the erroneous impression that the other sites visited on the tour that are in the OPT are not in Palestine and are, implicitly, in Israel.

Audley

Audley is an award-winning UK tour operator with offices in London, Boston, and Toronto.⁸⁸ The company arranges travel to 87 countries and had an annual turnover of £291 million in 2019.⁸⁹ According to the *Financial Times* it is the largest "tailor-made vacations" operator in the UK market.⁹⁰

The company sells four tours covering locations in Israel and the OPT, that can be tailored from a selection of online materials including add-ons that visit the settlement site of Herodium National Park.⁹¹ However, sites located in the OPT are not presented as such. The company's "Jerusalem, Tel Aviv, Negev Desert" and "Tel Aviv and Jerusalem" tours visit the settlement site of Qumran National Park.⁹² Within its assortment of Israel branded tours, the company maintains profile pages for 'Bethlehem, Israel'⁹³ and 'Jericho, Israel'⁹⁴, while both cities are located in the West Bank (occupied Palestinian territory). The 'Bethlehem, Israel' page links to Audley's itineraries for the 'Classic Israel' and 'Highlights of Jordan and Israel' tours.⁹⁵

In January 2020, the company was granted the 'Travelife Partner Award' from Travelife, a certification initiative for tourism companies "committed to reaching sustainability"⁹⁶, in recognition of its performance on sustainability and corporate social responsibility, including the OECD Guidelines for Multinational Corporations.⁹⁷



Audley Tours' profile page for "Bethlehem, Israel" (Audley website, 26 November 2020)



Audley Tour's profile page for "Jericho, Israel" (Audley website, 26 November 2020)

Explore

Explore is a leading UK tour operator that runs 500 tours across 120 countries.⁹⁸ It is owned by Explore Worldwide Ltd, which was bought by Hotelplan UK Group in 2015, and reported a £41.6 million turnover in its 2019 annual report.⁹⁹ Hotelplan, which includes several other lesser known travel brands, generates an annual turnover of approximately 315 EUR million.¹⁰⁰

Explore offers a “Highlights of Israel” package which includes visits to Jericho, Bethlehem, and Qumran National Park¹⁰¹ and a “Highlights of Israel and Jordan” package that includes Bethlehem and Qumran National Park.¹⁰²

Explore’s brochure is a rare example of information being provided to travelers about the company’s local partners, noting that: “our [tour] leader will swap with a local Palestinian guide for a tour of the city [of Jericho]” which the itinerary notes is located “amidst the hotly contested settlements of the West Bank” and “was the first city to fly the flag of the newly formed Palestinian state”.¹⁰³ Despite reference to a tour-guide swap en route to Bethlehem,¹⁰⁴ the written description makes it seem like Palestinian territory commences in Bethlehem only, and thus does not include East Jerusalem for instance. These references are unique for indicating that local Palestinian suppliers are involved in the handling of the tour, but also reveal that the tour is otherwise exclusively handled by an Israeli ground agent.

In response to the research findings, Explore have indicated that the matter will be examined in detail.¹⁰⁵

Globus

The US-based tour operator Globus has offices in the US, Canada, Australia, New Zealand, India and the UK¹⁰⁶ as well as an online interface for other international customers.¹⁰⁷ Globus is one of the brands¹⁰⁸ marketed and sold by Group Voyagers Inc.,¹⁰⁹ a US based private company which had a 36.28 million US dollar turnover in 2018.¹¹⁰

Globus offers a number of tour options including the tour ‘Israel Escape’, which visits the settlement site of Qumran National Park and the city of Bethlehem;¹¹¹ and ‘Fascinating Israel’, which visits Bethlehem.¹¹² In Globus’ maps, the West Bank is included in the territory demarcated as Israel.¹¹³ Both tours also include a visit to the Dead Sea but it is unclear whether the precise location is in Israel or inside a settlement site in the West Bank.

The company’s ‘Journey through the Holy Land’ tour also includes a visit to the touristic settlement site of the Inn of the Good Samaritan. The site is administered by the Israel Nature and Parks Authority¹¹⁴, and located along Road 1 between Jerusalem and Jericho within the jurisdiction of Maale Adumin settlement.¹¹⁵ The same tour also includes visits to the Garden Tomb, Mount of Olives and Garden of Gethsemane, sites located in East Jerusalem (West Bank).

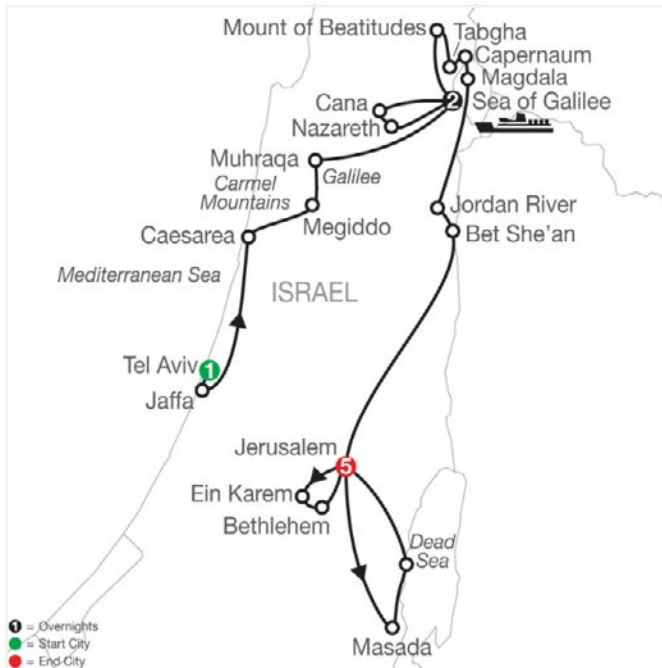
Globus is a member of Sustainable Travel International,¹¹⁶ a non-profit organization that engages travel companies “in sustainable practices that contribute to the well-being of the communities and resources they depend on”.¹¹⁷ The stated aim of Sustainable Travel International is to “make sure that local people reap the benefits of tourism and empower them to improve their livelihoods, share their heritage, and contribute to sustainable development.”¹¹⁸



Map of Globus "Israel escape" tour, <https://www.globusjourneys.com/tour/israel-escape/kqc/?nextyear=true>
Last accessed on 26 November 2020.



Globus' map for the 'Fascinating Israel' tour shows the West Bank as part of Israel.




Map of Globus "Journey Through the Holy Land - Faith-Based Travel" tour. <https://www.globusjourneys.com/tour/journey-through-the-holy-land-faith-based-travel/tg/?nextyear=true>, last accessed on 1 December 2020.

Goed Idee Reizen


The Netherlands-headquartered operator Goed Idee Reizen, presents itself as a Christian travel organization¹¹⁹ and states that “the word of God is [their] compass”.¹²⁰ It is a brand of the leading Dutch travel company TUI Nederland N.V., which is owned by the German based TUI Group (TUI AG)¹²¹, which sold 9.7 million excursions and activities worldwide in 2019¹²² and had an annual turnover of close to 19 EUR billion in that same year.¹²³ Goed Idee focuses on group travel for people aged over 50 interested in religious and historical trips, and is a brand of TUI Nederland N.V., which is the number one online travel brand in the Netherlands,¹²⁴ servicing 1.5 million holidaymakers with an annual turnover of over 1.979 EUR billion in 2017.¹²⁵

The company advertises four Israeli branded tours, three of which visit the settlement site of Qumran National Park.¹²⁶ It provides its own Dutch-speaking tour guide who accompanies the “expert Dutch-speaking Israeli guide”.¹²⁷ The advertisement materials for all the company’s tours are branded as exclusively “Israeli” despite the fact that several of the sites visited in “Israel” are actually located in the OPT, including Qumran and Bethlehem.¹²⁸ The “Highlights of the land of Israel” tour alone was at the time of writing scheduled for five separate departure dates in 2020, after some had been cancelled due to the Covid pandemic.¹²⁹

▼ Dinsdag • Qumran – Ein Gedi – Massada



We rijden door de woestijn van Judee naar de oevers van de Dode Zee. We maken een fotostop bij Qumran, de woestijngrot met de vindplaats van de Dode Zeerollen. Bij Ein Gedi is een bijzondere woestijnoase. Het is de plaats waar David zich verborg voor Saul. We maken er een wandeling naar de watervallen en onderweg zien we wellicht steenbokken en klipdassen. We rijden verder naar de hooggelegen Romeinse vesting Massada. We gaan er met de kabelbaan omhoog en zien de plek waar de Zeloten zich zo heldhaftig hebben verdedigd tegen de Romeinen. Op de terugweg naar Jeruzalem stoppen we bij de Dode Zee, het laagste punt op aarde. Natuurlijk kunt u hier uw 'onzinkbaarheid' testen in het zoute water.



Vliegreis - Hoogtepunten van het land Israël

[Bekijk prijzen](#)

Goed Idee Reizen’s ‘Highlights of the Country of Israel’ tour visits Qumran and Bethlehem, both labelled as “Israel”.¹³⁰

Goed Idee Reizen is a member of ANVR¹³¹, the Dutch Association of Travel Agents and Tour Operators.¹³² ANVR seeks to “to combine the strength of its members in pursuit of their common social and economic interests”, and has ‘image and lobbying’ and consumer affairs as part of their core activities.¹³³ In response to the research findings, indicating that its members¹³⁴ are involved in settlement tourism and misrepresentation, ANVR wrote that it has no “role in this matter”.¹³⁵

Insight vacations

Insight Vacations is an online platform that allows users to search and book holiday packages. Insight Vacations is one of the 40 brands¹³⁶ of 'The Travel Corporation', headquartered in the Virgin Islands,¹³⁷ which generates annual revenues of about \$2 billion through 40 offices worldwide.¹³⁸ It is one of the biggest travel companies in the world, which is also committed to 'mak[ing] sure money goes back into the communities where it takes guests'.¹³⁹

The company sells the 'Israel Discovery' tour visits sites in occupied East Jerusalem and Bethlehem, which it misrepresents to consumers as all being located in Israel. The company is currently offering 26 tours with scheduled departures in 2020, 2021, and 2022.¹⁴⁰ The 'Israel Discovery' tour alone has 19 scheduled departure dates in 2021.¹⁴¹ The 'Israel and Jordan' tour includes an optional visit to Bethlehem. In addition, the tour includes a "visit [to] a winery known for producing Israel's leading wines", which is actually located in the Syrian occupied Golan Heights.¹⁴² This tour has 25 scheduled departure dates in 2021.¹⁴³ Although the 'Israel Discovery' and the 'Israel and Jordan' tour do not visit Qumran, the itineraries mention passing by the Qumran site and indicate it on their maps without making explicit this is indeed a settlement in the OPT.

Foreign tour operators often resell each other's tours, and many reappear on the market with slight adjustments to the day-to-day itinerary description. For instance, travel agents with a physical office, such as Sunway in Ireland, and Mayflower in Malaysia, sell Insight tours.¹⁴⁴ The 'Israel Discovery' tour is reposted by the Irish operator, Sunway Holidays, 'Ireland's Favourite Tour Operator' according to the *Irish Independent*.¹⁴⁵

In response to the research findings, Insight Vacations indicated they were not aware of issues related to the Golan winery and are committed to investigate further.¹⁴⁶

The image shows a detailed brochure for the 'Israel Discovery' tour. The top left corner features the title 'EGYPT, MOROCCO, JORDAN & ISRAEL REGIONAL JOURNEY' and 'ISRAEL DISCOVERY'. Below this is a large, vibrant photograph of a traditional Israeli Shabbat dinner plate, featuring hummus, falafel, pita, and fresh vegetables. The brochure is organized into several key sections:

- TRIP PLANNER - 8 DAYS:** A table listing the 8-day itinerary with dates, departure times, and prices.
- YOUR ITINERARY - AT A GLANCE:** A summary of the 8-day trip, including 7 breakfasts, 14 lunches, and 13 included experiences.
- INSIGHT EXPERIENCES:** A list of unique activities such as 'WELCOME TO TEL AVIV', 'RELAXED START', 'TO THE DEAD SEA', 'CANAAN', 'MADABA AND THE HOLY CITY OF JERUSALEM', and 'DEPART JERUSALEM'.
- TOP RATED HIGHLIGHTS:** Key features of the tour, including visits to Abu Basma, the National Museum in Jerusalem, and the National Museum in Tel Aviv.
- AUTHENTIC DINING:** Information about the 'Foster Middle Eastern Dinner in Tel Aviv'.
- SMALLER GROUPS:** Details about the tour's focus on UNESCO heritage sites, specialty meals, and private transfers.

 The brochure also includes a map of the region, a price of '\$432 PER DAY', and contact information for Insight Vacations.

Insight Vacations' brochure

Kensington Tours

The US based tour operator Kensington Tours¹⁴⁷ is owned by Jeff Willner, who also owns the Canadian global tourism giant Travel Edge, one of Canada's largest privately-owned travel management companies with offices across Canada and the US.

The company offers seven suggested 'Israel' branded customisable itineraries with incomplete and inaccurate references to locations in the OPT, including visits to the occupied Syrian Golan Heights, and to the site of the City of David in occupied East Jerusalem, run by the Israeli settler group Elad Foundation.¹⁴⁸ Elad Foundation is an Israeli-registered non-profit organization with two main objectives: moving Jewish settlers into East Jerusalem (i.e. the Palestinian Silwan neighborhood), and running excavation and tourist sites, one of which is the City of David, which they run for Israel's Nature and Parks Authority.¹⁴⁹

Kensington Tours' 'Christian Pilgrimage' tour misleadingly implies that significant parts of the OPT outside of Bethlehem are part of Israel, while telling consumers that: 'Your English-speaking driver-guide will accompany you to the checkpoint between Israel and Bethlehem' and 'a Palestinian guide will join you for a visit to the Chapel of the Milk Grotto', suggesting that one only crosses into Palestine once entering the city of Bethlehem.¹⁵⁰

Promoséjours

The leading French tourism company Promoséjours, based in Paris, is an online travel agency that works in close collaboration with the largest tour operators on the French market, such as the companies Asia, Jet Tours, Bravoclub, and Circuits du Monde¹⁵¹ which offer travel services to nearly 1,000 destinations. Promoséjours is a brand of NG Travel group, France's sixth largest tour operator. NG Travel has an annual turnover of over 230 EUR million.¹⁵²

Promoséjours offers 22 different tours, each with multiple departures from multiple cities in France, as well as from Switzerland and Belgium.¹⁵³ The 'Israel Wonders Tour' alone has six scheduled departures in 2021.¹⁵⁴ The company's 'Holy Land' tour visits the settlement sites of Qumran National Park, Herodium National Park (referred to as 'Herodion'), and the Davidson Center in the Old City of Jerusalem located in occupied East Jerusalem and administered by the Israel Antiquities Authority.¹⁵⁵ The 'Wonders of Israel Tour' also includes a visit to Qumran National Park.¹⁵⁶ Several of the tours include visits to Bethlehem.¹⁵⁷ The price of the tour includes entry fees to these settlement sites.¹⁵⁸

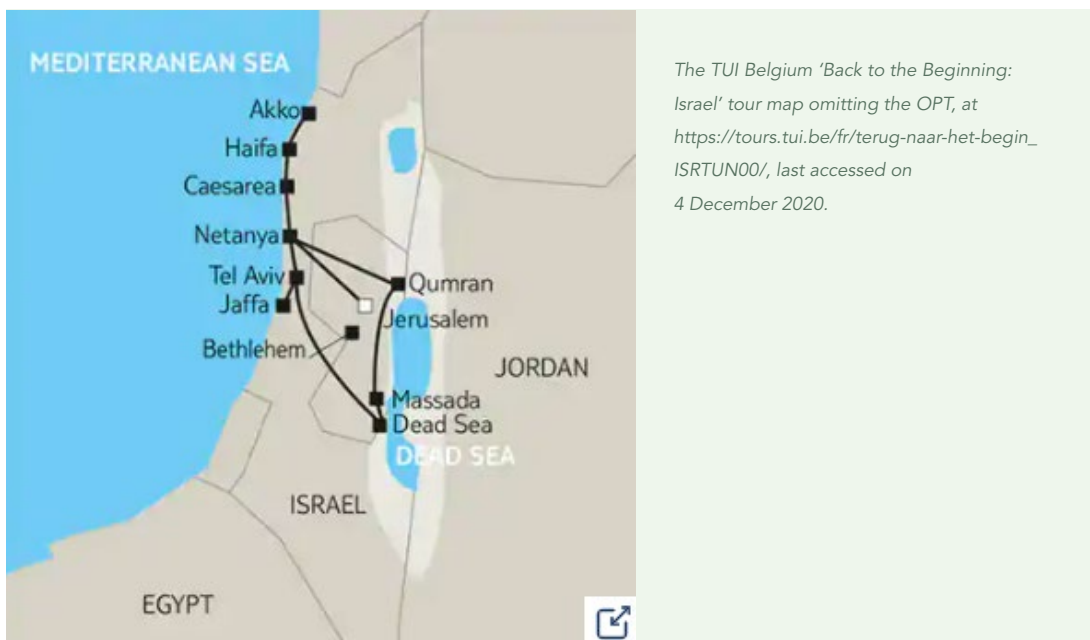
Promoséjours' 'Memory of Israel' itinerary includes East Jerusalem, Bethlehem, the touristic settlement site of Qasr al-Yahud (all in the OPT) and the occupied Syrian Golan Heights.¹⁵⁹ It gives the impression that all those locations are inside Israel.¹⁶⁰

Tui Group

Germany based TUI Group (also known as TUI AG) is one of the world's largest multinational tourism companies with 1,600 travel agencies and leading online portals around the globe, as well as its own aircrafts, hotel and cruise liners.¹⁶¹ Since it was founded in 1923, the company claims to have serviced 27 million customers in 180 regions.¹⁶² The company had an annual turnover of almost 19 billion Euros in 2019¹⁶³ The company's website also boasts a commitment to 'sustainable tourism' for the

past 20 years, and maintains both an 'Integrity and Compliance Passport' and a 'Code of Conduct for Suppliers' that include commitments to human rights.¹⁶⁴

The company's branches in Belgium¹⁶⁵ sell exclusively Israeli-branded tours that visit sites in the OPT, including Israeli settlements. These tours can be bought online also by consumers whose point of departure is outside Belgium. The Belgian subsidiary offers an eight-day tour called 'Back to the beginning: Israel' (with a Dutch language speaking guide).¹⁶⁶ The tour includes a visit to and winetasting in the occupied Syrian Golan Heights (which is presented as part of Israel), sites in occupied East Jerusalem, illegally annexed by Israel, and spends a few hours in the Palestinian city of Bethlehem in the OPT, both of which it designates as being inside Israel.¹⁶⁷



The Dutch branch of TUI offers an "Israel and Jordan" tour which includes visits to baptismal site Qasr al-Yahud¹⁶⁸, and the occupied Syrian Golan Heights.¹⁶⁹

In 2020, TUI's UK branch offered a seven-day package tour called 'Israel Through the Ages'. The tour visits the Israeli settlement of Katzerin in the occupied Syrian Golan, which it refers to as the "capital of the Golan". Tour groups also "go to a wine-tasting session at a local winery", and the package includes, as an 'Optional Experience', a 'Tunnel Tour of the City of David', an archeological settlement site run by a government-supported Israeli settler organization, Elad Foundation.¹⁷⁰

Although the French branch of TUI offers two tours to Israel – 'Land of History' and 'Sensational combined Israel Jordan' – and indicates their destination as being 'Israel-West Bank (Palestine)', the day-to-day description does not indicate when the tour crosses the border to Palestinian territory.¹⁷¹

The company's website also includes a reference to the 'Golan' without indicating that it is not part of Israel.¹⁷²

TUI's UK branch is a member of ABTA¹⁷³, the largest travel association in the UK, representing tour operators and travel agents.¹⁷⁴ ABTA is active in "offering advice and guidance to the travelling public, as well as leading the travel industry in supporting high service standards, working with our Members on health and safety, and promoting responsible tourism at home and abroad".¹⁷⁵

The Dutch branch of TUI is a member of ANVR.¹⁷⁶

Viajes catai

Viajes Catai is a leading Spanish tourism company with 12 offices across Spain. Its turnover was \$233 million in 2019.¹⁷⁷ Owned by Barcelo Corporacion Empresarial,¹⁷⁸ the company's clientele comes from across the Spanish and Portuguese speaking world.¹⁷⁹

Viajes Catai's provides explicitly false information on its webpage about the location of Palestinian sites, describing both Jerusalem and Qumran as famous religious cities located inside Israel.¹⁸⁰ The company offers 14 tours labeled as 'Israel', of which 12 visit sites in the OPT.¹⁸¹ Out of those 12 tours, 11 visit Bethlehem. In the individual itineraries the city is listed as located inside Palestine. Viajes Catai brochures that do mention Palestine give the impression to consumers that they leave Israel only when they enter the city of Bethlehem e.g. 'Bethlehem (Palestine)'. This gives travelers the erroneous impression that certain sites visited on the tour are not in Palestine, and are, implicitly, in Israel.¹⁸² Several other tours also visit Qumran.¹⁸³ The nine-day tour 'Wonders of Israel' visits the settlement sites of Qumran National Park and the Archaeological Park in the Davidson Center in occupied East Jerusalem,¹⁸⁴ which was administered by Elad in 2013 through an agreement with Jewish Quarter Development Company annulled a year later.¹⁸⁵



Catai's tours to "Israel" webpage shows the Dome of the Rock in occupied East Jerusalem, OPT.

6 Human rights violations and abuses linked to specific sites in the OPT

This section profiles three locations in the OPT, including sites in Israeli settlements, that commonly appear on package tours marketed by foreign tour operators. The section sets out the ways in which the establishment and maintenance of each site is linked with the discriminatory policies of unlawful land appropriation and its effects of dispossession and displacement on Palestinian communities. The section also explains how such sites effectively implicate Israeli and foreign businesses in an unlawful economic venture.

Although sites in occupied East Jerusalem and the Golan are not showcased in this report, a number of key tourism sites in these areas are almost always also included in tour package itineraries or bought separately as add-ons,¹⁸⁶ which are also associated with sites with serious human rights and international law violations.¹⁸⁷ The City of David and the Davidson Centre and Archeological Park are included on many itineraries, including those sold by Viajes Catai, Kensington Tours and TUI profiled above. Kibbutz Kalia and Inn of the Good Samaritan are two further settlement sites in the OPT not included in this section but visited on the tours sold by Explore and Globus.

Specific sites visited by incoming groups in the Syrian territory of the occupied Golan are also excluded from the scope of this report. The human rights impact of tourism in the Israeli-occupied and illegally-annexed Syrian territory of the Golan is available from the local human rights NGO Al-Marsad.¹⁸⁸ The 34 Israeli settlements in the occupied Golan (with the most recent, Trump Heights, inaugurated in June 2019) include a host of tourism attractions, such as resorts and wineries, as well as historical, nature and sporting sites, including skiing facilities for both Israeli and foreign tourists.

Experts have called on states to stop businesses from maintaining links with Israeli settlements in both the OPT and Golan, in view of the serious human rights violations caused by Israel's unlawful policies and its annexation of the Golan.¹⁸⁹ The analysis in this section is thus also relevant to operators that sell tours that include sites in illegal settlements in the occupied Syrian Golan.

Qumran National Park

Qumran is one of the most commonly found sites on standard Israel and Holy Land itineraries. It features in tours sold by a majority of the nine companies profiled in this report.

Qumran is one of the most significant archaeological sites in the OPT, and is located in Area C (which according to the Oslo Accords is under exclusive Israeli control and includes the settlements) about one kilometre away from the Dead Sea and approximately 20 km south of Jericho. The site is part of the Israeli government's "National Heritage Sites Project", launched in February 2010 to "strengthen the connection of the Jewish people to the land of Israel through the development and promotion of two kinds of sites: historical sites from the history of Zionism and archaeological sites marking the Jewish presence in the land throughout ages."¹⁹⁰

Qumran National Park, the site of the Dead Sea Scrolls managed by the Israeli Nature and Parks Authority, was the fifth most visited site in Israel and OPT by Israeli handled tour groups in 2011 (the last time such figures were made public). 373,826 visitors generated an estimated US\$ 2.05 million in entry fee revenues alone.¹⁹¹ The nearby Ein Fashkha nature reserve had 101,639 visitors in 2011 and generated an estimated US\$ 0.56 million.¹⁹² While under Israeli control, the site was included in the tentative lists of prospective world heritage sites of the diplomatic mission of the State of Palestine to UNESCO,¹⁹³ which the US and Israel attempted to block by withdrawing from UNESCO.¹⁹⁴

Tourists visiting these sites can enter the Kalya settlement (also spelled Kalia) which has access to the Dead Sea beach and sizeable agricultural plots cultivated by settlers and illicit business linked to the Israeli economy.¹⁹⁵ The Israeli Ministry of Tourism has granted access and use rights as well as generous funding to businesses in an area of some 40 hectares of land along the Dead Sea coast, which it had closed off as a military zone.¹⁹⁶

This is despite explicit provisions to this effect in the Interim Agreement between Israeli and Palestinian authorities stating that both sides should examine ways to “encourage joint ventures in the tourism field in all areas of mutual benefit including on the Dead Sea”.¹⁹⁷ The Joint Tourism Committee established by the Oslo Accords has not functioned since 2000, barring Palestinian business and investors from obtaining permits to develop the land for tourism in the area.¹⁹⁸ The World Bank estimates that if the Palestinian economy had access to the Dead Sea, it “could be expected to develop a Dead Sea hotel industry of comparable profitability to Israel”.¹⁹⁹

The land now used for the administration of the site of Qumran National Park, and its adjacent parking lot for tour buses, was once used by Palestinian Bedouin communities who inhabited and used this area for grazing and farming, especially in the winter months.²⁰⁰ Since the beginning of Israel’s occupation, Bedouin communities in the Jordan Valley, who self-identify as Indigenous Peoples,²⁰¹ have been gradually forced out of their traditional land and into the vicinity of the Jerusalem-Jericho road.²⁰² Both the Bedouin and Palestinian communities have been subject to crippling restrictions on access to land, water, and electricity as well as other infrastructure and basic services. Meanwhile, settlers are in exclusive control of much of the 160,000 hectares of the northern Dead Sea area, which amounts to approximately 28.8% of the West Bank.²⁰³ Israeli authorities have thus systematically impaired the rights of Bedouin communities as Indigenous Peoples to freely pursue their economic development; use and enjoy their land, territories and resources; and enjoy their own means of subsistence.²⁰⁴ Israel has continued to develop archaeological sites throughout the West Bank into attractions, while preventing the Palestinian authorities and business from doing so.²⁰⁵

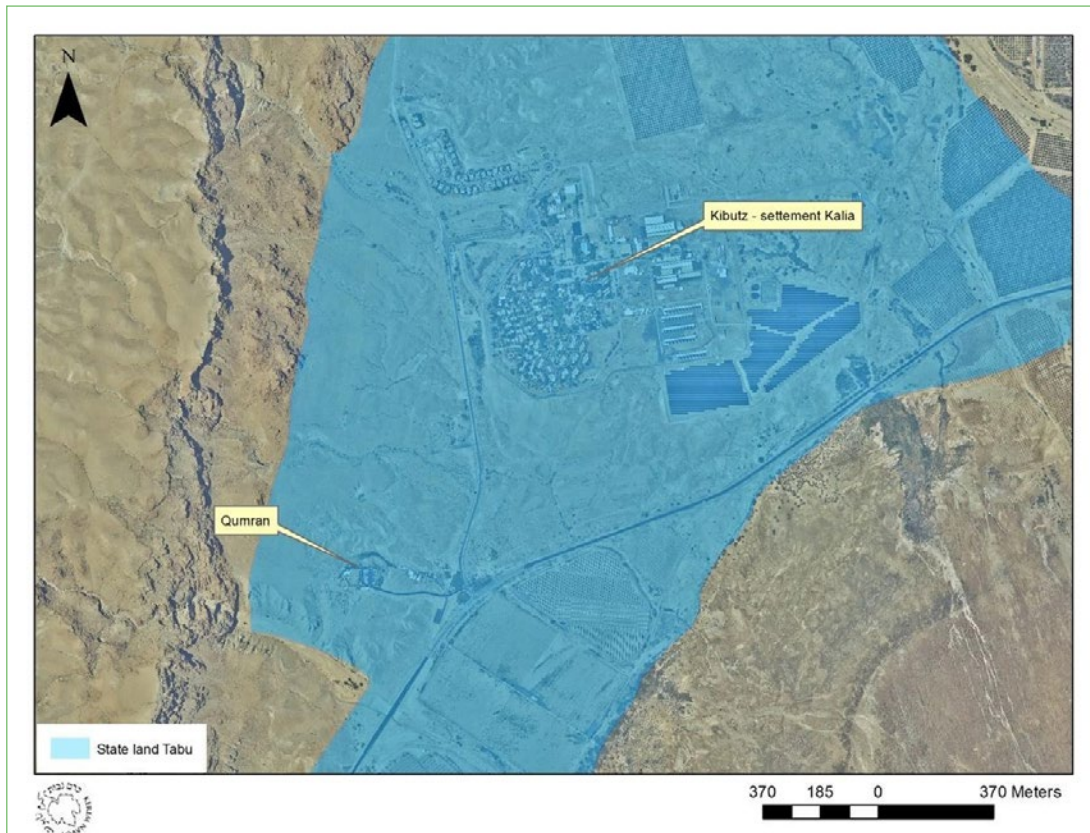
Members of the Bedouin community at Sath al-Bahr (meaning ‘sea level’), located down a precarious dirt road from the popular ‘Sea Level’ viewing area, told GLAN researchers that they face routine threats of demolition by the Israeli army.²⁰⁶ They have been prohibited by the Israeli authorities from connecting to water and electricity networks and must rely on their basic solar panels which produce a sub-standard quantity of electricity and on water tanks, which they refill manually. They avoid constructing showers or bathrooms for fear of demolition by the Israeli military.²⁰⁷ This situation also prevents them from repairing the decaying dirt road leading to their community.

On the day GLAN researchers visited the family, settlers from the nearby Vered Yericho settlement, located on a hilltop towering above the community, were flying a drone to survey the community's activities, which the family said was a regular occurrence. The family told GLAN researchers that settlers regularly call the Israeli Civil Administration to report on any minor adjustments to the structures and have filed lawsuits alleging that they are in breach of building laws. The legal fees associated with these lawsuits have so far cost the community approximately 3,000-4,000 NIS (approximately US\$860-1,150).²⁰⁸ Due to the particularly high threat of demolitions which the community faces and the constant surveillance by settlers and Israeli authorities of its activities, the community is supported by the EU's programme to prevent forcible displacement of Bedouin communities in Area C. In 2018, this EU programme contributed funds for the insulation of some of the containers used by the community as housing.²⁰⁹

Amid these crippling restrictions, the family has been running a small tourism business since 2015 that includes a food tent, hiking and an option to stay overnight. Over the years, most of the visitors have been Palestinians, though some international tourists have also visited the location as it is part of the Abraham Path hiking trail.²¹⁰

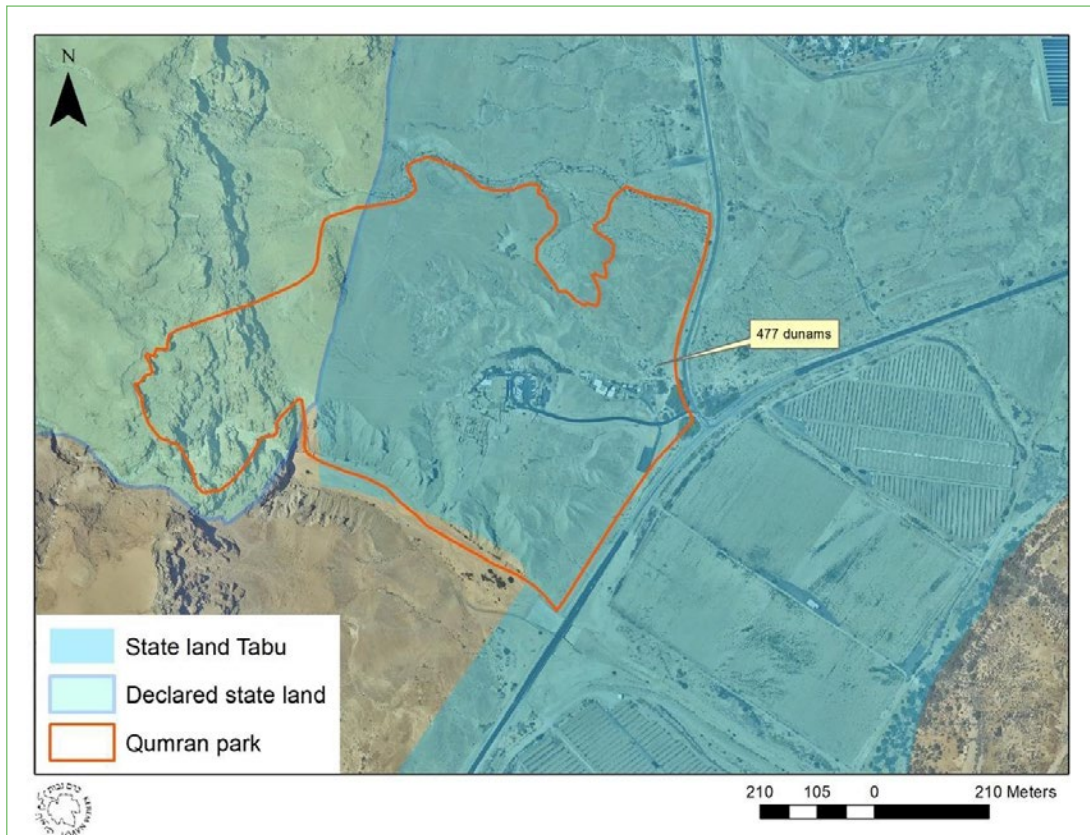


Limited water supply system, toilets and solar panels resulting from Israeli restrictions, at Bedroom Saht El Bahr community. August 2019



Kibbutz Kalia settlements enjoys the vast land allocation of 2530 hectares, linked with Qumran (Kerem Navot 2019).

The Israel Nature and Parks Authority operates a host of other world-renowned tourist sites in the area: the Qumran Caves, where the Dead Sea Scrolls were found in 1947 (now on display at the Israel Museum along with many other artifacts transferred out of the OPT),²¹¹ and Ein Fashkha (Einot Tsukim in Hebrew) Springs, both located in the northern Dead Sea area.²¹² The nature reserve Wadi Qelt, west of Jericho, and its ancient monasteries are also under Israeli control.



Qumran National Park is located on 48 hectares (Kerem Navot 2019).

Herodium National Park (Herodion)

The Herodium Park, which opened in 1985, is located several kilometres southeast of Bethlehem and is an archaeological site identified as a fortress palace built by King Herod in the 1st century BCE.²¹³ Built on the outer slope of the hill, facing Jerusalem, the site consists of the remains of Herod's palace and his tomb and includes a small theatre seating 400 people for entertaining guests at the palace. The site also hosts escape tunnels, cisterns and caves.²¹⁴ The overall size of the land appropriated for the construction of the park spans an area of over 100 hectares, of which the current archaeological site spans approximately 46.7 hectares.²¹⁵

The site includes a lookout over the Herodian theatre as well as a close view of the tomb; scenic observation points from the visitor's centre; a model of the hill located in the site's lobby; a movie theatre; and a kiosk and gift shop.²¹⁶ The Israeli government brands the site as being linked with the settlements in its vicinity: "east of Gush Ezion and near Teqo'a settlement".²¹⁷ There is access to the site through the Har Homa settlement which Israel designated as a neighborhood of Jerusalem.²¹⁸

The entry fee for an adult in a group is 23 NIS (approximately US\$6), compared to 25 NIS (approximately US\$7) for independent travelers. The entry includes a film screening, viewing of the structures, purification pools and cemetery uncovered at the site.²¹⁹ According to the most recent data available on visits to the site, in 2011, the site had 86,375 Israeli and foreign visitors, and generated an estimated US\$0.47 million in revenues from entry fees alone.²²⁰

The site also plays a significant role in furthering settlers' historical claims by using archaeology as a tool to seize and expel Palestinians from land to promote international support for the settlement enterprise.²²¹ Former head of the Gush Etzion regional council (today Director General of the Israel Nature and Parks Authority) Shaul Goldstein said at the time of the site's discovery: "The location of Herod's tomb in Herodion, one of the most fascinating structures of the ancient world, is further proof of the direct connection of Gush Etzion to the history of the Jewish people and Jerusalem."²²² As part of the appropriation of the cultural heritage of Palestinians, the Israeli Antiquities Authority and Hebrew University have also conducted excavations at the site since 1980, in violation of international law. Their finds from the site are displayed at the Israel Museum, in breach of the absolute prohibition in international law on the removal of artefacts from occupied territory.²²³

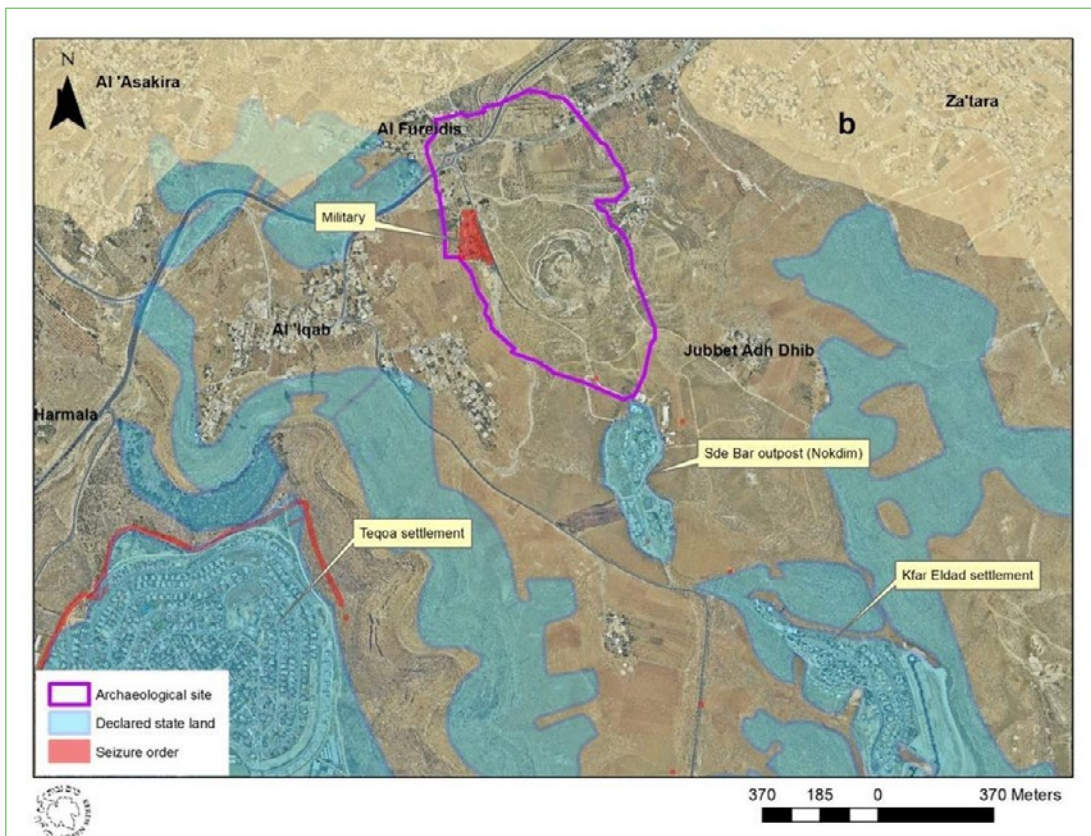
At least five Palestinian villages are adjacent to the site, including Fureidis, Za'tara, Jibt al-Deeb, and Beit Ummar, most of which own land within the broader area of the site and the settlements directly adjacent to it. Many of these landowners cannot cultivate their lands or even renovate their homes without the approval of the Civil Administration's Staff Officer for Nature Reserves and National Parks.²²⁴ Palestinian communities in the area are hemmed in between the Herodium Park site, Israeli settlements, and swathes of land illegally declared by the Israeli Civil Administration's Custodian of Government Property to be 'state land', which its Palestinian landowners cannot access or cultivate.²²⁵

While placing restrictions on the development of the Palestinian villages, Israeli authorities have enabled the expansion of the two Israeli settlements near the site, including by retroactively legalising them on 4 April 2019.²²⁶ The Havat Sde Bar outpost (an illegal settlement under Israeli law), was established at the northern hillside of mount Herodion (the name of the mount in English) in 1998 on land appropriated by the Israeli government from Palestinian landowners in the village of Jibt al-Deeb.²²⁷ Israel's Ministry of Tourism includes Sde Bar goat-cheese farm and restaurant in its list of attractions and workshops on its website, noting that the site is located "[o]n the southern slopes of Israel's Mount Herodion".²²⁸

Residents of what remains of the village Jebel al-Fureidis told GLAN researchers that about 10 families left the part of the village located along the road leading to Herodium National Park since the site's establishment.²²⁹ The Israeli army has military jeeps parked beside their homes which researchers saw on the day they visited the family house.²³⁰ A family house was raided by Israeli soldiers at 1am the night before GLAN researchers visited, merely to check who lives there.²³¹ The family said that the army and police forces regularly carry out surveillance on their daily lives and prevent the family from having direct access to public transportation from the house.²³² In 2009, when the family tried to open a grocery shop, they said that the Israeli authorities closed the shop and confiscated all its belongings.²³³ People from the community say that they are prohibited from building any new structures and can face difficulties making essential repairs to their homes.²³⁴

The community said it used to use approximately 30 hectares of land on the immediate outskirts of Herodium National Park to cultivate wheat and chickpeas, and grow cucumbers, okra, and zucchini, which they would sell in the market.²³⁵ In recent years, they can only access a small part of that land, where they cultivate a small olive grove.

Residents of al-Fureidis al-Zaghyir, located on the eastern side of Herodium National Park, told GLAN that the Israeli army has prevented them from accessing their land – a plot of some 1.6 hectares with about 270 olive trees right at the foothill of mount Herodium National Park. Each time they would see them on the land since the establishment, they would ask them to leave the site without providing any reasons.²³⁶ The land is, according to the family’s description, at least partly located within the area of the archaeological site (see map below), which the family are prevented from accessing by the Israeli army.²³⁷ By preventing the family from making necessary improvements to their house, using their land, and establishing a business on the street, Israeli authorities are seriously violating their rights to family life, an adequate standard of living, as well as their right to be protected from forced displacement, given the indirect need such life circumstances create for their relocation.



Herodium's seizure is linked with multiple other settlement land takeovers in the area (Kerem Navot 2019).

On the other side of the mount from Fureidis is the village of Jibt al-Deeb, established in 1929 (19 years before the creation of the state of Israel). The village is now home to about 40 remaining families after scores of its original residents left the village due to a host of restrictions imposed by the Israeli authorities.²³⁸ The village, located in Area C, is four hectares, but only about 0.8 hectares are built on.²³⁹ The last house demolition was 16 years ago and no new houses have been built subsequently due to the inability to obtain a building permit from the Civil Administration, which claims that the village's master plan was never approved, resulting in the systematic violation of the residents' rights to adequate housing.²⁴⁰

According to residents in the village, in addition to imposing access restrictions, the Israeli authorities have dumped the debris from the excavations done at Herodium National Park on their agricultural land.²⁴¹ The agrarian community used to grow cucumbers, cabbage, cauliflower, peppers, and tomatoes. Many new agricultural projects have failed due to restrictions on access, particularly during the summer months.²⁴² Farmers cannot access their crops, and require permits from the Israeli military to pick olives from their trees; while other trees are either burnt or harvested by settlers, who have also assaulted Palestinian farmers and stolen their cattle.²⁴³ Residents who own approximately 4.5 hectares of land located between Herodian and Sde Bar settlement told GLAN researchers that every time they have tried to access their land in the past six years either the army removed them or settlers attacked them.²⁴⁴ The Israeli authorities have also prevented a surveyor from entering the land, thereby stopping the family from registering its ownership.²⁴⁵

They [Israelis] want to cut us off from the land, force us to leave the land. This is their policy. If it was not for this village, more settlements would have been established here.

Quote from interview with Jibt al-Deeb resident denied access to land nearby the site.

The village's water network was connected to the water resources under the site since the 1950's, but according to residents these waterways have been cut off since Israel began to develop the site at the beginning of its occupation. The village is now connected to the Palestinian water network, but residents are supplied for only part of each month. One of the residents told GLAN that she did not have access to running water for some 16 years, and that women used to have to walk 3-4 km to get water before being connected to the limited Palestinian supply.²⁴⁶ Residents who tried to access the water wells between the village and settlements have been arrested and detained for hours by the Israeli army, severely impacting their right to access safe, affordable water.²⁴⁷

The village is not connected to an electricity grid, and was required to obtain support from the non-governmental group Comet-Me to install a microgrid of solar panels in June 2017.²⁴⁸ However, the Israeli army confiscated the panels three months after they were installed, and returned them only after the residents filed a case before Israeli courts on the procedural grounds that the army failed to give them prior notice of the confiscation.²⁴⁹ Each household now pays 100 NIS (approximately US\$29) per month under the current network but households receive only a limited supply of power, severely impacting their standard of living. Permits for more panels have been denied by

Israeli authorities, which has severely impacted the residents' rights to adequate standard of living by depriving them of access to sufficient amounts of electricity. A consequence of electricity shortages is limited access to water, which is a severe infringement on the community's right to an adequate standard of living.²⁵⁰

In September 2018, the day before classes were scheduled to start for the year, the Israeli army destroyed and confiscated all of the equipment of the Jibt al-Deeb primary school. The equipment has still not been returned. The school provides education for 80 children (with the only other school being 4km away), and the actions of the army amount to a serious violation of the children's right to education. The violation was condemned by both civil society and other states.²⁵¹

While restricting construction and access to water and electricity, Israeli authorities have acquiesced and facilitated the takeover of approximately 10 hectares of the village's land by settlements.²⁵² Only a few kilometers away from the closest substantially more developed Israeli settlements in occupied East Jerusalem, the village is stranded in the past. Israeli restrictions have resulted in the displacement of many families who have left to find accommodation outside of the village due to inadequate housing and other infrastructure in the village.

Herodium Park is one of at least three sites connected to King Herod,²⁵³ and is included on the tours sold by Promoséjours and Audley visit Herodium National Park profiled above.

Qasr al-Yahud Baptismal site

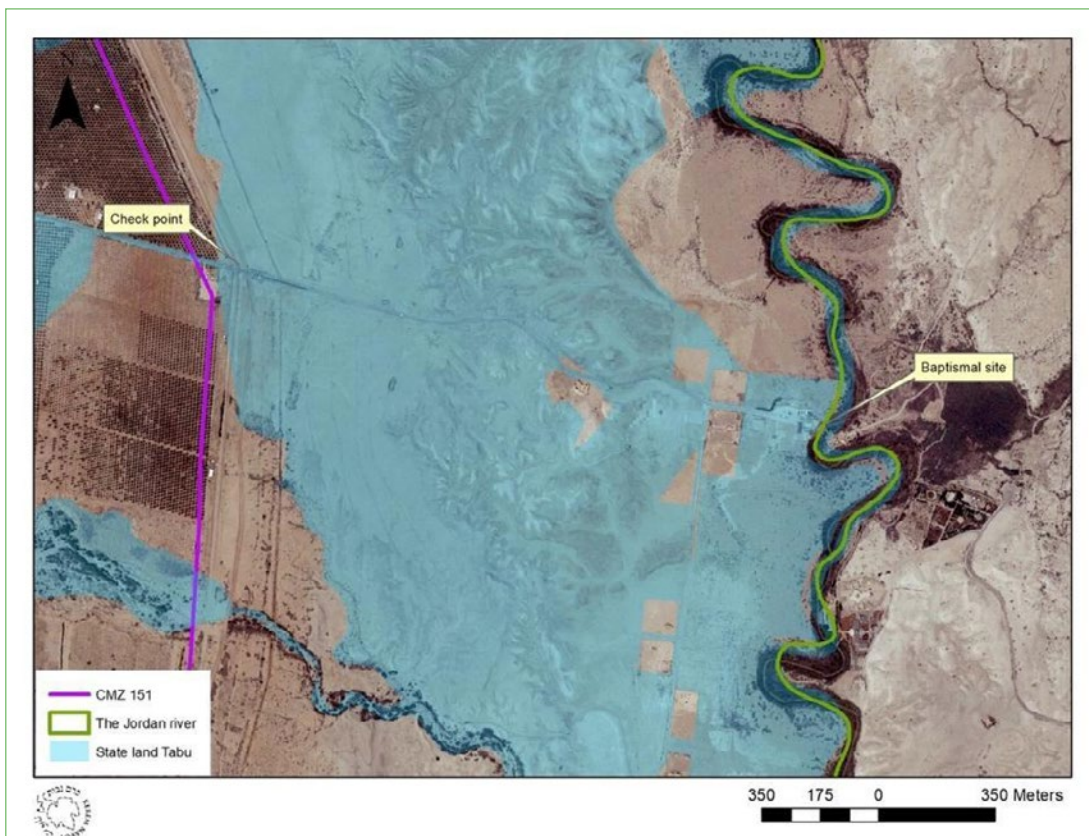
Qasr al-Yahud, directly east of Jericho, is said to be the spot where Jesus Christ was baptised. It was opened as a tourist attraction in 2011. Although there are no entry fees to the site and Palestinians and Palestinian-led groups can access the site, the site is administered by Israel's Parks and Nature Authority and is regularly included on historical and religious tours led by Israeli tour operators.²⁵⁴ The area around the site is being demined since 2018 by the international NGO Halo Trust, in coordination with both the Israeli and Palestinian authorities.²⁵⁵

The establishment of the site in 2011 was made possible by Israel's exclusive control over the buffer zone along the Jordanian border with the OPT,²⁵⁶ and its closure of the area in 1967 for military use through Military Order 151. This resulted in a seizure of about 17,000 hectares, of which about 5,000 are private Palestinian land.²⁵⁷ As of 2013, 860 hectares of this land are being cultivated by 11,000 settlers who live in the 39 Israeli settlements (of which nine are 'illegal outposts' built without Israeli government authorisation) in the Jordan Valley. Settlers in the Jordan Valley control access to the land and natural resources of the roughly 65,000 Palestinians who live in the same area.

The maintenance of the site is thus linked to the overall control that Israeli settlers have gained over the adjacent areas with support from the Israeli government. Most Palestinian farmers have been pushed off the land as a result of restrictions on construction and through lack of access to water resources, as well as confiscation of land by settlers.²⁵⁸ Along the access road to the baptismal site to Jericho, that runs perpendicularly (east-west) from Road 90, is an area of roughly 60 hectares, registered in the Jordanian land registry (tabu). Much of the rest of the land at the site is owned by the Jerusalem Islamic Waqf, the Jordanian authority responsible for administering the al-Aqsa mosque. Palestinians have access to only four hectares of this area, whereas the rest is either being

cultivated or has been fenced off by settlers.²⁵⁹ Efforts by settlers to take over land in this area are ongoing, residents told GLAN researchers.²⁶⁰ In 2015, Palestinians brought an unsuccessful court challenge against settlers who fenced off about half a hectare of land, and in 2018 the Israeli Civil Administration attempted to seize land from a Palestinian family on the grounds that they were excluded from a 1967 census²⁶¹ and thus have no right to remain in the West Bank. This seizure is currently being challenged but has as yet resulted in further access restrictions on the ground.²⁶²

Despite the historic and ongoing violations of the human rights of Palestinians in Jericho and nearby villages, tour groups organized by foreign companies such as Promoséjours have featured the site on their itineraries. In doing so, such companies contribute to the economy of the settlements and therefore to maintaining an illegal situation. The inclusion of the Qasr al-Yahud baptismal site on group tour itineraries listing is particularly common amongst religious tours.²⁶³ Road 90, the main north-south highway that runs through the Jordan Valley, is routinely used by Israeli tour operators traveling between the north of Israel and Jerusalem, who often stop over at Israeli settlement run gas stations and pit stops along this route.²⁶⁴



The Baptismal site is within the area closed by Military Order 151 (Kerem Navot 2019 ©).

7 Corporate complicity in the economy of the settlements

Foreign tourism businesses that take part in Israel's settlement economy contribute to and benefit from the host of violations of international humanitarian and human rights law committed by the Israeli government in the OPT.²⁶⁵ This includes the illicit conveyance of property by the Occupying Power to its civilian population, whose transfer and presence in the occupied territory is enabled by institutional practices of unlawful and extensive land appropriation, which likely amount to war crimes.

7.1 Businesses contributing to and benefiting from Israel's economy of the settlements

Under the UN Guiding Principles, companies have a responsibility to respect all internationally recognized human rights wherever they operate in the world.²⁶⁶ The UN Guiding Principles make it clear that companies also have a responsibility to respect standards of international humanitarian law, including the standards in relation to the protection of people in occupied territory.²⁶⁷

The responsibility to respect human rights requires companies to "avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur."²⁶⁸ If a company identifies that it may cause, contribute or be directly linked to human rights abuses, and that it cannot prevent these abuses, the only possible course of action is to not undertake the relevant activity. If a company is already involved in activities that cause or contribute to human rights abuses, it should undertake action to cease (its own contribution to) the negative impacts, and actively engage to enable remedy.²⁶⁹

When contributing to harm caused by a third party, companies should exert their leverage with the aim to cease the harmful practices by that third party.²⁷⁰ Should that effort be unsuccessful, the company should undertake to responsibly disengage from that business relationship.²⁷¹ The UN has affirmed that in the settlements in the OPT and Golan it is hard to imagine a situation where a company is able to operate diligently and respectfully of its responsibilities under the UNGPs.²⁷²

Foreign businesses that contract with Israeli tour operators to send groups to settlements and settlement-based sites in the OPT contribute to the maintenance and expansion of illegal settlement and to the human rights abuses and violations of international humanitarian law perpetrated by the Israeli authorities. Foreign businesses also benefit from the unfair trading advantage provided to Israeli business, through access to generous government budgets and marketing support, and from preferential treatment by Israeli immigration authorities.²⁷³ In fact, TUI's code of conduct commitments include that of upholding "fair competition" by "not enter[ing] into any arrangements that limit trade or exclude others from the marketplace".²⁷⁴

All the companies profiled in this report are now knowingly contributing to violations of international human rights and humanitarian law related to the settlements. For any company currently operating or planning to operate in settlements or with settlement actors, even the most basic of inquiries would reveal the fact that settlements are illegal under international law. The concern is that many tourism businesses rely on local partners to prepare and operate tours and do not engage in the necessary due diligence to ensure transparency and accountability in their supply chains.

Travel organizations like ANVR and ABTA are directly linked to human rights abuses through their business relationship with members that (a) sell tours visiting settlements, and (b) misrepresent locations in the OPT and occupied Syrian Golan Heights.²⁷⁵ If those efforts prove unsuccessful, they should undertake to terminate this business relationship through responsible disengagement.²⁷⁶

Businesses have a duty to undertake *enhanced* human rights due diligence measures when engaged in activities in conflict-affected areas.²⁷⁷ In the case of the OPT this is a conflict-affected area where an Occupying Power engages in long-standing measures to transform and annex occupied territory. The Working Group on the Issue of Human Rights and Transnational Corporations has underscored the need for enhanced due diligence, or “heightened care” in the due diligence process, in complex operating environments, such as situations of occupation.²⁷⁸ Specifically, travel organizations should scrutinise the content of package tours prepared by Israeli tour operators with a view to ensuring the exclusion of settlement sites, providing accurate information, and partnering with and benefitting Palestinian businesses insomuch as possible. Once a company contributes to or causes human rights violations, it must to enable remediation for those impacts by providing for or cooperating in legitimate processes to that end.²⁷⁹

7.2 Mislabeled and misrepresentation

Tour operators are required under most European and north American domestic laws to ensure that accurate information about the location and other characteristics of sites are communicated to potential consumers, to enable them to make an informed choice about whether to buy and go on the tour. Such information should be consistent with the international consensus on Israel’s international borders and territory it has occupied militarily since 1967.

Given the extent of erroneous information in ready-made package tour materials provided by Israeli business, it is incumbent upon foreign tour operators to verify the information provided to them by Israeli operators and the Israeli government, and present accurate information about such sites if they choose to include them in their package tours. Many tourism marketing materials come with the approval stamp of the Israeli Ministry of Tourism. This ‘seal of approval’ is intended to assure foreign businesses that the information provided about the tour is accurate and that the tour is safe.

The implications of this misinformation of travelers about the destination of the tour and the characteristics of certain sites can be far-reaching. Consumers that rely on erroneous information risk not being able to consult the correct travel advisories issued by their governments in order to guarantee their and their co-travelers’ personal safety and comfort. A further potential risk to

misinformed travelers is that in some cases they may be prevented from obtaining comprehensive insurance coverage for their trips, as is strongly recommended by many country travel advisories.²⁸⁰

Inaccurate information about the destination and characteristics of such package tours can undermine a consumer's ability to take into account the harmful effects on human rights of settlement tourism when making a purchase.²⁸¹ Many consumers would be interested to know that their tour sustains an illicit economy in occupied territory, the maintenance of which contributes to serious abuses of human rights and violations of international law.²⁸²

Some may also wish to know that despite travelling outside Israel, their tour is handled solely by an Israel-handling agent and does not contribute at all to the welfare and standard of living of local Palestinian communities.²⁸³ This is often the case where a tour includes sites in the OPT and is exclusively "Israel" branded. Even when the West Bank or Palestine are mentioned as a destination of the tour, tours – such as those sold by Promoséjours – visit settlement sites.

Indeed, the consumer's right to know about at least some of these impacts was upheld by the Court of Justice of the European Union in November 2019 in relation to 'origin information' of produce originating from illegal settlements, due to the "particular political or social policies which that consumer happens to find objectionable or even repugnant".²⁸⁴ The same standard should now be extended to holiday-package tour itineraries. Third states should adopt regulatory measures with prohibitive effect on transactions between their businesses and activities in the settlements that benefit from and contribute to serious human rights harms without the possibility to mitigate such harm.

The failure to accurately disclose the location of settlement properties and attractions exacerbates the companies' contributions to human rights and international humanitarian law violations and allows companies to benefit from such abuses by ensuring a greater number of travelers than there would be if accurate information was made available about the destination and other characteristics of sites visited on the tour.

7.3 Legal liability in home-states for transnational tourism operators in settlements

Transnational tourism businesses contribute to and benefit from the serious violations that underpin this illicit economy, not only in stark contravention with their responsibilities under the UN Guiding Principles on Business and Human Rights but also with the risk that by falling short of its human rights responsibilities the company may incur liability under its home State's domestic laws.²⁸⁵ Tour companies should take heed of the legal implications of the sustaining effect of the profits from the criminal conduct that underpins the settlements economy under domestic anti-laundering laws. Companies can be found liable for breaches of their international legal responsibilities under the UNGP, as well as under domestic civil and criminal law, where relevant. This is particularly relevant to states who define the 'grave breaches' of the Geneva Conventions as criminal conduct in their domestic laws.²⁸⁶

To ensure that companies do not contribute to the economy of Israel's settlements, home States should ensure that their foreign operations exclude links with settlements in the OPT. Home States have the foremost obligations to make businesses aware of the consequences — both for the business and for their consumers — of partnering with Israeli business to send tours to settlements. The failure to provide accurate and complete information about the destination and other characteristics of the tour is a breach of tourism companies' obligations towards consumers.²⁸⁷

7.4 Breaching their own corporate commitments

Global tour operators like TUI Group and Globus have made their own commitments to respect human rights and operate by certain business principles and values.

TUI Group, for instance, maintains two voluntary codes of conduct, the enforcement of which is entrusted to the company's Compliance Officer. TUI's Code adopts "the principles of the UN Global Compact Initiative and formulates minimum standards in five major areas: TUI's basic values, respect and honesty, adherence to the law, ethical standards and business methods, and social responsibility."²⁸⁸ The Code notes that tourism should be "a global force for good" and potentially the "most effective form of international development cooperation" that can create "positive impact for local communities."²⁸⁹ It thus commits the company "to support efforts to protect human rights and strives to develop appropriate, environmentally and socially sustainable chains of responsibility and response mechanisms within our sphere of influence."²⁹⁰

The Code requires suppliers to "accurately and fully disclose to the TUI entity any requested or relevant information regarding their business activities" which may affect the performance of their contract with TUI "in accordance with applicable laws, regulations and industry practices."²⁹¹ Applicable laws should be understood to include international law and standards, including soft law standards applicable to businesses such as the "UN Global Compact" listed in the Code, as well as a host of relevant domestic laws discussed below. TUI's code also requires the company to 'Prevent[] Money Laundering' in cases of contact with "money from criminal activities".²⁹²

The US company Globus also boasts a code of conduct and a series of philanthropic projects under the banner of 'Globus cares' which include various social and environmental initiatives such as support for education, shelter and employment.²⁹³ This includes a commitment "to return the favor by supporting our local communities and improving the individual lives within them."²⁹⁴

8 Third state responsibility and home-state obligations

Israel's settlement project entails serious breaches of fundamental principles of international law which give rise to certain additional duties among all states. These duties are the duty to "cooperate to bring to an end through lawful means" serious breaches; the duty to not "recognize as lawful" the situation created by such breaches; and the duty to not "render aid or assistance in maintaining that situation".²⁹⁵ The obligation of non-recognition "not only refers to the formal recognition of these situations, but also prohibits acts which would imply such recognition".²⁹⁶ The obligation to not render aid or assistance "deals with conduct 'after the fact' which assists the responsible State in maintaining a situation" in violation of international law,²⁹⁷ and that contributes to perpetuating the illegal situation.²⁹⁸ Allowing trade in goods and services, for example, would have the effect of both implicitly conferring recognition on illegal settlements and aiding in their economic development and survival.²⁹⁹

All states party to the Geneva Conventions have an obligation 'to respect and ensure respect' for those Conventions, which includes third states taking the measures required to enforce compliance with international humanitarian law among those businesses that operate from within their jurisdiction.³⁰⁰ In addition to ensuring respect for the rights of protected persons in situations of conflict, third states have a duty to protect human rights in their jurisdiction from potential abuses by corporate actors over which they exercise regulatory control. Many UN treaty bodies, including the Human Rights Committee, have expressed this view.³⁰¹ An effective means of discharging the obligation to protect in these contexts is through what the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) term "Comm".³⁰² These refer to laws and regulations applied to domestic activities or actors to prevent companies operating, domiciled or headquartered within their jurisdiction from causing or contributing to human rights abuses in other countries.³⁰³

Ensuring that tourism businesses provide accurate information about the characteristics of their holiday-package tours is also part of the responsibilities of home-states looking to fully implement their obligations under the UNGP, as discussed below. This includes clarifying the obligations of their businesses under relevant laws that protect consumer interests in access to information about a product or service, by promoting a policy of market transparency and accountability that empowers consumers to make informed choices and hold business accountable by requiring tour operators to provide information about settlements and local partner and handling agents.

The implications of these duties all converge in one clear direction: states must not promote, support or allow business entities domiciled or headquartered within their jurisdiction to conduct business in the settlements or with settlement actors. Such activities fuel the settlement economy, which helps finance the continued existence and expansion of illegal settlements. States must equally prohibit or regulate activities taking place within their jurisdiction which support, promote or fuel the settlement economy.

8.1 Inadequate regulation of businesses by home-states

Measures adopted by third states to respond to businesses' links with Israel's illegal settlements remain inadequate. Some 18 European governments, as well as the governments of Brazil and Japan, have merely issued advisories to warn business³⁰⁴ about the "legal and economic risks stemming from the fact that the Israeli settlements, according to international law, are built on occupied land and are not recognised as a legitimate part of Israel's territory" and "the potential reputational implications of getting involved in economic and financial activities in settlements as well as possible abuses of the rights of individuals".³⁰⁵ By failing to take regulatory action to prohibit these activities, states are knowingly allowing business activities which help maintain an illegal situation and are, therefore, still acting in breach of their international obligations.

9 Responsible and ethical tourism in conflict-affected areas

In the emerging multi-stakeholder initiative *Roundtable Human Rights in Tourism*, tour operator industry bodies and certifiers along with NGOs and other experts set out human rights commitments specific to the tourism sector. The initiative is driven by the notion that businesses that do not respect the needs of the local population and aggravate competition for scarce resources will not remain profitable for long.³⁰⁶

The *Roundtable* encourages tour operators to seek to identify the human rights impacts of their actions and decisions, including choice of companies they work with, business they connect with, and sites they visit. They are encouraged to do so by meeting with local stakeholders including local people and reviewing evidence produced by local NGOs.³⁰⁷ If they notice adverse effects on human rights resulting from their operations, the tour operator should take measures to improve the situation of the people affected or terminate cooperation with service providers who severely violate human rights or refuse to adjust their practices, for instance by failing to exclude settlement sites from their itineraries.

The *Roundtable* has also developed a set of guidelines for companies looking to implement human rights due diligence in 'fragile contexts', including armed conflict. It recommends that companies consider, for instance, how resorts were built, and whether any communities were displaced in the process; what the living conditions of the local population are; which ethnic and religious groups of the population are involved in hotel businesses or in organising tourist trips; and whether the foreign business is benefiting from public space and resources unavailable to the local population.³⁰⁸

The initiative also emphasizes the importance of business providing consumers with authentic information about the country of destination and the characteristics of the sites visited in the tour.³⁰⁹ The initiative confirms that this is especially relevant since the sale of mislabeled tours can put both businesses and consumers in an ethically compromised position for unwittingly contributing to an unlawful business enterprise. Cooperation with Palestinian businesses in the OPT may ensure that Palestinian communities benefit from incoming tourism in line with these guidelines. However, the risks that foreign businesses contribute to the human rights abuses associated with the settlements in the OPT can only be addressed through exclusion of settlement sites from tours.³¹⁰

10 Conclusion and Recommendations

The package tourism industry is diverse and involves many foreign companies in its supply chains, through the distribution to the organization and operation of tours.

Foreign businesses selling tours to Israel routinely work with Israeli partners who handle incoming groups and take them to settlement sites in the OPT and occupied Golan. In doing so, foreign businesses benefit from and contribute to the illicit economy of Israel's settlements in the OPT. As a consequence, foreign tourism businesses are linked to and/or contribute to severe human rights violations in the OPT and the occupied Syrian Golan.

To fulfill their own obligations and avoid incurring responsibility under international law, home States are required to adopt various regulatory measures, as discussed in Section 6 above, to prohibit business dealings that contribute to and benefit from serious violations caused by the illicit settlement economy in the OPT and occupied Golan.

Recommendations to Audley, Explore, Globus, Goed Idee Reizen, Insight Vacations, Kensington, Promoséjours, TUI, Viajes Catai, and other package-tourism businesses

- ▶ Conduct ongoing enhanced human rights due diligence with regard to tourism activities in the OPT and the occupied Syrian Golan, to make sure that sites in the settlements are excluded from itineraries and that international humanitarian law and human rights are respected. This requires at least the following steps:
 - Adopt, implement and publish a robust policy committing not to sell or market tours that include activities or attractions in illegal Israeli settlements or otherwise contribute to violations of international humanitarian law or human rights violations in the OPT. Put in place regularly updated vetting procedures to ensure the effective and full implementation of such policy.
 - Remove sites in the settlements from itineraries. Cease all current marketing and sale of tours to settlements in the OPT and the occupied Syrian Golan, and publish a reasoned explanation for this action based on the illegality of settlements under international law and the human rights violations that result from them.
- ▶ Cease any current marketing and sale of tours to settlements in the OPT and occupied Golan, and publish a reasoned explanation for this action based on the illegality of settlements under international law and the human rights violations that result from them.
- ▶ Correct any part of itineraries that misrepresent Palestinian and/or Syrian towns or sites as being located inside Israel, so that comprehensive and accurate information is provided about the destination of the tour.

- ▶ Assess the harmful human rights impacts of the activities of Israeli tour operators to communities in the OPT and occupied Syrian Golan, and consult with the affected communities and other experts on appropriate measures of reparation, including by engaging with and benefitting Palestinian and Syrian communities harmed by Israel's restrictions and practices of dispossession and displacement, where possible.
- ▶ Review all commercial links with Israeli tour operators to ensure that they do not contribute to or benefit from Israel's illicit settlement economy in the OPT and occupied Golan. Where business partners do contribute to or benefit from the settlement economy, the travel company must exert leverage on its Israeli business partner to cease its involvement in the settlement economy. If this effort is unsuccessful, the travel company should consider terminating its business relationship through responsible disengagement.
- ▶ Work with local suppliers including tour guides, bus drivers and hotels so as to benefit Palestinian and Syrian entrepreneurs and communities.

Recommendations to industry bodies, including ABTA and ANVR

- ▶ Industry bodies should alert the holiday-package tourism sector in their region and internationally about the practices of the Israeli market that contribute to the settlements and to other violations of international law in the OPT and occupied Golan, and provide them with guidance on the need to exclude settlement sites from such itineraries and on the appropriate manner to provide information about such tours.
- ▶ Membership-based industry bodies should undertake enhanced human rights due diligence and review their members' activities in the OPT and the occupied Syrian Golan. Each body should use its leverage to ensure that members do not include settlement sites in their itineraries, and, in case of the latter's failure to do so, end its business relationship with that member through responsible disengagement.

Recommendations to Third State governments, in particular Canada, the United States of America, and European states

- ▶ Effectively enforce existing laws and regulations to prohibit, prevent and hold to account tourism companies involved in settlements.
- ▶ Adopt regulatory measures to ensure that businesses domiciled or headquartered in their jurisdiction do not engage in dealings that contribute to and benefit from serious human rights abuses.
- ▶ Adopt legislative or administrative measures that make due diligence mandatory in the tourism sector so as to ensure tourism companies, including package tour operators, domiciled or headquartered in their territory effectively safeguard the accuracy of information and confirm the

social and ethical characteristics of the tour, and abide by international humanitarian law and respect international human rights.

- ▶ In parallel, prohibit the provision or facilitation (including advertisement) of tourism services in illegal Israeli settlements in the OPT and occupied Syrian Golan, including by expressly setting out the liabilities that companies could face under domestic law for making gains from activities in the settlements.
- ▶ Support the UN Database and the OHCHR's work to annually update and ensure due process in managing the list of companies active in Israeli settlements, as a necessary and proportionate tool to promote greater transparency, accountability and respect for international law by states and businesses.
- ▶ For EU member states, implement relevant guidance made by EU institutions with the aim of promoting the correct implementation of EU consumer protection laws domestically and to align their interstate tourism cooperation and private actors' dealings with Israel's illicit economy in the OPT with EU positions on the illegality of the settlements and their consequences.

Recommendation to the EU and EU institutions

- ▶ Actively instruct national regulatory authorities of EU Member States on the correct implementation of EU consumer protection laws specific to the advertisement of package holiday tours to ensure that all relevant pre-contractual information is correctly and transparently provided to prospective consumers.
- ▶ Encourage and instruct member states to adopt regulatory measures to ensure that businesses do not link with Israel's illegal settlement economy in the OPT throughout their business operations and supply chains, including by guaranteeing that tourism cooperation agreements do not apply to the OPT.

Recommendations to investors and shareholders of package-tourism businesses

- ▶ Financial institutions should adopt vetting procedures to ensure that their investments do not contribute to or benefit from businesses whose activities harmfully impact human rights.
- ▶ Shareholders should encourage companies to actively review their overseas activities in the OPT and other occupied territories and extend their human rights risk assessment to their business partners inside the occupying state to ensure that they do not extend their operations into settlements in the occupied territory and are not otherwise involved in activities that violate international humanitarian law.

Recommendations to international organizations

- ▶ The OHCHR should carry out the regular updating of the UN Database of businesses operating in or with illegal Israeli settlements, as mandated by the Human Rights Council in its Resolution 31/36 of March 2016.
- ▶ International and regional (EU) tourism bodies and networks should assume a proactive role in advising businesses in this sector to address the risks arising from business links with Israeli tourism businesses involved in settlements in the OPT and occupied Golan.
- ▶ UNESCO should facilitate the recognition of Palestinian heritage sites in areas where they are under immediate threat of being closed off for settler use, e.g. Sebastian and several sites in the Jordan Valley, including by using any emergency mechanisms at its disposal to condemn such activities also in the case of tentative sites.
- ▶ The World Tourism Organization should expeditiously finalise the processing of the state of Palestine's application for membership in the organization and proceed to provide protection to Palestinian sites.
- ▶ The OECD should condemn Israel's extension of its tourism economy into settlements and settlement-based sites and its contribution to other violations of international humanitarian law in the OPT, and ensure that Israel does not promote these activities through its membership in the organization.

Endnotes

- 1 E. Halon, "Israel welcomes record-breaking 4.55 million tourists in 2019," *The Jerusalem Post*, 29 December 2019, <<https://www.jpost.com/Israel-News/Israel-welcomes-record-breaking-455-million-tourists-in-2019-612456>> (6 January 2004).
- 2 For purposes of consistency and clarity, the English names of the sites are used. In case there is no English name, the name generally used by English speakers is applied.
- 3 Interviews with international tourism expert, August 2019.
- 4 World Bank, Report No. AUS2922, 2 October 2013, "West Bank and Gaza: Area C and the Future of the Palestinian Economy" p. vii, 20-24.
- 5 S. Hever & C. Hackbarth, "Lost Revenue from Tourism to the Palestinian Economy," *Alternative Tourism Journal* (2014), p. 14.
- 6 Ibid. More recent figures were not available.
- 7 Supra note 4.
- 8 Amnesty International, "Destination: Occupation – Digital Tourism and Israel's Illegal Settlements in the Occupied Palestinian Territories," 2019, <<https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>> (18 February 2021); See also Amnesty International, "Think Twice: Can companies do business with Israeli settlements in the Occupied Palestinian Territories while respecting human rights?" 2019, <<https://www.amnesty.org.uk/files/2019-03/Think%20Twice%20report.pdf?BrN9NOVX3RkzTJROuKYC46LE43hCPtTu=>>> (18 February 2019).
- 9 These include: Amnesty International, "Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city," 25 February 2016, <<https://www.amnesty.org/download/Documents/MDE1535292016ENGLISH.pdf>> (18 February 2021); Amnesty International, "Trigger-happy: Israel's use of excessive force in the West Bank, February 2014," <<https://www.amnesty.org/download/Documents/8000/mde150022014en.pdf>> (18 February 2021); Amnesty International, "Khan al-Ahmar: The human rights impact of Israel's settlement expansion, 13 August 2013," <<https://www.amnesty.org/en/latest/campaigns/2013/08/khan-al-ahmar-the-human-rights-impact-of-israel-s-settlement-expansion/>> (18 February 2021); Amnesty International, "Troubled Waters - Palestinians Denied Fair Access to Water," 2009 <<https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>> (18 February 2021); Amnesty International, "Enduring Occupation. Palestinians Under Siege In The West Bank," June 2007, <<https://www.amnesty.org/download/Documents/68000/mde150332007en.pdf>> (February 18, 2021); Amnesty International, "Israel and the Occupied Territories – Surviving under siege: The impact of movement restrictions on the right to work," September 2003, <<https://www.amnesty.org/download/Documents/108000/mde150012003en.pdf>> (18 February 2021).
- 10 Supra note 1.
- 11 See Chapter 5 of this report for more information about this site and related human rights violations.
- 12 Israel also captured the Sinai Peninsula from Egypt and the Golan Heights from Syria. Israel withdrew from Sinai following a peace treaty with Egypt in 1979. The Golan Heights remain occupied by Israel. In September 2005 Israel withdrew its settlers and troops from Gaza, but retained control of Gaza's land borders, air space and territorial waters. As a result, the UN considers Gaza to remain under Israeli occupation. Since 2007, when Hamas took over the de facto administration of Gaza, Israel has subjected it to an illegal military blockade, collectively punishing its population of 2 million.
- 13 This is known in Israel and elsewhere as the Six Day War. Palestinians call it the Naksa (Setback).
- 14 There is a wide international consensus that Israel's annexation of East Jerusalem was illegal. Amnesty International, "Recognition of unified Jerusalem 'reckless' and undermines Palestinians' human rights," 6 December 2017, <www.amnesty.org/en/latest/news/2017/12/usa-recognition-of-unified-jerusalem-undermines-palestinians-human-rights> (18 February 2021).
- 15 As a matter of international law, other states cannot recognize this position or act on it. White House, "Proclamation on Recognizing the Golan Heights as Part of the State of Israel," 25 March 2019 <<https://www.whitehouse.gov/presidential-actions/proclamation-recognizing-golan-heights-part-state-israel/>> (Site Archived).
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- 283 See generally, World Bank 2014, Supra note 70; "Who Profits," Supra note 47.
- 284 Case C-363/18 Organisation juive européenne and Vignoble Psagot Ltd v Ministre de l'Économie et des Finances [2019] OJ C10, para. 56. The Court upheld the Opinion issued by AG Hogan.
- 285 UNHRC, Guiding Principles, Supra note 256, Principle 13(b).
- 286 See for example the Ireland Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. "A person commits an offence if – (a) the person engages in any of the following acts in relation to property that is the proceeds of criminal conduct: (i) concealing or disguising the true nature, source, location, disposition, movement or ownership of the property, or any rights relating to the property; (ii) converting, transferring, handling, acquiring, possessing or using the property; (iii) removing the property from, or bringing the property into, the State, and (b) the person knows or believes (or is reckless as to whether or not) the property is the proceeds of criminal conduct."
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- 293 Globus website, "Caring for the places we're sharing with you," no date, <<https://www.globusjourneys.com/Globus-Cares/>, last accessed on > (10 December 2020).

- 294 Ibid.
- 295 Under Article 40 of the Articles on Responsibilities of States, a breach of an obligation arising under a peremptory norm of general international law is serious when it involves a gross or systematic failure by the responsible state to fulfil the obligation. Article 41 enumerates the third state duties that emerge from such breaches under the title, "Particular consequences of a serious breach of an obligation under this chapter". The International Court of Justice (ICJ) confirmed that these duties apply to third states in the context of Israel's building of the wall in Palestinian territory: "Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. See ICJ, Advisory opinion, *Supra* note 34, para. 159.
- 296 International Law Commission, Articles on Responsibility of States, *Supra* note 33, commentary on Article 41.
- 297 Ibid.
- 298 Ibid.
- 299 This was implicitly recognized by the UN Human Rights Council in its Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. See UNHRC, 'Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan' (24 March 2016) A/HRC/RES/31/36.
- 300 Geneva Convention IV, *Supra* note 27, Common art 1.; See also ICRC, Updated Commentary to the Geneva Convention I, Article 1, 22 March 2016, <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD>> (20 February 2021); See also T. Boutruche and M. Sassoli, Expert Opinion on Third States' Obligations vis-à-vis IHL Violations under International Law, with a special focus on Common Article 1 to the 1949 Geneva Conventions, November 2016, <<https://www.nrc.no/globalassets/pdf/legal-opinions/eo-common-article-1-ihl---boutruche---sassoli---8-nov-2016.pdf>> (20 February 2021).
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