

Established Practice: Palestinian Exclusion at the Dead Sea



ASEIL ABU-BAKER AND MARYA FARAH

The Dead Sea, the lowest point on Earth, is one of the natural wonders of the world. Rich in minerals and salt, the lake has attracted visitors for millennia, and the economic value of its mineral riches has been important to both the local Palestinian population and to every colonial power that has ruled the area. Today, Israel exercises total control over the Dead Sea, the northern basin of which lies in the occupied Palestinian territories. Israeli settlements and international businesses, aided by state-funded initiatives, have established a profitable tourism sector and extractive industries based on the Dead Sea's natural resources, while Palestinians remain effectively excluded from pursuing such opportunities. Qumran National Park, private beach resorts, and the cosmetics company AHAVA, among others, reap enormous profits from settlements in the Dead Sea area, benefiting from Israel's occupation and unlawful policies and helping to drive a self-serving narrative of the area's history.

THE DEAD SEA is one of the most renowned natural wonders of the world: the lowest place on Earth, it is rich in unique minerals and salts. Tourists flock there to immerse themselves in its medicinal waters and to take photos while floating in its hypersaline water. However, behind the allure of the Dead Sea lies a misleading portrayal of the land. Since 1967, Israel has maintained total control of the area, erasing the Green Line that effectively divides the lake into its northern and southern basins, respectively located in what is now the occupied Palestinian territories (oPt) and Israel.¹ In doing so, Israel has unlawfully appropriated vast tracts of Palestinian land, established illegal settlements, and implemented an array of restrictions on movement and planning for Palestinians in the northern Dead Sea area. The lack of access to land has prevented Palestinians from developing lucrative extractive and tourism industries, resulting in the loss of an estimated \$1.4 billion annually to the Palestinian economy.² At the same time, international and Israeli businesses have reaped enormous benefits from Israel's total control of the Dead Sea area.

This report examines the history of Palestinian exclusion from economic development in the Dead Sea region, and how Israel's occupation of Palestinian territory has entrenched both Palestinian exclusion and Israeli and international exploitation of the area. The report highlights the intertwined interests of the Israeli settlement enterprise and the Israeli extractive and tourism

Journal of Palestine Studies Vol. XLIX, No. 2 (Winter 2020), p. 48, ISSN: 0377-919X; electronic ISSN: 1533-8614. © 2020 by the Institute for Palestine Studies. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Reprints and Permissions web page, <http://www.ucpress.edu/journals.php?p=reprints>. DOI: <https://doi.org/10.1525/jps.2020.49.2.48>.

industries. Using the latter as an example, the paper emphasizes the responsibility of international businesses to respect human rights in their operations, including their obligation not to support or profit from Israel's appropriation and exploitation of Palestinian land and resources in the Dead Sea area.

Historical Context: Foreign Powers and Palestinian Exclusion

THE BATTLE FOR CONCESSIONS

Many early explorations of the Dead Sea area—and of what is still referred to as the Holy Land—were influenced by what one scholar has termed “geo-pious” motivations, or a desire to retrace what is considered biblical history.³ Colonial interests were never far behind,⁴ attracted by the prospect of exploiting the area's natural resources.

Indeed, the vast economic potential of this salt lake did not go unnoticed whether by the Ottoman Empire, the British Mandate authorities, or the Zionist movement and, ultimately, Israel.⁵ As early as 1888, the Ottoman Empire commissioned expeditions to begin exploring the economic potential of the Dead Sea.⁶ Similarly, by 1890, the Zionists had set their sights on the possibility of benefitting from the Dead Sea's vast resources.⁷ In his book *Altneuland*, the founder of the Zionist movement, Theodore Herzl, discussed the economic potential of the Dead Sea as a vital component of his plans for the future Zionist state.⁸ In 1904, he commissioned a German geological party to explore the Dead Sea for its economic potential.⁹ Two years later, their report was shared with Moses Novomeysky, a Russian mining engineer who was at one time president of the World Zionist Organization in Siberia, and who expressed interest in a concession from the Ottoman Empire as early as 1907.¹⁰

Novomeysky later traveled to Palestine in 1911 to further explore the possibility of exploiting the Dead Sea.¹¹ Around the same time, the Ottoman authorities issued concessions to Ottoman subjects for the extraction of bromine that were ultimately annulled.¹² Although Novomeysky would not return to Palestine until 1920, the Zionist movement “adopted the Dead Sea Concession as a national project of the Jewish people.”¹³

These foreign parties, alongside Israel later on, often attempted to justify their control over Palestine's natural resources on the grounds that the native population was either incapable of or had no interest in developing and monetizing them.¹⁴ Yet, as early as the mid-1700s, the local Palestinian population had recognized the natural wealth of the Dead Sea and engaged in small-scale salt farming on its shores.¹⁵ Palestinians also had more ambitious hopes to develop the Dead Sea economy and indeed made plans to benefit from its riches.¹⁶

In 1913, Ibrahim Hazboun, a Palestinian from Bethlehem, began exploring the development of a mineral extraction plant on the Dead Sea.¹⁷ Hazboun is reported to have expressed his interest to the Ottoman governor at the time, but he was not awarded the concession.¹⁸ Instead, he was given a managerial position in the Ottoman transportation operations at the Dead Sea, which served as a transport route during World War I.¹⁹ Hazboun's family claimed that he accepted the position based on the understanding that it would lead to a mineral concession after the war.²⁰ Hazboun later acquired the transport business, and repeatedly

reiterated his interest in the concession to the British, but the British and the Zionists had their own plans to exploit the Dead Sea.²¹

In 1918, the British commissioned a research team to survey the area, and quickly reported on the potential for a “large and profitable industry in the Dead Sea,”²² emphasizing the large quantities of potash and bromine available.²³ The British were interested in securing their supply of potash, in particular, as an alternative to near-total reliance on Germany for the mineral.²⁴ At the same time, the promise of the “Jewish national homeland” had already been elaborated, and in support, British foreign secretary Arthur Balfour had clearly set out Britain’s intent to assist the Zionist movement in establishing economic dominance in Palestine. This is reflected in statements attributed to Balfour in 1919 noting that Zionists would be given preference, even over British interests, for developing concessions in Palestine.²⁵ Bolstering this support, the 1922 Mandate for Palestine expressly outlined the special treatment reserved for the “Jewish population.”²⁶

Meanwhile, despite financial difficulties, Hazboun continued to operate his transport business based on the purported promise that he would be granted a salt concession after the Mandate for Palestine was officially ratified.²⁷ At the same time, Novomeysky was making offers to purchase Hazboun’s business in what he called “a way to establish myself legally on the Dead Sea.”²⁸ Hazboun attempted to maintain his footing and continued to communicate his demand for the concession. But with rising business debts, in 1921, the British Mandate government urged Hazboun to accept Novomeysky’s offer.²⁹

Enticed by the prospect of Zionist funding and keen to fulfill the promise of a Jewish national homeland, the Colonial Office in London supported Novomeysky’s concession application.³⁰ Lord Melchett, a member of the House of Lords and the president of the Economic Board of Palestine, reflected this support in a communication to Novomeysky: “You will readily understand that the matter is of more than industrial significance. The Dead Sea represents the only important mineral wealth of Palestine, and those of us who are interested in establishing there a National Home for the Jews cannot contemplate with equanimity the control of the passing into the hands of the American group, who are not interested in the economical development of the country.”³¹ The Zionist Department of Trade and Industry also endorsed Novomeysky’s application.³²

In 1925, Britain’s Crown Agents office for the colonies formally solicited tenders for the Dead Sea concession, allowing Novomeysky and others, including a British group, a U.S. industrial consortium,³³ and assignees of the Ottoman concession to submit tenders for consideration.³⁴ It is unclear whether Hazboun filed a formal tender at this time, as he was embroiled in bankruptcy proceedings related to his business. However, the process paved the way for Novomeysky to acquire the lease for the Dead Sea land and Hazboun’s transport business in 1925.³⁵ Despite London’s objections, most of which favored direct British control of Dead Sea resources,³⁶ Novomeysky was officially granted the concession in 1930.³⁷

Palestinians protested the British government’s decision, describing the concession to Novomeysky as “robbery” and a “stolen treasure.”³⁸ An official protest letter was delivered to the British House of Lords by Haj Amin al-Husseini, the president of the Supreme Muslim Council and the most prominent leader of the Palestinian national movement at the time. The letter

affirmed that granting the concession to a Zionist was a “political weapon against the rights of Arabs and their interests.”³⁹ The Palestinians’ objections were ignored.

Novomeysky went on to establish Palestine Potash Ltd., headquartered in what is now the Israeli settlement of Kalia, and began production in 1930.⁴⁰ The company headquarters was destroyed during the 1948 war, but a factory on the southern shores of the Dead Sea, known as Dead Sea Works, remained.⁴¹ This concession, among others awarded to the Zionists in the early twentieth century, proved to be a “significant pillar”⁴² of the future Jewish state, providing the Zionists the political capital to further their settler-colonial aspirations.

REGIONAL DEVELOPMENT OF THE POTASH INDUSTRY

Discussions on the regional development of the mineral extraction industry from the Dead Sea were well underway when Hazboun and Novomeysky were vying for the concession. In 1922, Dead Sea mineral extraction was central to the battle over the delimitation of the boundary between Transjordan and Palestine, during which Zionist demands were given undue consideration.⁴³ After his successful concession bid, Novomeysky is reported to have reached an agreement with King Abdullah I of Transjordan to extract minerals on a profit-sharing basis, both men being convinced that such an industry was central to the region’s economic growth.⁴⁴

It was not until 1956 that Jordan established its own mineral extraction company, the Arab Potash Company (APC). In 1958, the Jordanian government granted APC an exclusive one hundred-year concession for the exploitation of the Dead Sea (on the Jordanian side) for salts and minerals.⁴⁵ APC’s plant did not begin operations until 1982. Today, the mining industry plays a significant role in the Jordanian economy.⁴⁶ According to APC’s 2018 annual report, potash sales surged to an all-time high of 2.44 million tons that year,⁴⁷ reaping net profits of JD 124.9 million (approximately \$176 million), compared to JD 90 million (approximately \$75 million) in 2017.⁴⁸

In comparison, Israel Chemicals Ltd. (ICL), the parent company of Dead Sea Works and sixth-largest potash producer globally, registered profits of \$5.55 million for 2018.⁴⁹ According to ICL’s annual report, its total potash production reached 4.9 million tons in 2018, of which 3.8 million tons were produced inside Israel (the company produces potash elsewhere).⁵⁰ While failing to disclose how much of its revenue comes from the Dead Sea, ICL notes that there are practically unlimited supplies of minerals in the Dead Sea and that Israel is one of nine countries in the world that account for 94 percent of world’s natural potash reserves.⁵¹

Although outside of the scope of this paper, it should be noted that mineral and mud extraction, alongside other practices by both Israeli and Jordanian government authorities and companies, has contributed to the Dead Sea’s ecological degradation.⁵²

Israel’s Occupation in 1967: Continued Economic Control and Exploitation

By the time Israel occupied the West Bank in 1967, its economic interests in the Dead Sea area were abundantly clear, and it quickly confiscated vast portions of land to secure the area.⁵³ Through a series of military orders, the Israeli authorities manipulated existing land codes to seize control of

Palestinian land and the natural resources therein, including the entire northern Dead Sea coastline.⁵⁴ Specifically, state land declarations were used to acquire large swaths of land in the Dead Sea area,⁵⁵ including the shoreline that had been exposed by the shrinking of the lake.⁵⁶

Within ten years of occupying the West Bank, the Israeli government had initiated the establishment of nineteen settlements in the greater Jordan Valley region, including the Dead Sea area.⁵⁷ Israel continues to develop settlements around the Dead Sea in particular, allocating some NIS 417 million (approximately \$116 million) to settlement expansion there in 2018.⁵⁸ Today there are six settlements in the Dead Sea area—Mitzpe Shalem, Vered Jericho, Avnat, Beit Ha'arava, Almog, and Kalia⁵⁹—out of a total of thirty-seven settlements and outposts in the Jordan Valley.⁶⁰ The six Dead Sea area settlements are primarily involved in exploiting Palestinian natural resources, including via the extraction of raw materials, agriculture, and tourism.⁶¹

In addition to settlements, accompanying infrastructure, including settler-only roads, checkpoints, roadblocks, closed military zones, and other constraints, severely hamper Palestinian access to the Dead Sea area.⁶² This was exacerbated in 1993 with the signing of the Oslo Accords, which designated most of the Dead Sea region as “Area C,” placing it under complete Israeli control.⁶³ As a result, Palestinians cannot construct or rehabilitate any structure absent a permit from the Israeli Civil Administration, which is rarely if ever granted.⁶⁴ These obstacles severely limit, indeed, practically prohibit, Palestinian economic activity in the area.⁶⁵

STIFLED MINERAL EXTRACTION: WEST BANK SALT COMPANY

The only Palestinian factory that operates on the shores of the Dead Sea is the West Bank Salt Company, which faces an array of difficulties due to Israeli restrictions.⁶⁶ Othman Hallak established the factory in 1964 when the northern Dead Sea was still under Jordanian rule. After Israel occupied the West Bank in 1967, it declared the area a closed military zone and demanded the closure of the factory. Hallak resisted and filed court proceedings against the military orders, which eventually allowed him to continue operations, implicitly conditioned upon noncompetition with the Israeli extractive industry.⁶⁷ As a result, despite having licenses from Israel for both mud and mineral extraction from the Dead Sea area of the occupied West Bank, the West Bank Salt Company only produces natural salt and exports a limited quantity of mud.⁶⁸

The factory operates in a closed military zone and is located directly next to an Israeli military installation. Consequently, the premises and workers are heavily monitored and subject to random searches by the military. Due to its location in Area C, Israel has prohibited the factory from expanding or upgrading its operations for over fifty years.⁶⁹ In addition, Israeli restrictions kept the factory from being connected to the electricity grid until 2010. Such restrictions have all had a significant impact on the company's production and profitability.⁷⁰

A number of studies have estimated the potential value of the extractive industry to the Palestinian economy. For example, a 2013 World Bank report dedicated to the economic prospects of Area C noted that the “potential incremental value added to the Palestinian economy from the production and sales of potash, bromine and magnesium has been conservatively estimated at \$918 million per year, or 9 percent of GDP [gross domestic product].”⁷¹ Similarly, in 2015, the Jerusalem-based Applied Research Institute estimated that the development of the

Dead Sea mining industry could produce an average \$1,642 million per year or 12.9 percent of Palestine's GDP.⁷² Despite such economic potential, and because of its lack of access to the Dead Sea, the Palestinian Authority has not included the extractive industry in its national policy agenda.⁷³

THE ISRAELI DEAD SEA TOURISM INDUSTRY

In addition to obstructing the Palestinian extractives sector, Israel has used its control over the northern basin of the Dead Sea to establish a lucrative tourism industry and consolidate Israel's narrative regarding Palestinian land.⁷⁴ In its 2013 report, the World Bank noted that "Israel has been generating revenues from historical and nature tourism sites in the Dead Sea area and around Jericho since 1976."⁷⁵ These revenues have likely increased over the past few years, as Israel has seen record numbers of tourists entering the country. Nearly half of the 3.6 million⁷⁶ tourists that visited Israel in 2017 went to the Dead Sea.⁷⁷

Tourists regularly visit Qumran, the Dead Sea beach, and the AHAVA factory store,⁷⁸ all settlement sites established on occupied land that are often packaged together for tour groups.⁷⁹ The sites, both jointly and individually, contribute to the Israeli national and settler economy, while obscuring the character of Israel's occupation and violations of international law.⁸⁰ Conversely, due to Israeli restrictions throughout the oPt, tourism contributes to the Palestinian economy only minimally,⁸¹ despite the commitment under Oslo II (the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip) to develop tourism in the Dead Sea area, including via "Palestinian private projects as well as joint ventures in accordance with the DOP" (Declaration of Principles on Interim Self-Government Arrangements, or Oslo I).⁸²

QUMRAN: WHOSE HISTORY?

The Dead Sea Scrolls were discovered in the caves of Qumran in 1947. Following the end of the 1967 war, when Israel occupied the West Bank, the Israel Nature and Parks Authority took over the site. The Authority claims the caves were "settled by members of the Essene sect, the writers of the Dead Sea Scrolls,"⁸³ while the Israeli NGO Emek Shaveh asserts that "[t]here is no unequivocal answer to the question of who were the [original] inhabitants of Qumran."⁸⁴ Be that as it may, Israel has invested heavily in the area to establish the Qumran caves as a site of uniquely Israeli Jewish heritage. In 2010, it launched a five-year national heritage sites project to emphasize the "Jewish and Zionist history" of Israel,⁸⁵ with \$190 million allocated to the development of Qumran and other sites in the occupied West Bank.⁸⁶ Israel continued its increased investment in parks in the West Bank, including Qumran, by allocating an additional NIS 12.1 million (approximately USD 3.3 million) to such parks at the end of 2017.⁸⁷

Israel's seizure of Qumran has enabled it to excavate and remove Palestinian cultural property from the site, in violation of its duties as an occupying power.⁸⁸ Some of the artifacts removed can be found in the Israel Museum.⁸⁹ Accordingly, the Palestinian economy loses potential fees from entry to Qumran,⁹⁰ alongside those that could be gained from displaying artifacts in a Palestinian museum.⁹¹ This sum is not insignificant; revenues from Qumran entry fees alone were estimated at \$2.05 million in 2011.⁹²

AHAVA

The settlement of Mitzpe Shalem, which was established in 1970 on land belonging to the Palestinian Bedouin village of ‘Ayn Trayba,⁹³ is home to the most prominent Dead Sea cosmetics company, AHAVA Dead Sea Laboratories, Ltd. AHAVA was founded by the settlements of Mitzpe Shalem and Kalia in 1988, and in 2004 the Israeli authorities gave it exclusive rights to extract mud from the shores of the Dead Sea in the oPt.⁹⁴ In addition to benefiting from this illegal mining, AHAVA runs a visitor center and gift shop for tourists in Mitzpe Shalem.

In September 2016, a subsidiary of the Chinese holding company Fosun purchased majority shares in AHAVA for approximately \$80 million.⁹⁵ At the time of the sale, media reports noted that the Boycott, Divestment, Sanctions (BDS) movement might possibly have impacted the company, referencing a 25 percent decrease in the number of employees between 2013 and 2015.⁹⁶ By the end of 2018, however, Fosun had established a 100 percent equity interest in the company and seen two years of positive growth.⁹⁷ This was in part due to increasing sales revenue inside Israel, which the company attributed to Chinese tourists.⁹⁸ Fosun has further detailed its targeting of the Asian market, and specifically China,⁹⁹ with the aim of making AHAVA one of China’s top-selling “luxury” brands.¹⁰⁰

It should be noted that in April 2016, the Israeli Civil Administration claimed that AHAVA no longer held the license for mud excavation.¹⁰¹ While it is unclear where AHAVA procures the mud for its products, AHAVA continues to contribute to and benefit from Israel’s unlawful settlement enterprise due to its production site and visitor center in Mitzpe Shalem.¹⁰²

ENJOYING THE DEAD SEA: EXCLUSIONS APPLY

Israel’s full control of the Jordan Valley, and of the Dead Sea coast in particular, has been central to its tourism sector. Kalia settlement’s eponymous beach alone attracts an estimated six hundred thousand tourists annually,¹⁰³ potentially bringing in close to \$10 million a year in revenue.¹⁰⁴ Palestinians, for their part, are prohibited from developing hotels and other tourism-related infrastructure in the area, creating an estimated loss “of some \$126 million per annum,”¹⁰⁵ according to the World Bank. The entry fee schedule at Kalia Beach is another example of how Palestinians are exploited. Kalia Beach charges an entry fee of NIS 59 (approximately \$16) per adult, and NIS 48 (approximately \$13) for Israeli soldiers and veterans.¹⁰⁶ Given that army service is compulsory in Israel, meaning that nearly all Israelis are either current or former members of the military, the fee schedule effectively means the beach can charge higher rates for Palestinians than for Israelis.

Alongside discriminatory pricing, settlement beaches have tried to exclude Palestinian customers altogether by denying them entry “mainly but not exclusively on weekends and Jewish holidays,” a rule enforced by the Beit Ha’arava checkpoint that was established in 2007.¹⁰⁷ During a court case over the legality of this step, an Israeli brigade commander is reported to have stated, “The arrival of Palestinians from the Territories to the beaches harms tourism and the economy of beach owners. The district council contacted the defense ministry on this issue and that is why there is a checkpoint at the Beit Ha’arava junction.”¹⁰⁸ A petition, brought by the Association for Civil Rights in Israel, demanded the removal of the checkpoint in 2009, but the court denied the action

arguing that since the checkpoint was no longer used to prohibit the entry of Palestinians and served only for “checking activities” at various times, the “essence of the petition” had been granted.¹⁰⁹

Irrespective of the case’s outcome, tourism at Dead Sea beaches in the oPt provides financial support to the maintenance of an unlawful and blatantly discriminatory business sector.

INTERNATIONAL TOURISM TO THE DEAD SEA

While each settlement site profits independently from Israel’s occupation, they also function together to support and benefit from Israel’s tourism industry. For example, AHAVA and the Dead Sea are both frequent stops for tour groups visiting Qumran. Many trips also include Masada and begin in Tel Aviv, serving to blur the Green Line for naive tourists.¹¹⁰

Critically, online tourism companies advertise and facilitate reservations for such tours and for properties in Israeli settlements.¹¹¹ Viator and Expedia, among others, market tours to the Dead Sea and Qumran,¹¹² including those that stop at the “famous Ahava cosmetics shop.”¹¹³

As noted, settlement sites are also independently profitable and marketed. For example, Booking.com, Travelocity, Expedia, and Tripadvisor all advertise Kalia Kibbutz Hotel, alongside other settlement properties.¹¹⁴ Booking.com describes the location of Kalia Kibbutz Hotel as an “Israeli Settlement.”¹¹⁵ On the other hand, Travelocity, Expedia, and Tripadvisor, cite the location as “Palestinian Territories” or “Kal[i]a,” but do not indicate that it is an Israeli settlement.¹¹⁶ While it is unclear how each site determines the definition of its locations, as will be discussed below, the varying designations do not alter the companies’ responsibilities pursuant to international law.¹¹⁷

Beyond tourism operators, other business enterprises also bolster Israeli settlement sites. For example, stores in the United States and other countries that sell AHAVA products not only generate profits for the company but also provide continued brand exposure and legitimization. As noted in an interview by the Fosun group’s director in 2016,¹¹⁸ this likely translates into purchases by tourists visiting Israel/Palestine. Other business enterprises may serve to provide guidance and expertise for the settlement tourism sector. For example, the Israeli Ministry of Tourism, along with other government partners, initiated the “Dead Sea Valley Tourism Complex” to make the Dead Sea an “international attraction for international elite tourism.”¹¹⁹ Although the complex itself will be developed inside the Green Line, the project will be reliant on, and indeed advertise sites in, the Dead Sea areas that lie within the oPt.¹²⁰ Notably, Deloitte (London) prepared the strategic plan for the complex.¹²¹

Business Obligations under International Law

Businesses connected to Israel’s settlement tourism sector are not only obscuring the reality of Israel’s occupation, but are also violating their responsibilities under international law. Indeed, it is incumbent on both state and non-state actors to respect international law, and both may be held criminally liable for violations. These obligations and responsibilities exist irrespective of the domestic laws in force in a country. In the case at hand, Israel’s legalization of settlements does not impact their unlawful nature under international law.

Accordingly, business enterprises operating in or with settlements and/or in coordination with the Israeli occupying authorities in the oPt must respect international human rights law, international humanitarian law, and international criminal law.¹²² As noted in the United Nations (UN) Guiding Principles on Business and Human Rights, the responsibility to protect human rights requires that businesses “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products, or services by their business relationships, even if they have not contributed to those impacts.”¹²³ Businesses must ensure that they are not involved in gross human rights abuses and should treat such risk as a legal compliance issue.¹²⁴ In conducting their due diligence, businesses should also recognize the international consensus on the illegality of Israeli settlements in the oPt as well as Israeli policies that violate the right of Palestinians to “permanent sovereignty over their natural wealth and resources.”¹²⁵ International crimes, such as the transfer of settlers into the occupied territory, the extensive destruction and appropriation of property, and pillage,¹²⁶ have all been alleged to have occurred in the oPt, including in connection with businesses operating in settlements.¹²⁷ These and other Israeli policies and practices have a broad impact on the individual and communal rights of Palestinians in the oPt, including obstructing the right to self-determination, the right of peoples to freely dispose of their natural wealth and resources,¹²⁸ the right to freedom of movement,¹²⁹ the right to development,¹³⁰ and the right to an adequate standard of living,¹³¹ among others.

Importantly, the UN is mandated to establish a database¹³² of all businesses that have “directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements.”¹³³ While businesses with a direct presence in settlements, such as AHAVA, have an immediate connection to violations of international law, tourism companies and others based outside Israel and the oPt may also contribute to adverse human rights impacts due to their business relationships.¹³⁴ For example, the aforementioned travel sites, such as Booking.com, provide a service for marketing and reserving settlement properties,¹³⁵ creating a veneer of legitimacy as well as profits for businesses that are in effect operating unlawfully; accurately distinguishing these properties as being in an Israeli settlement does not diminish their unlawful presence or the company’s legal responsibilities.

It should be further noted that tourism companies catering to foreign tourists also have an obligation to adhere to the domestic laws in the countries in which they operate when in conformity to international law. Because states at large do not recognize Israel’s sovereignty over the oPt, settlement locations cannot be labeled as “Israel.” This was highlighted in 2008 when the British Advertising Standards Authority affirmed that the Israeli Ministry of Tourism misled consumers by placing a picture of Qumran under the heading “Israel.”¹³⁶

In sum, such business activities, whether resulting from a business enterprise’s direct presence or as an entity in its value chain, are conducted at the expense of the Palestinian people and economy.¹³⁷

* * * * *

Throughout Palestine’s colonial history, Palestinians have been systematically excluded from freely enjoying and benefitting from the wonders of the Dead Sea. This exclusion is now perhaps at its most severe juncture, with Israel exercising full control over the resource. Key to this situation of exclusion and adverse impacts on the rights of Palestinians today are businesses that

use and exploit Palestinian land and other resources; participate in a system that discriminates against Palestinians, including via access restrictions; and facilitate the transfer of Israeli settlers into the oPt. At the same time, countless tourists flock to the Dead Sea in the oPt, visiting Qumran, AHAVA, and the coast itself, unaware of or indifferent to the situation faced by Palestinians due to such settlement sites and Israel's occupation.

Given the reliance of these businesses on tourists, and in the case of AHAVA, foreign markets at large, third states could take measures to limit and help end the adverse impacts on Palestinians caused by Israel's unlawful policies and the businesses that benefit from and support them. Such measures would be in line with states' legal obligations under international law, as detailed in UN Security Council Resolution 2334 (2016), which requires states to "distinguish in their relevant dealings between the territory of the State of Israel and the territories it occupied since 1967."¹³⁸ This may include adopting legislation to ensure that businesses neither directly nor indirectly contribute to the Israeli settlement enterprise. It may also necessitate warning multinational businesses of the potential for legal liability, reputational risks, and other consequences for engaging with settlements, and businesses therein. Such risks have been underscored in international campaigns against AHAVA and settler tourism.¹³⁹

While these initiatives have raised awareness and may potentially impact the behavior of companies, an environment of impunity persists. What will remain of the precious resources of the Dead Sea for Palestinians to enjoy and use when foreign rule over Palestine comes to an end remains in question.

About the Authors

Aseil Abu-Baker, JD, is a U.S.-licensed attorney. She is currently a legal consultant in Palestine.

Marya Farah is a U.S.-licensed attorney who focuses on international human rights law and advocacy.

ENDNOTES

- 1 For a map of the Dead Sea which shows how the Green Line separates the lake, see "Humanitarian Fact Sheet on the Jordan Valley and Dead Sea Area," United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 8 February 2012, <https://www.ochaopt.org/content/humanitarian-fact-sheet-jordan-valley-and-dead-sea-area-february-2012>.
- 2 In 2013, the World Bank stated that the potential value added to the Palestinian economy from the mineral extraction sector was conservatively estimated at \$918 million per year; the corresponding figure for the tourism sector was \$126 million. See, World Bank, *West Bank and Gaza: Area C and the Future of the Palestinian Economy*, 2 October 2013, pp. 13 and 24, <http://documents.worldbank.org/curated/en/137111468329419171/pdf/AUS29220REPLAC0EVISSION0January02014.pdf>.
- 3 Haim Goren, *Dead Sea Level: Science, Exploration and Imperial Interests in the Near East* (London: I.B. Tauris, 2011), p. 125.
- 4 Salman Abu-Sitta, *Atlas of Palestine, 1917-1966* (London: Palestine Land Society, 2010), p. 25. The Palestine Exploration Fund played a central role in surveying Palestine as a prelude to land conquest in the nineteenth century.
- 5 Jacob Norris, "Toxic Waters: Ibrahim Hazboun and the Struggle for a Dead Sea Concession, 1913-1948," *Jerusalem Quarterly* 45 (2011): pp. 25-42, http://www.palestine-studies.org/sites/default/files/jq-articles/45_toxic_2.pdf.

- 6 Norris, "Toxic Waters," p. 28.
- 7 Arie Nissenbaum, "The Dead Sea: An Economic Resource for 10,000 Years," *Hydrobiologia* 267, nos. 1–3 (September 1993): p. 135.
- 8 Nissenbaum, "The Dead Sea," p. 135.
- 9 Barbara J. Smith, *The Roots of Separatism in British Palestine: British Economic Policy, 1920–1929* (Syracuse, NY: Syracuse University Press, 1993), p. 126.
- 10 Barbara Kreiger, *The Dead Sea: Myth, History, Politics* (Hanover, NH: Brandeis University Press of New England, 1997), pp. 141–42.
- 11 Bernard Regan, *The Balfour Declaration: Empire, the Mandate and Resistance in Palestine* (New York: Verso, 2017), p. 161.
- 12 Norris, "Toxic Waters," p. 28. Another source suggests that the Ottoman sultan issued a concession in 1913 to three Ottoman nationals to extract potash, common and other salts, and the sole right to produce bromine from the resulting brine, but it does not mention that such a concession was annulled. See A. H. Lane, *The Alien Menace: A Statement of the Case*, 5th ed. (London: Boswell Publishing, 1934), p. 171.
- 13 In time, Novomeysky secured financial support from influential Zionists such as James de Rothschild and U.S. Supreme Court justice Louis Brandeis. See Michael J. Cohen, *Britain's Moment in Palestine: Retrospect and Perspectives, 1917–48* (New York: Routledge, 2014), pp. 202–4, quote at p. 202.
- 14 During a House of Commons debate, Winston Churchill stated that "the Arabs of Palestine . . . would have been quite content to dwell—a handful of philosophic people—in the wasted sun-scorched plains, letting the waters of the Jordan continue to flow unbridled and unharnessed into the Dead Sea." See 156 Parl. Deb. H.C. (5th ser.) (1922) col. 335, https://api.parliament.uk/historic-hansard/commons/1922/jul/04/colonial-office#column_335.
- 15 Early Palestinian salt farmers dug small pits on the shores of the Dead Sea, which would swell with water as the Jordan River rose. Once the water had evaporated, a bed of salt was exposed, which was then collected and sold to merchants in Jerusalem. See Kreiger, *Dead Sea*, p. 143.
- 16 Norris, "Toxic Waters," p. 26
- 17 Norris, "Toxic Waters," p. 28.
- 18 Norris, "Toxic Waters," p. 28.
- 19 Norris, "Toxic Waters," p. 28.
- 20 Norris, "Toxic Waters," p. 29.
- 21 Norris, "Toxic Waters," p. 32.
- 22 Norris, "Toxic Waters," p. 29.
- 23 "Dead Sea's Vast Mineral Wealth Healing to Offset Losses to Axis," *International Herald Tribune*, 4 October 1942, RG 44, Division of Press Intelligence, National Archives, Washington, DC.
- 24 Potash became increasingly important during World War II for use in munitions. See "Dead Sea's Vast Mineral Wealth," *International Herald Tribune*.
- 25 Smith, *Roots of Separatism*, p. 117.
- 26 Article 11 of the Mandate reads, "The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair, and equitable terms, any public works, services and utilities." See *The Mandate for Palestine*, Council of the League of Nations, 24 July 1922.
- 27 Norris, "Toxic Waters," p. 32.
- 28 Norris, "Toxic Waters," p. 32.
- 29 Norris, "Toxic Waters," p. 32.
- 30 Major Thomas Tulloch of the British Navy had also sought the concession but could not solicit the necessary funds. He was encouraged by the Colonial Office to partner with Novomeysky, who had access to Zionist capital. See Smith, *Roots of Separatism*, p. 127.

- 31 Cohen, *Britain's Moment in Palestine*, pp. 201–2.
- 32 Smith, *Roots of Separatism*, p. 126; the monetary and political support of the likes of Rothschild and Chaim Weizmann, president of the World Zionist Organization, were “undoubtedly critical in securing the concession for Novomeysky.” See Cohen, *Britain's Moment in Palestine*, p. 202.
- 33 Large U.S. companies including General Motors, Du Pont, and Standard Oil reportedly submitted tenders. See Kreiger, *Dead Sea*, p. 147.
- 34 Lane, *Alien Menace*, p. 171.
- 35 Norris, “Toxic Waters,” p. 33.
- 36 During a British House of Lords debate following the granting of the concession, Viscount Templetown stated, “Only a British control can do justice amid the varied interests and ensure for this great wealth the development due to the inhabitants. It therefore becomes a matter of grave concern to the British public in what way, and under what influence, the Dead Sea and the most strategic areas of Palestine are being dealt with.” See 73 Parl. Deb. (5th ser.) (1929) cols. 731–58, <https://api.parliament.uk/historic-hansard/lords/1929/mar/20/dead-sea-salts-concession>.
- 37 Smith, *Roots of Separatism*, p. 129.
- 38 Norris, “Toxic Waters,” p. 36.
- 39 The letter, “Supreme Muslim Council Protests against Granting Dead Sea Concession to Zionists, 1929” [in Arabic], is archived on the Institute for Palestine Studies website at <https://tinyurl.com/t9kph1>.
- 40 David B. Green, “This Day in Jewish History//1961: ‘Broken-Hearted’ Father of Israeli Potash Industry Dies in Paris,” *Haaretz*, 26 March 2016, <https://www.haaretz.com/jewish/.premium-1961-broken-hearted-industrial-founder-dies-1.5422914>.
- 41 Green, “1961.”
- 42 Cohen, *Britain's Moment in Palestine*, p. 208.
- 43 Gideon Biger, *The Boundaries of Modern Palestine, 1840–1947* (New York: RoutledgeCurzon, 2004), p. 180.
- 44 Kreiger, *Dead Sea*, 153–54.
- 45 Arab Potash Company, *Partners in Food Security*, 2018 annual report, 24 April 2019, p. 17, <http://www.arabpotash.com/EchoBusV3.0/SystemAssets/PDFEN/APC%202018%20Annual%20English.pdf>.
- 46 Rami Alrawashdeh and Khalid Al-Tarawneh, “Sustainability of Phosphate and Potash Reserves in Jordan,” *International Journal of Sustainable Economy* 6, no. 1 (January 2014): pp. 45–63.
- 47 Representing the highest recorded volume in the company's history according to a statement by Arab Potash Company. See “Arab Potash Company Achieves ‘Record’ Production in 2018; Revenues up by 39%,” *Jordan Times*, 13 February 2019, <http://www.jordantimes.com/news/local/arab-potash-company-achieves-%E2%80%98record%E2%80%99-production-2018-revenues-39>.
- 48 Arab Potash Company, *Partners in Food Security*, p. 11.
- 49 Israel Chemicals Limited (ICL), *Annual Report for the Period Ended December 31, 2018*, p. 26, <http://iclgroupv2.s3.amazonaws.com/corporate/wp-content/uploads/sites/1004/2019/02/ICL-2018-Annual-Report-20-F.pdf>.
- 50 ICL, *Annual Report*, p. 59.
- 51 ICL, *Annual Report*, pp. 36 and 45.
- 52 For more information on the degradation of the Dead Sea and plans to revive it, see Clive Lipchin, Deborah Sandler, and Emily Cushman, eds., *The Jordan River and Dead Sea Basin: Cooperation amid Conflict* (Dordrecht: Springer, 2009).
- 53 Israel now controls the entire Dead Sea area west of Jordan, as the southern basin of the Dead Sea is located inside the Green Line.
- 54 Claudia Nicoletti and Anne-Marie Hearne, *Pillage of the Dead Sea: Israel's Unlawful Exploitation of Natural Resources in the Occupied Palestinian Territory* (Ramallah: Al-Haq, 2012), p. 14,

- <http://www.alhaq.org/publications/publications-index/item/pillage-of-the-dead-sea-israel-s-unlawful-exploitation-of-natural-resources-in-the-occupied-palestinian-territory>.
- 55 “Through Military Order No. 59 of 31 July 1967, Israel defined ‘State property’ as any property – movable or immovable, which prior to 7 June 1967 belonged to a hostile State or to any arbitration body connected with a hostile State.” See Nicoletti and Hearne, *Pillage*, p. 16.
- 56 In one specific case, four Palestinian villages made a claim to the local preliminary registration committee that the exposed land was rightfully theirs given their ownership of the shoreline prior to the occupation. The committee rejected their claim and declared the exposed shoreline state land, paving the way for Israeli developers to move in and expand tourism projects in the area. See Chaim Levinson, “Israel Rejects Palestinian Claims, Registers Dead Sea Land as State Land,” *Haaretz*, 28 March 2013, <https://www.haaretz.com/.premium-pa-claim-to-dead-sea-land-denied-1.5236033>.
- 57 B’Tselem, *Dispossession and Exploitation: Israel’s Policy in the Jordan Valley and Northern Dead Sea*, May 2011, https://www.btselem.org/campaigns/2011_jordan_valley/english/index.html.
- 58 Madeeha Araj, “Investment in Settlements Top of Israel’s Priorities,” Palestine News Network, 23 April 2018, <http://english.pnn.ps/2018/04/23/investment-in-settlements-top-of-israels-priorities/>.
- 59 See Megilot Dead Sea Regional Council, “Dead Sea Settlements” [in Hebrew], <https://www.dead-sea.org.il/?CategoryID=169&ArticleID=147>.
- 60 Peace Now, “The Dispossession of Palestinians in the Jordan Valley,” 18 April 2017, <http://peacenow.org.il/en/jordan-valley>.
- 61 Nicoletti and Hearne, *Pillage*, p. 20.
- 62 B’Tselem, *Dispossession*, p. 38.
- 63 Nicoletti and Hearne, *Pillage*, p. 18.
- 64 For example, between 2010 and 2014, only 1.5 percent of Palestinian permits were approved. See OCHA, *Under Threat: Demolition Orders in Area C of the West Bank*, 2014, https://reliefweb.int/sites/reliefweb.int/files/resources/demolition_orders_in_area_c_of_the_west_bank_en.pdf.
- 65 World Bank, *West Bank and Gaza*.
- 66 The company produces table salt, and in addition to supplying the West Bank and the Gaza Strip, it also exports to some foreign markets, including Germany.
- 67 Husam Hallak (owner of West Bank Salt Company), in discussion with the author, 21 May 2019, on the premises of the company.
- 68 Hallak noted that while his operation does not extract minerals such as potash and bromine from the Dead Sea, it does extract limited quantities of mud which he exports in bulk but does not sell in Israel. Hallak, in discussion with the author, 21 May 2019.
- 69 Hallak, in discussion with the author, 21 May 2019. During a visit to the factory, Hallak revealed that the company is currently building a visitor center based on an “oral permit” provided to them by the local Israeli military commander. Nevertheless, the company is being forced to demolish a small annex built off the side of the original factory for failure to obtain a construction permit.
- 70 See “West Bank Minerals Factory by the Dead Sea Shore – Palestine Television,” YouTube video, 05:47, posted by Aroon Hamayreh, 4 May 2017, [https://www.youtube.com/watch?v=L6YiuE_AnEE](https://www.youtube.com/watch?v=L6YiuE_AnEE;); and “Palestinian Factory by the Dead Sea Shore/Filmed by Adel AbuNemah,” YouTube video, 03:21, posted by Adel Nemah, 31 May 2012, <https://www.youtube.com/watch?v=sxBK5zli4KE>.
- 71 World Bank, *West Bank and Gaza*, p. 13.
- 72 Jad Isaac, et al., *The Economic Cost of the Israeli Occupation of the Occupied Palestinian Territories* (Jerusalem: Applied Research Institute, 2015), p. 28, https://www.arij.org/files/arijadmin/2016/The_Economic_Cost_of_the_Israeli_occupation_Report_upd.pdf.
- 73 State of Palestine, *National Policy Agenda, 2017–2022: Putting Citizens First* (Ramallah: Prime Minister’s Office, December 2016), https://eeas.europa.eu/sites/eeas/files/npa_english_final_approved_20_2_2017_printed.pdf.

- 74 According to the UN, “The designation of national parks and archaeological sites and their promotion for Israeli and international tourism continues to contribute to consolidating Israeli civilian presence and control over land in the Occupied Palestinian Territory.” See the annual report of UN Human Rights Council (UNHRC), *Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and in the Occupied Syrian Golan*, ¶21, UN Doc. A/HRC/34/39 (13 April 2017), <https://undocs.org/A/HRC/34/39>.
- 75 World Bank, *West Bank and Gaza*, p. 24.
- 76 Max Schindler, “More Tourists Visit Israel in 2017 Than Ever Before,” *Jerusalem Post*, 2 January 2018, <https://www.jpost.com/Israel-News/More-tourists-visit-Israel-in-2017-thaa-ever-before-522665>.
- 77 Almost 50 percent of tourists to Israel reportedly visited the Dead Sea area in 2017. See Israeli Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, p. 6, available at https://motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf.
- 78 Other activities include desert camping, a horse ranch, and climbing. See Go Dead Sea, “Northern Dead Sea Attractions,” <http://en.godeadsea.com/category/northern-dead-sea-attractions>.
- 79 This is based on researching tour packages and on field visits to the various sites. It appears that package tours often stop in the oPt section of the Dead Sea, given its proximity to Qumran. See for example, Compass Travel Israel, “Masada Dead Sea Daily Tour Business Class,” <https://compasstravelisrael.com/tours/masada-dead-sea-daily-tour-business-class/>; and Diesenhaus, “Masada and Dead Sea Full-Day Tour from Tel Aviv,” Expedia, <https://www.expedia.com/things-to-do/masada-dead-sea-full-day-tour-from-tel-aviv.a186097.activity-details>.
- 80 The violations include, but are not limited to, unlawful land confiscation, pillage, racial discrimination, and unlawful excavation.
- 81 According to the 2013 World Bank report referenced throughout this study, tourism contributes less than 3 percent to Palestinian GDP. See World Bank, *West Bank and Gaza*, p. 20.
- 82 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Israel-PLO, Annex VI, Article 5, section 6 (a)(5), 28 September 1995, https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS_950928_InterimAgreementWestBankGazaStrip%28OsloII%29.pdf.
- 83 Israel Nature and Parks Authority, “Qumran Park,” <https://www.parks.org.il/en/reserve-park/qumran-park/>.
- 84 Emek Shaveh, “Israel’s ‘National Heritage Sites’ Project in the West Bank: Archeological Importance and Political Significance,” 13 September 2013, <https://alt-arch.org/en/heritage/>.
- 85 Nir Hasson, “Critics Slam Heritage Plan for Omitting Non-Jewish Sites,” *Haaretz*, 25 February 2010, <https://www.haaretz.com/1.5052227>.
- 86 Raffi Berg, “Israel Heritage Plan Exposes Discord over West Bank History,” BBC News, 16 April 2013, <https://www.bbc.com/news/world-middle-east-21973708>.
- 87 According to an Emek Shaveh publication, “In recent years the Ministry of Tourism and the Civil Administration have made considerable investments in parks in the West Bank. For example, at the end of fiscal year 2017, 12.1 million NIS were allocated to parks such as Qumran, Mount Gerizim, Herodium, Nabi Samuel etc.” See Chemi Schiff, “National Parks in Israel and the West Bank—on Which Side Is the Grass Greener?” Emek Shaveh, 15 April 2018, https://alt-arch.org/en/grass-greener_en/.
- 88 The Second Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict prohibits excavations except where “required to safeguard, record or preserve cultural property.” See Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, Article 9(1)(b), 17 May–31 December 1999, 2253 U.N.T.S. 172, http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- 89 The Israel Museum, “The Dead Sea Scrolls,” <https://www.imj.org.il/en/wings/shrine-book/dead-sea-scrolls>.
- 90 The Nature and Parks Authority currently charges an entrance fee of NIS 29 (approximately \$8) for adults and NIS 15 (\$4) for each child.

- 91 The Israel Museum charges NIS 54 (approximately \$25) for adults. See the ticket section of the museum's website at <https://www.imj.org.il/en/content/tickets?culture=en-US>.
- 92 World Bank, *West Bank and Gaza*, p. 24.
- 93 Who Profits, *Ahava: Tracking the Trade Trail of Settlement Products*, April 2012, p. 25, https://whoprofits.org/wp-content/uploads/2018/06/old/ahava_report_final.pdf.
- 94 Who Profits, "The Israeli Exploitation of Palestinian Natural Resources, Part IV: Ahava," November 2016, <https://whoprofits.org/updates/the-israeli-exploitation-of-palestinian-natural-resources-part-iv-ahava/>.
- 95 Fosun International Limited, *Annual Report, 2016, 2017*, p. 248, http://media.corporate-ir.net/media_files/IROL/19/194273/annualreports/E_656AR.PDF.
- 96 "Ahava Bought by Chinese Conglomerate in Midst of BDS Concerns," *Times of Israel*, 2 September 2015, http://www.timesofisrael.com/ahava-bought-by-chinese-conglomerate-in-midst-of-bds-concerns/?fb_comment_id=856621941073486_856704424398571.
- 97 Fosun International Limited, *Annual Report, 2018, 2019*, <https://www.fosun.com/wp-content/themes/fuxing/document/report-2018-yr-en.pdf>.
- 98 Aviv Levy, "Fosun Plans Huge Global Expansion for Ahava," *Globes*, 12 April 2016, <https://en.globes.co.il/en/article-fosun-plans-huge-global-expansion-for-ahava-1001117055>.
- 99 According to Fosun, "10,000 Chinese customers were recorded in six months." See Fosun International Limited, *Annual Report, 2017, 2018*, <https://www.fosun.com/wp-content/themes/fuxing/document/report-2017-yr-en.pdf>.
- 100 Navit Zumer, "Fosun Mulling Float of Dead Sea Cosmetics Manufacturer Ahava, Exec Says," *CTech*, 14 December 2018, <https://www.calcalistech.com/ctech/articles/0,7340,L-3752030,00.html>.
- 101 Who Profits, "Israeli Exploitation."
- 102 Principle 2 of the UN Global Compact, a voluntary initiative to implement universal sustainability principles and to take steps to support UN goals, affirms that businesses must "make sure that they are not complicit in human rights abuses." See "The Ten Principles of the UN Global Compact," UN Global Compact, <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-2>.
- 103 World Bank, *West Bank and Gaza*, p. 24.
- 104 This figure was calculated by assuming six hundred thousand tourists were charged the maximum fee of NIS 59.
- 105 World Bank, *West Bank and Gaza*, p. ix.
- 106 This rate is also applied to children and the disabled. See the home page of the Kalia Beach website at <http://kaliabeach.com/en/>.
- 107 Donald Macintyre, "Palestinians Barred from Dead Sea Beaches to 'Appease Israeli Settlers,'" *The Independent*, 14 June 2008, <https://www.independent.co.uk/news/world/middle-east/palestinians-barred-from-dead-sea-beaches-to-appease-israeli-settlers-846948.html>.
- 108 Yossi Wolfson, "The Israeli Military in the Service of the Dead Sea Beach Operators: HCJ 5148/08 the Association for Civil Rights in Israel v. Chief of the General Staff (Judgment of 10 December 2009)," *Hamoked*, 12 January 2009, <http://www.hamoked.org/Document.aspx?dID=Documents1222>.
- 109 The court further stated, "Nonetheless, in the event of a focused security alert, a temporary blocking of passage by Palestinians through the checkpoint may occur." See Wolfson, "The Israeli Military in the Service of the Dead Sea Beach Operators." It should be noted that according to Palestinian human rights organization Al-Haq, the Beit Ha'arava checkpoint has since been removed. This information was gathered via Al-Haq's Monitoring and Documentation department, email to author, 17 October 2018.
- 110 Fun-Time Tour and Travel, "Masada, Ein Gedi Nature Reserve and View of Qumran Tour," <https://www.fun-time.co.il/Trips/TourDetails/1525/masada-ein-gedi-and-view-of-qumran-tour>.

- 111 Hotels in the Dead Sea area include Biankini Dead Sea Resort in Kalia settlement and Almog Kibbutz Hotel in Almog settlement.
- 112 See, for example, Viator, “Dead Sea relaxation day from Jerusalem,” <https://www.viator.com/tours/Jerusalem/Dead-Sea-Spa-and-Wellness-Trip-from-Jerusalem/d921-5209SEAHEALTHJ>.
- 113 Diesenhaus, “Masada and Dead Sea”; Groupon has also offered a “tour of Israel,” which included settlement sites such as Qumran. See Groupon, “Tour of Israel with Airfare from Gate 1 Travel – Tel Aviv, Tiberias, and Jerusalem,” <https://www.groupon.com/deals/ga-gate-1-travel-israel-2>.
- 114 Booking.com, “Kalia Kibbutz Hotel,” accessed on 25 August 2018, <https://www.booking.com/hotel/il/kalia-kibbutz.html>; Travelocity, “Kalia Kibbutz Holiday Village,” accessed on 25 August 2018, <https://www.travelocity.com/Kalya-Hotels-Kalia-Kibbutz-Holiday-Village.h3066836.Hotel-Information>; Expedia, “Kalia Kibbutz Holiday Village,” accessed on 25 August 2018, <https://www.expedia.com/Kalya-Hotels-Kalia-Kibbutz-Holiday-Village.h3066836.Hotel-Information>; TripAdvisor, “Kalia Kibbutz,” accessed on 25 August 2018, https://www.tripadvisor.com/Hotel_Review-g1884032-d1746768-Reviews-Kalia_Kibbutz-Kalia_Dead_Sea_Region_West_Bank.html.
- 115 Booking.com, “Kalia Kibbutz Hotel.” See 114n above.
- 116 Travelocity, Expedia, and TripAdvisor Searches for “Kalia Kibbutz.” See 114n above.
- 117 Airbnb, “Kalia Beach – Stays,” accessed on 28 May 2019, <https://tinyurl.com/sb4z82f>.
- 118 Fosun highlighted that Chinese tourists that visit “Israel” are primary customers, and that it will use its holdings in tourism-sector businesses to market the brand globally. See Levy, “Fosun Plans.”
- 119 Dead Sea Valley, “An out of the Ordinary Opportunity: The Dead Sea Valley Tourism Complex,” Israeli government website, https://www.gov.il/BlobFolder/generalpage/investment_opportunities/en/English_Presentation.pdf.
- 120 Dead Sea Valley, “An out of the Ordinary Opportunity.”
- 121 Dead Sea Valley, “An out of the Ordinary Opportunity.”
- 122 UN Office of the High Commissioner for Human Rights (OHCHR), “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” 2011, principle 12 and commentary, https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf.
- 123 OHCHR, “Guiding Principles,” principle 13.
- 124 OHCHR, “Guiding Principles,” principles 7 and 23.
- 125 UN General Assembly, Resolution 3175 (XXVII), Permanent Sovereignty over National Resources in the Occupied Arab Territories, A/RES/3175 (17 December 1973), <https://unispal.un.org/UNISPAL.NSF/0/8F9EF0C2108AB49C852568C6006704CC>.
- 126 Rome Statute of the International Criminal Court, Article 8, 17 July 1998, 2187 U.N.T.S. 3.
- 127 See, for example, Yesh Din, “Petition to Halt All Israeli Quarry and Mining Activities in the West Bank,” 9 March 2009, <https://www.yesh-din.org/en/petition-to-halt-all-israeli-quarry-and-mining-activities-in-the-west-bank-hqj-216409-yesh-din-volunteers-for-human-rights-v-the-commander-of-the-idf-forces-in-the-west-bank/>; Human Rights Watch, *Occupation, Inc.*, 19 January 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.
- 128 International Covenant on Civil and Political Rights (ICCPR), Article 1, 19 December 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 1, 16 December 1966, 993 U.N.T.S. 3, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
- 129 ICCPR, Article 12.
- 130 UN General Assembly, Resolution 41/128, Declaration on the Right to Development, A/RES/41/128 (4 December 1986), <https://undocs.org/en/A/RES/41/128>.
- 131 ICESCR, Article 11.

- 132 UNHRC, Resolution 31/36, Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and in the occupied Syrian Golan, A/HRC/RES/31/36 (24 March 2016), https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/36. As this article went to print, the UN issued its database report, which included some but not all of the tourism companies mentioned in this article. See Report of the UN High Commissioner for Human Rights, UN Doc. A/HRC/43/71, 28 February 2020, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Pages/ListReports.aspx>.
- 133 UNHRC, *Report of the Independent International Fact-Finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People throughout the Occupied Palestinian Territory, Including East Jerusalem*, ¶ 96, UN Doc. A/HRC/22/63 (7 February 2013), https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf.
- 134 Business relationships include those with “business partners, entities in [the business enterprise’s] value chain, and any other non-State or State entity directly linked to its business operations, products or services.” OHCHR, “Guiding Principles,” principle 13 and commentary.
- 135 The UN database will include businesses that provide “services and utilities supporting the maintenance and existence of settlements.” See UNHRC, *Fact-Finding Mission*, ¶ 96.
- 136 Danny Sadeh, “Why Are British Upset with Israeli Tourism Ministry?” Ynet News, 14 April 2008, <https://www.ynetnews.com/articles/0,7340,L-3531468,00.html>.
- 137 “The Staggering Economic Cost of Occupation: The Palestinian Economy Would Be at Least Twice as Large without Israeli Occupation, UNCTAD Report Says,” United Nations Conference on Trade and Development, 6 September 2016, <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1317>.
- 138 United Nations Security Council, Resolution 2334, S/RES/2334 (23 December 2016), <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.
- 139 See for example, Nancy Kricorian, “Stolen Beauty: The Struggle for a Just Peace in the Middle East Coming to a Store Near You,” CodePink, 21 July 2009, https://www.codepink.org/stolen_beauty_the_struggle_for_a_just_peace_in_the_middle_east_coming_to_a_store_near_you; and “Destination: Occupation,” Amnesty International, n.d., <https://www.amnesty.org/en/latest/campaigns/2019/01/destination-occupation-digital-tourism-israel-illegal-settlements/>.