

Alternative **Tourism** Journal



**Status of Tourism Legislation
in Palestine**

Alternative Tourism Journal is an initiative of the Alternative Tourism Group-Study Center Palestine (ATG). It is a journal which offers an alternative narrative of the situation in Palestine and the way it impacts on tourism.

ATG is a Palestinian NGO specializing in tours and pilgrimages that include a critical examination of the history, culture, and politics of the Holy Land. ATG operates on the tenets of “justice tourism” and seeks empowerment of the local community through affirmation of Palestinian cultural identity, and protection of eco-rights. Above all, ATG seeks to promote justice in the Holy Land with tourism as one of its instruments.

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Abbreviations

AHA	The Arab Hotel Association
ATG	Alternative Tourism Group
COPOLCO	Committee on Consumer Policy
GATS	The General Agreement on Trade in Services
HILTOA	Holy Land Incoming Tour Operators Association
ISO	the International Organization for Standardization
MOTA	the Palestinian Ministry of Tourism and Antiquities
NEPTO	Network for Experimental Palestinian Tourism Organization
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
oPt	occupied Palestinian territory
PIRT	Palestinian Initiative for Responsible Tourism
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization.
PNA/ PA	Palestinian National Authority/ Palestinian Authority
PSTTA	Palestinian Society of Tourist and Travel Agents
WTO	World Trade Organisation
WTTC	World Travel and Tourism Council

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Preface

Bobby Seale, an African-American political activist and co-founder and national chairman of the Black Panther Party once said: "Revolution is about the need to re-evolve political, economic and social justice and power back into the hands of the people, preferably through legislation and policies that make human sense. That's what revolution is about. Revolution is not about shootouts."

This paper represents another important piece of research from the Study Centre of the Alternative Tourism Group. Focusing on the question of how legislation impinges on tourism and the law in Palestine, it outlines common Israeli practices which are born of an 'occupation mindset'; that mindset being of a predilection to alienate the occupied, and to foster an image of the Palestinian as dangerous and evil. Palestinian tourism has been disadvantaged by policies and obsolete laws which have harshly narrowed the scope of this crucial market. Some of these instruments are an inheritance from Jordanian law and are out of touch with contemporary challenges. The urgent need is for new laws and policies which cater to the modern Palestinian reality and conditions on the ground. Such laws must allow for the developing of quality relationships between the visitors and visited. They must pave the way for Palestinians to gain the economic benefits that accrue from tourist enterprises. They must also create a tourism model which encourages and assists visitors to encounter the culture and social traditions of Palestine by way of authentic human encounters. Finally, they must expose visitors to the complex realities of the Israeli occupation and, through an understanding of these realities, enable them to become advocates for a just peace in Palestine and Israel. It is hoped that, in the process of pursuing these goals, a valuable contribution can also be made to the development of international standards and best practices concerning tourism law and policy.

Through this research paper - "Status of Tourism Legislation in Palestine" - Amjad Alqasis and ATG advocacy officer, Dafer Kassis, map out the current status of tourism legislation in Palestine, and in doing so, provide a comprehensive view of the various laws and regulations, main actors and networks which govern and influence this field of great national importance.

The study is essentially foundational in nature, intended as an embarkation point for future research into the many issues and questions raised. The goal

is to gradually develop a comprehensive body of research and literature on the subject of tourism in Palestine, specifically the problems and prospects encountered from a legal perspective.

In this sense, this represents a pioneering piece of research and ATG is hugely grateful to Amjad Alqasis for breaking new ground in the identification and exploration of legal dimensions surrounding a multitude of issues which have hitherto been neglected and ignored in relation to Palestinian tourism. The conclusions of this study can – in themselves - do much to assist efforts to advocate for a just and sustainable future for tourism in Palestine, yet by referring to relevant international laws and standards in the field of tourism, the findings of this paper can also prompt subsequent comparative studies. Thus, it is hoped that the reach of this body of work can extend beyond the borders of Palestine, and enable those in similar situations to create manuals and codes of conduct which affirm the ideals of just tourism.

The study details and analyses the political situation in Palestine and argues that Israel not only restricts Palestinian tourism, but also has used harnessed tourism as a means of gaining political advantage through the spreading of falsehoods. In addition, the study also highlights those laws, regulations and treaties which govern the tourism sector in Palestine, before identifying relevant networks and private actors' initiatives (soft law) which influence and guide the tourism field in Palestine. Such international instruments serve as a reminder to readers that these goals are not merely those of the Palestinian tourism sector alone, but are instead a global necessity which must be pursued through a strategy of international solidarity.

As such, this research goes beyond a theoretical challenge of the status quo; it provides a formula for action.

We ask readers to study this research, disseminate it widely, and organize groups of visitors who can contribute to the growing numbers of 'justice tourists' and transformative pilgrims who travel to our beautiful country, and who can add their voices to the call for freedom and justice in Palestine.

Rami Kassis
Executive Director
Alternative Tourism Group

***THE STATUS OF TOURISM LEGISLATION IN
PALESTINE***

Introduction

Palestine is not an independent state with unfettered power entrusted to its authority or government. Palestine is an occupied country consisting of three blocks: the West Bank, the Gaza Strip and Jerusalem. Together they form the occupied Palestinian territory (oPt). On 13 September 1993, Yasser Arafat and Yitzhak Rabin signed the Oslo Accords, also known as the Declaration of Principles on Interim Self-Government Arrangements. Later on, the Interim Agreement on the West Bank and the Gaza Strip (commonly called Oslo 2) was signed on the 28 September 1995. The Oslo Accords gave the Palestinian people a certain degree of authority over some parts of the occupied territory. The treaties designate several areas in which authority was transferred from Israel to the Palestinians including, for instance, education and health care.

Compared to other countries in the world, Palestine's legal status is complicated and unique on account of it having been ruled over by a number of different authorities throughout history. Various legal systems have prevailed in Palestine and, accordingly, these systems have impacted upon the political and legal structures now present in the territory. Palestinian legislation is largely derived from that implemented during both Ottoman rule and the period of the British Mandate (the latter implementing widespread re-form of the legal system). In addition, the Hashemite Kingdom of Jordan ruled over the West Bank, and the Egyptian Administration controlled the Gaza Strip between 1948-1967. Following Israel's occupation in 1967, a set of Israeli military orders were imposed on Palestine in addition to Israeli civil law in illegally annexed Jerusalem. Furthermore, since 1994, consolidated legislation has been promulgated for both the West Bank and the Gaza Strip governorates by the Palestinian Authority (PA), alongside regulations and orders laid down in treaties signed between the state of Israel and the Palestine Liberation Organization (PLO).

However, it is important to note that Israel is not only occupying the Palestinian territory physically; it is controlling all movement of persons, goods and money entering and exiting the oPt. Consequently, just like Palestinian citizens, every tourist who wants to enter or leave the oPt has to be granted a permit by the Israeli occupying power to be able to do so. Tourists must comply with Israeli visa regulations since all entry points into the oPt are controlled by Israel, with no other form of direct access available to the area.

Therefore, any review of the status of Palestinian tourism law must also take into consideration the wider political and legal environment created by the State of Israel.

This research paper aims to map out the current status of tourism legislation in Palestine. It is a descriptive paper, presenting an overall picture of the various laws and regulations, main actors and networks governing and influencing the tourism sector in Palestine. This is the first time that such a project has been undertaken, and this paper is intended to serve both as a foundation upon which further research can be based, and to provide a source of information for future planning or analysis in relation to the Palestinian tourism industry. In addition, the paper outlines the main international standards and laws in the field of tourism. It is envisaged that this process can assist future comparative studies, analysis or the drafting of work manuals and codes of conduct.

Outline

- Chapter 1 will elaborate on the political situation in the oPt and discuss in detail not only the ways in which Israel limits Palestinian tourism endeavours, but also how Israel has come to use tourism for political benefit; specifically as a weapon to fortify its illegal occupation and to spread its false narrative among millions of visitors each year.
- Chapter 2 will present the main laws, regulations and treaties which govern the tourism sector in the oPt. In addition, it will map the relevant networks and private actors' initiatives (soft law) which influence and guide the tourism field in the oPt.
- Chapter 3 will illustrate the central international standards and laws in the field of tourism.
- Chapter 4 will set out a suggested way forward and frame potential improvements to the Palestinian tourism legislation in accordance with international standards and principles.



Chapter 1
Factor Occupation

The oPt is, in essence, divided by Israel into three constituent parts: East Jerusalem, West Bank and Gaza Strip. All parts, despite the presence of the PA, however, are under full, de facto Israeli military control and are cut off from one another. There is no direct passage for Palestinians from the West Bank (including East Jerusalem) to travel to the Gaza Strip or vice versa, and only a restricted possibility exists for travel from the West Bank to East Jerusalem. This division has severe implications for Palestinian tourism. For instance, Palestinian tour operators cannot offer and/or arrange visits for all of the oPt (such as Israeli settlement areas, for example), whilst Palestinian institutions and officials have no legal authority in East Jerusalem.



Source: <http://www.cartercenter.org/images/maps/palestinejs.gif>

Gaza Strip

The Gaza Strip is a narrow piece of land on the Mediterranean coast, and is home to a population of more than 1.7 million Palestinians. Covering an area of just 365 square kilometers, it is considered one of the most densely populated areas in the world.

As a result of the prolonged siege imposed on Gaza by Israel, and which was tightened in 2006, and is still imposed, the humanitarian situation inside the Gaza Strip is one characterized by extreme poverty, unemployment (standing at 40 percent of the labor force¹) and severe shortages in medicine, food and housing. As a result of these near impossible living conditions, compounded by the overall siege, it is clear that available 'space' for the establishment of a tourism sector inside Gaza is limited or non-existent².

West Bank

The 1993 Oslo Accords established the division of the West Bank into three administrative zones: A, B and C. Area A, consisting of the populous Palestinian cities and towns, is under the theoretical administrative and security control of the PA. However, the status of the area falls far short of sovereign territory and is subject to repeated Israeli military raids. Area B, consisting of populated rural areas, is under PA administrative control but military and security functions remain in the hands of Israeli forces. Areas A and B are divided into 227 non-contiguous areas separated by Israeli checkpoints and barriers. Area C, which is under full Israeli military and administrative control and accounts for the majority of West Bank

1- Palestinian Central Bureau of Statistics. Retrieved January 2015 at <http://www.pcbs.gov.ps/site/881/default.aspx>.

2- See Beirman, D. (2009). The tourism implications of Gaza. Retrieved January 2015 at <http://www.turboneews.com/7158/tourism-implications-gaza-imbroglio>.

land, consists of Israeli settlements, settlement roads, military zones, strategic areas, water reservoirs and almost all of the Jordan Valley. As such, it is subject to de facto annexation by Israel³.

Area	Control (as stipulated in the Oslo Accords)	Percentage	Palestinian population as percentage
'A'	Palestinian	15%	55%
'B'	Israeli/Palestinian	25%	39%
'C'	Israeli	60%	6% ⁴

In particular, the extensive – and at times total – restriction of Palestinian freedom of movement enforced by hundreds of Israeli check points and other blockades within the West Bank hampers the creation and maintenance of a functional, Palestinian-run tourism industry.

East Jerusalem

Palestinian residents of East Jerusalem are subject to a specific set of circumstances which relate to the area's illegal annexation of the area following its capture by Israeli forces in 1967. Granted "permanent resident" status by the Israeli state, Palestinian residents of East Jerusalem pay taxes to the Israeli authorities, but receive a level of state services far below that enjoyed by Israeli/Jewish citizens living in the same municipality. Such services include health and education, infrastructure, welfare services, postal services, water and sewage systems and waste disposal services. As a result, Palestinian communities and neighborhoods are underdeveloped in comparison with their Jewish counterparts, and receive far fewer state subsidies or state services. For instance, the Israeli

3- See BADIL survey of Palestinian Youth on Identity and Social Ties, (2012). One People United: A Deterritorialized Palestinian Identity. Retrieved January 2015 at

<http://www.badil.org/en/documents/category/2-working-papers?download=1027:wp-14>.

4- OCHA oPt, (2010). Area C Humanitarian Response Plan Fact Sheet Retrieved January 2015 at <http://unispal.un.org/UNISPAL.NSF/0/59AE27FDECB034BD85257793004D5541>, page 1-2.

land-planning and zoning system has forced 93,000 Palestinians in East-Jerusalem to build without proper construction permits, on account of 87 percent of that area being off-limits to Palestinian use, whilst most of the remaining 13 percent is already built-up⁵. This makes it almost impossible to accommodate tourists or to create a tourist-friendly environment in the remaining Palestinian part of the city. This Israeli policy is geared towards the absorbing of all tourism into Jewish neighborhoods, thus minimizing Palestinian access to profit stemming from tourism. Building hotels or a souvenir shop has become nearly impossible due to that. Israel rarely grants permits for building or expanding existing Palestinian owned hotels in Jerusalem⁶.

Another issue is the absence of institutional support in East Jerusalem. The Palestinian Ministry of Tourism and Antiquities (MOTA) is not permitted to operate in Jerusalem, and the absence of a national umbrella institution capable of supporting the private sector in East Jerusalem further obstructs the development of the Palestinian tourism industry.

Tourism as a Political Tool

Israel's occupation is not only limited to its military elements, but is also manifested in its use of tourism as a political tool. It is a tool used to strengthen its position as occupying power, and to maintain its domination over Palestinian land and people, but also as an instrument for the dissemination of propaganda to millions of tourists, including politicians, community leaders and journalists who receive free-of-charge first class tours to Israel⁷. All of these trips are accompanied by well-drilled Israeli tour guides whose primary purpose is to spread the

5- OCHA-oPt, (2012). Demolitions and Forced Displacement in the Occupied West Bank. Retrieved January 2015 at http://unispal.un.org/pdfs/OCHA_Demolitions-Diplacement.pdf.

6- Interview with Ra'fat Al Shomali, Palestinian tour guide, conducted in November 2014.

7- Gershenson, O. (2013). Countering single-narrative academic tours of Israel. Retrieved January 2015 at <http://972mag.com/countering-single-narrative-academic-tours-of-israel/65072>.

official Israeli narrative among all visitors.

This narrative is created through the omission of crucial information⁸ and by ensuring that no contact between visitors and local Palestinian communities takes place.

Israel, simply, knows that exposure to the present and historical realities of the occupation will have a transformative effect on the majority of tourists to Palestine, who would then return to their home countries as opponents to Israel's oppressive policies against Palestinians. For instance, an Israeli branding campaign for the tourism industry in 2008 was developed to intentionally deflect attention from the occupation⁹. As Rifat Kassis, the coordinator of Kairos Palestine, explains, "millions of tourists come to Bethlehem, Palestine, every year and, without talking to a single Palestinian, return home as enemies of Palestine and ambassadors of Israel¹⁰." The avoidance of Palestinian areas by Israeli tours gives the message that Palestinians are dangerous and not to be trusted. The result is that tourists return home with false "confirmation" that Palestinians are indeed a threat to the safety of Israel and its tourists.

Additionally, the maze of unequal laws and restrictions gives Israeli tour companies an unfair advantage in their ability to provide seamless service for their groups. Israel follows a two-tiered strategy: firstly to invest millions of dollars into its tourism market in order to attract the maximum number of visitors; and secondly to cripple the Palestinian market as much as possible. Very few permits to build or convert buildings to hotels were granted by the Israeli authorities to investors

8- See for example: Israel Government Tourist Office, (2009). Israeli tourism posters banned by watchdog over controversial map. Retrieved January 2015 at <http://www.theguardian.com/media/2009/jul/15/asa-israel-tourism-poster>.

9- Alternative Group Group, (2013). Economic Disparity in Israeli's Tourism Monopoly – The devastating impact in occupied Palestine. Israel's stranglehold and monopoly over Holy Land tourism and its impacts. Retrieved January 2015 at <http://www.atg.ps/resources/file/pages/Economic%20Disparity%20in%20Israel.pdf>.

10- Interview with Rifat Kassis, coordinator of Kairos Palestine, conducted in November 2014.

in the Palestinian sector during the last two decades, whilst at least 15 military orders and regulations related to tourism have been issued since 1967 by the Israeli occupying authorities¹¹.

These orders raised the requirements for licensing and functioning of tourist institutions without availing those institutions of the means necessary to meet the required improvements. As a result of having quality requirements raised, but access to funding sources denied, many Palestinian tourism firms were confronted with serious problems such as the often insurmountable challenge of unequal competition with Israeli firms, or demotion to lower tourist grades¹². Israeli tourism enterprises were offered long-term loans at concessionary interest rates, sometimes with part of the loan being converted into a grant. New Israeli tourism enterprises are eligible for tax reductions, and vigorous government support for Israeli enterprises active in Israel has proved to be a major impediment to full and equitable competition with Palestinian enterprises, which are totally deprived of such subsidies and assistance¹³. Without the ability to accommodate additional tourists during peak season, Palestine is deprived of the opportunity to host tourists for longer periods of time, resulting in visitors taking only short day trips in Palestine. This clearly has severe implications for the local economy, and areas that could be prime opportunities for the development of tourism in the West Bank cannot be developed due to these Israeli-implemented restrictions¹⁴.

11- Hazboun, S. (1994). Needed: A modern infrastructure, *Palestine-Israel Journal of Politics, Economics and Culture*, 1(1), 1-9. Retrieved January 2015 at <http://www.pij.org/details.php?id=774>.

12- See Khalil, S. (2009) *Tourism and its contribution to the economic development of the West Bank in Palestine Case study Bethlehem*, University College Dublin.

13- Hazboun, S. (1994). Needed: A modern infrastructure, *Palestine-Israel Journal of Politics, Economics and Culture*. Retrieved January 2015 at <http://www.pij.org/details.php?id=774>.

14- Btselem. (2009). *Restriction of movement. High Court: Military commander is not authorized to ban Palestinian travel on Route 443*. Retrieved January 2015 at http://www.btselem.org/English/Freedom_of_Movement/20091230_HCJ_Ruling_on_Road_443.asp.

In addition, very few Palestinian tour guides receive permission to lead tours in Israel. 42 permits were granted in 2005, the only time such permits were granted. Today, only 25 of those 42 are still operational, compared to 8,000 Israeli guides who are licensed to guide tours by the Israeli tourism ministry¹⁵.

Freedom of Movement

When trying to obtain a visa, Israeli agencies simply submit names and passport numbers, and their request is met without delay. In contrast, Palestinian agencies attempting the same are met with administrative obstacles, and cannot guarantee that their visa request will be accepted. Furthermore, if tourists at a border control say that they will be visiting Palestine; there is a possibility that they might be delayed for questioning by Israeli authorities. Some are subsequently deported for “security” reasons, whilst others are deported without any explanation. Ayman Abu Al Zolouf, a local tour guide with Alternative Tourism Group (ATG) describes the arrest and questioning of a Swedish group he was guiding in 2010, in Beit Sahour. He explains, they were having lunch with local families when some of the group went out to take pictures of Oush Gorab, a nearby area under full Israeli control. The Israeli forces arrested the whole group and transferred the tourists to the Ghush Etzion settlement by military vehicles. After being pressured by the security forces to admit they were on a tour organized by ATG, the group was

15- See Isaac, R.K. (2010). Palestinian Tourism in Transition: Hope, Aspiration, or Reality, *The Journal of Tourism and Peace Research*, 1(1), pp.16-26. Retrieved January 2015 at http://www.researchgate.net/profile/Vincent_Platenkamp/publication/228470130_Palestinian_Tourism_in_Transition_Hope_Aspiration_or_Reality/links/547c55340cf2a961e48a01c1.pdf.

released¹⁶. On another occasion, a group of British tourists guided by Ayman Abu Al Zolouf was arrested by Israeli military forces while they were next to the Annexation Wall near the Israeli settlement of Har Homa.

Furthermore, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Palestinians and tourists alike were forced to negotiate a web of more than 500 permanent checkpoints and other military obstacles which restrict movement both inside the West Bank and across its borders. Checkpoints have now become solid facts on the ground, with some having been transformed into ‘terminals’, reminiscent of airport security procedures with permit checks, metal detectors, finger printing and personal questioning. Furthermore, there are temporary “flying¹⁷” checkpoints which are erected at various locations without notice. On average, 65 flying checkpoints are established in the West Bank on a weekly basis. Ra’fat Al Shomali, a Palestinian tour guide, emphasizes the crippling impact of these checkpoints, stating that often he does not have the time to finish his tours on account of being forced to wait at checkpoints¹⁸.

Another obstacle to operating a tour is the presence of 500,000-600,000 illegal Israeli Jewish settlers currently living in the oPt. They constitute a growing and consistent threat to Palestinian lively hoods. Rami Kassis, Director of ATG, cites the harassment of Palestinians by Israeli settlers-often conducted with the support of Israeli soldiers - as one of the greatest obstacles faced by a Palestinian tour guide¹⁹.

16- Interview with Ayman Abu Alzuluf, Palestinian tourism expert, conducted in December 2014.

17- A flying checkpoint is a military checkpoint that happens suddenly at a specific location without any prior notice and lasts for a period of time before it is dismantled.

18- Interview with Ra’fat Al Shomali, Palestinian tourist guide, conducted in November 2014.

19- Interview with Rami Kassis, director of the Alternative Tourist Group, conducted in October 2014.

Branding

Moreover, Israel is steadily trying to exclude the Palestinians from the crucial Christian pilgrim market through various strategies. As the Los Angeles Times reported on tourism in Bethlehem:

Israel has spent millions of dollars refurbishing Christian sites in Israel and trying to create new ones, such as the recently launched “Gospel Trail,” which allows hikers, bikers and motorists to retrace what may have been Jesus’ path through the Galilee region. . . . The [Israeli] Tourism Ministry is also promoting a Christmas Eve alternative to Bethlehem – which is under control of the Palestinian Authority – by inviting pilgrims and foreign diplomats to the Israeli city of Nazareth to enjoy a Christmas market, parade, fireworks display and jolly Santa Claus for the kids.²⁰

Palestinians [emphasise that, as a result] they are being cut out of a market they once dominated. Palestinian tourism officials say Israel is discouraging visits to areas administered by the Palestinian Authority and is promoting attractions in other [de facto annexed] parts of the West Bank, such as the baptismal site at the Jordan River.

“We have more sites on our side, and Israel is using them to develop their own tourism, leaving us with a smaller piece of the pie,” said former Palestinian Tourism Minister Kholoud Daibes, contending that Israel collects 90% of pilgrim-related revenue. “They are promoting occupied territory as part of Israel²¹.”

Los Angeles Times, This HOLY LAnd battle focuses on tourists’ wallets, <http://> ٢٠

٢٠١١١٢٠٠-world/la-fg-israel-christians-torusim/٢٠/dec/٢٠١١/articles.latimes.com

21- Ibid.



Chapter 2
Tourism Laws

As seen above, compared to other countries in the world, the legal status in Palestine is complicated and consists of various legal traditions and laws. Nevertheless, in order to avoid potential legal gaps, the PA declared that rules and laws issued prior to June 1967 will be valid until applicable Palestinian legislation is adopted. Therefore, in order to illustrate the status of travel and tourism laws and regulations in Palestine, one has to take into consideration Israeli civil laws, Israeli military orders, treaties signed between Israel and the PLO /, and laws²².

It is important to note that the Palestinian Legislative Council (PLC) (Palestinian parliament), which serves as the legislature of the PA, has not operated since April 2007. Though it possesses only limited powers and responsibilities - restricted to civil matters and internal security in Area A of the West Bank and inside the Gaza Strip - the failure of the Council to function means that any new laws or amendments must be issued by presidential decree. In the absence of a renewed political mandate or the endorsement of a legislative body, the PA has been reluctant to issue any laws that are not viewed as immediately necessary.

Treaties Signed between Israel and the Palestine Liberation Organization

The Declaration of Principles on Interim Self-Government Arrangements from 1993 concluded that the Palestinians in the West Bank and in Gaza would establish a governmental authority. An Interim Agreement - the Palestinian-Israeli Interim Agreement on the West Bank and the Gaza

22- The Palestinian Authority issued on 20 May 1994 that the legislation and laws that were effective prior to 5 June 1967 should continue to be valid. However, in the past 14 years efforts to unify the system, particularly with laws pertaining to the economy and the judicial system were/are made (Paper prepared by the Palestinian Economic Policy Institute at: http://www.palst-jp.com/eg/pdf/inv/02/The_Palestinian_Judicial_System.pdf).

Strip - was later signed on the 28th of September, 1995, and established the relations between Israel and the newly-established PA. An important component of the agreement was the creation of the Palestinian National Authority (PNA). Following the emergence of this body, several necessary steps were carried out to promote and encourage tourism. On the 4th of May, 1994, an economic agreement was signed between the PNA and the Israeli government.

Another measure implemented was the establishment of MoTA. MoTA was tasked with encouraging and supporting the tourism industry in the West Bank and Gaza, and has subsequently reorganized transportation, tourism agencies, restaurants, hotels and tour guides. In addition, MoTA has also renovated cultural and religious centers across the West Bank and Gaza.

Accordingly, Article 37 of the Interim Agreement states:

“Powers and responsibilities in the sphere of Tourism in the West Bank and the Gaza Strip will be transferred from the military government and its Civil Administration to the Palestinian side...This sphere includes, inter alia, regulating, licensing, classifying, and supervising tourist services, sites and industries. It also includes promoting foreign and domestic tourism and developing the Palestinian tourist sources and sites. It includes, as well, supervising the marketing, promotion and information activities related to foreign and domestic tourism.”

Furthermore, the Article stipulates that “[t]ourism issues are dealt with in Article X of Annex V (Protocol on Economic Relations-[Paris Protocol]).”

Paris Protocol

The (interim-period) economic relationship between Israel and the PA was established in April 1994, and became known as the ‘Paris Protocol’.

Under this agreement, in April, 1994, a “custom union” was established, with its central characteristic the absence of economic borders between its members (Israel and Palestine). The Paris Protocol is part of Oslo I, and was limited to a transitional period of 5 years. This period was intended to allow the PA to prepare the foundations of an autonomous Palestinian state, including the establishing of institutions, a custom union, and to generally advance the economy of the Authority. Some of the powers afforded to the PA under the Paris protocol included the ability to impose direct and indirect taxes, the implementation of economic policy, and the employment of personnel in the public sector.

As for tourism, the Paris protocol stated that both countries would allow tourist buses and other means of tourist transportation to cross the borders of the other country. “Tourist buses or any other form of tourist transport authorized by either side, and operated by companies registered and licensed by it, will be allowed to enter and proceed on their tour within the area under the jurisdiction of the other side, provided that such buses or other vehicles conform with the EEC technical specifications. All such vehicles will be clearly marked as tourist vehicles²³.”

Furthermore, access to touristic and religious sites will be open to both countries in hours that are assigned and agreed upon by both countries, and both countries are obliged to maintain the sites. “Each side shall, under its respective jurisdiction, protect, guard and ensure the maintenance and good upkeep of historical, archaeological, cultural and religious sites and all other tourist sites, to fit their status as well as their purpose as a destination for visitors²⁴.”

23- The Palestinian-Israeli Interim Agreement On The West Bank & The Gaza Strip ANNEX V. Protocol on Economic Relations. Available at <http://www.nad-plo.org/userfiles/file/Document/ParisPro.pdf>.

24- Ibid.

The Protocol also calls for the establishment of a Palestinian Tourism Authority, which will be responsible for, among other things, regulating, licensing, classifying and supervising tourist services, sites and industries²⁵. Most importantly, it states that:

- 1. The Palestinian Authority will establish a Palestinian Tourism Authority which will exercise, inter alia, the following powers in the Areas.*
- 2. Regulating, licensing, classifying and supervising tourist services, sites and industries.*
- 3. Promoting foreign and domestic tourism and developing the Palestinian tourist resources and sites.*
- 4. Supervising the marketing, promotion and information activities related to foreign and domestic tourism.*
- 5. Tourism companies and agencies licensed by either side shall enjoy equal access to tourism - related facilities and amenities in border points of exit and entry according to the regulations of the authority operating them²⁶.*

Nevertheless, the relations established in the Paris Protocol emphasized the disparity in power that had existed between the two sides from the start. For instance, “the customs union agreed upon gave Israel sole control over the external borders and collection of import taxes and V.A.T., thus enabling Israel to delay transfer of taxes that it collected for the Palestinian Authority, or threaten delay in transferring the money, as a means of pressure or punishment.²⁷”

25- See Feiler, G (2000), *The Middle East in the New Millennium: Economic Development & Business Law*. pp. 296.

26- *The Palestinian-Israeli Interim Agreement On The West Bank & The Gaza Strip ANNEX V. Protocol on Economic Relations*. Available at <http://www.nad-plo.org/userfiles/file/Document/ParisPro.pdf>.

27- Btselem. (2011). *Restriction of movement. The Paris Protocol*. Retrieved January 2015 at http://www.btselem.org/freedom_of_movement/paris_protocol

Furthermore, the continuous necessity of having to obtain Israeli approval in order to conduct trade leads to substantial economic loss for Palestinians whenever Israel imposes a comprehensive closure on the oPt and cancels all relevant permits, as it is often the case. A separate question would be whether any kind of viable economic agreement could be discussed while the Palestinians remained under occupation, given that the Israeli occupation authorities retain control over a range of matters central to economic prosperity, including trade, money transfer and the issuing of residency permits.

For example, though Israel is obliged to allow entry of all Palestinian tourism professionals and buses licensed by their Palestinian counterparts; in reality it allows only the aforementioned 42 Palestinian tour guides to enter Jerusalem and Israel, while over 8,000 Israeli tour guides have access to tourist sites in Israel and the oPt, including all illegal Israeli settlements²⁸.

Laws

The Palestinian tourism sector is regulated by laws adopted from the British Mandate, Jordan, Egypt, Israeli Military Authority and the PA. The main laws and regulations include:

1. Guides (Amendment) Rules, 1941 ²⁹

This rule determines the issuing of tour guide licenses and the refusal to grant the license. Additionally, it states that the license is non-transferable.

2. Decretal-law Relating to Application of the Tourism Law (No.45), 1965 throughout the Palestinian Territories (No.1), 1998 ³⁰

28- PLO Negotiations Office Fact Sheet (2011). Israeli Unilateralism – Undermining Peace.

29- Published in Palestine Gazette (British Mandate), Issue No. 1108 at Page 1179 (19/06/1941).

30- Published in Palestine Gazette (Palestinian National Authority), Issue No. 26 at Page 5 (26/11/1998).

This decretal-law regulates the licenses and rules regarding air transport enterprises and its branches.

Gaza Strip only

3. *Travel Bureaus and Companies and Pilgrimage Affairs Law (No.41), 1956³¹*

This law regulates the license and registration of travel bureaus and companies. Furthermore, it stipulates that such a license will be withdrawn if the company has stopped operating for an entire year or if it operates beyond its license.

4. *Order concerning Registration of Hotel Guests and Tenants (Gaza Strip and North Sinai) (no' 198), 1968³²*

5. *Order concerning Registration of Hotel Guests and Tenants (Gaza Strip and North Sinai) (amendment no' 1) (order no' 276), 1969³³*

6. *Regulation of Tourists Offices (Gaza Strip Area), 1989³⁴*

The Officer of the Civil Administration for the Affairs of Tourism in the Gaza Strip declares itself as the competent authority to regulate licenses, renewal of licenses, fees, exams, qualifications, transportation, insurance and all necessary legal requirements to register and maintain a tourist office.

West Bank only

7. *Tourism Provisional Law (No.45), 1965³⁵ and the amendments thereto.- Regulations issued in accordance with Article 14 from the Tourism Provisional Law:*

31- Published in Palestine Gazette (Egyptian Administration), Issue No. 59 at Page 1390 (01/02/1956).

32- Published in Proclamations, Orders and Appointments (Israeli Occupation - Gaza Strip), Issue No. 10 at Page 733 (08/10/1968).

33- Ibid, Issue No. 15 at Page 1089 (31/07/1969).

34- Ibid, Issue No. 92 at Page 10199 (05/04/1992).

35- Published in Jordan Gazette (Jordanian Rule), Issue No. 1882 at Page 1757 (25/10/1965).

a. Antiquities Law (No.51), 1966³⁶

This law stipulates that the department [ministry] of antiquities is assigned to develop the archaeological policy and to organize all matters concerning museums.

b. Guides (Control) Regulations (No.48), 1966³⁷

This regulation defines the profession of guides and sets the legal framework.

c. Hotel Corporations (Control) Regulations (No.49), 1966³⁸

This order regulates the classifications, licenses, fees, registration, prices of rooms and other services as well as inspections of hotels and pensions.

d. Travel and Tourist Agencies Regulations (No.46), 1966³⁹

This regulation lists the legal requirements of travel and tourists agencies. It stipulates how licenses are obtained. Furthermore, it regulates the registration and services of these agencies. Among others, it states that the competent ministry must be informed of any essential changes of the nature or form of the agency and all trips and services must be listed and submitted to the ministry.

e. Tourism Authority (Financial System) Regulations (No.45), 1966⁴⁰

f. Tourism Authority (Equipment, Advertising Services and Constructional Operations) Regulations (No.44), 1966⁴¹

This regulation stipulates who has to decide on purchases or services claimed by the tourism authority. Furthermore, it stipulates that a commission has to be formed to decide on purchases or services which surmount a fixed price. In such cases, a tender must be advertised in newspapers. However, there may be exceptional cases that do not require approval of

36- Ibid, Issue No. 1936 at Page 1327 (16/07/1966).

37- Ibid, Issue No. 1921 at Page 882 (21/05/1966).

38- Ibid, Issue No. 1921 at Page 885 (21/05/1966).

39- Ibid, Issue No. 1921 at Page 874 (21/05/1966).

40- Ibid, Issue No. 1921 at Page 869 (21/05/1966).

41- Ibid, Issue No.1921 at Page 865 (21/05/1966).

the Committee.

g. Guides (Control) Amendment Regulations (No.143), 1966⁴²

This regulation, most importantly, stipulates that no one should operate as a tour guide without having obtained the relevant license.

h. Guides (Control) Regulations (No.48), 1966⁴³

8. Order concerning Registration of Hotel Guests and Residents (West Bank Region) (No' 153), 1967⁴⁴

9. Order concerning Tourism Provisional Law (West Bank Region) (No' 87), 1967⁴⁵

This order declares that the competent authority is the Commander of the Israeli Defense Army in the Area of the West Bank. It furthermore declares that all licenses and procedure which were issued prior to the adaptation of this order are canceled unless the [newly established] competent authority states otherwise. All licenses will be issued by the [newly established] competent authority.

10. Regulations concerning Tourism and Travel Agencies (Amendment) (West Bank), 1975⁴⁶

This regulation stipulates that tourism and travel agencies are only permitted to operate within the field of tourism.

11. Regulations concerning Registered Tourist Shops (West Bank), 1976⁴⁷

The regulation stipulates the requirements for obtaining a license as a registered tourist shop. Any person who is willing to obtain a license should submit an application in a written request to the relevant body. The office in charge has the authority to

42- Ibid, Issue No. 1967 at Page 2479 (30/11/1966).

43- Ibid, Issue No. 1921 at Page 882 (21/05/1966).

44- Published in Proclamations, Orders and Appointments (Israeli Occupation - West Bank), Issue No. 8 at Page 317 (29/12/1967).

45- Ibid, Issue No. 6 at Page 206 (27/11/1967).

46- Ibid, Issue No. 52 at Page 45 (22/12/1982).

47- Ibid, Issue No. 52 at Page 77 (22/12/1982).

determine the conditions of obtaining a license.

12. Regulations concerning Oriental Souvenirs Shops (Amendment), 1976⁴⁸

13. Regulations concerning Tourism and Travel Agencies (Amendment no' 2) (West Bank), 1979⁴⁹

14. Order Concerning Tourism Temporary Law no' 45 for 1965 (Judaea and Samaria) (No' 917), 1981⁵⁰

This order sets the fine of disobeying a law within the field of tourism to 150 Jordanian Dinar or as otherwise decided.

15. Regulations concerning Tourism and Travel Agencies (Amendment no' 3) (Judaea and Samaria), 1984⁵¹

This regulation amends the forms of licenses of tourism and travel agencies.

Palestinian Ministry of Tourism and Antiquities

MOTA is based on the cabinet's decision 14/21 of the year 2004. It is the public sector institution specialized in all issues related to tourism in the oPt and is responsible for implementing the Palestinian government national strategy related to tourism. The national strategy has identified four urgent needs of the tourism sector:

- *Institutional reform;*
- *Promotion of tourism and private sector development;*
- *Rehabilitation and conservation of heritage sites;*
- *Developing museums.*⁵²

48- Ibid, Issue No. 52 at Page 71 (22/12/1982).

49- Ibid, Issue No. 52 at Page 83 (22/12/1982).

50- Ibid, Issue No. 49 at Page 61 (20/09/1982).

51- Ibid, Issue No. 64 at Page 89 (18/05/1984).

52- ICC Palestine. (2013) WTO and the Palestinian Tourism Sector. Retrieved January 2015 at <http://www.iccpalestine.com/resources/file/publications/WTO%20&%20the%20Palestinian%20Tourism%20Sector.pdf>.

The ministry is responsible for preparing tourism policies and annual budgets; controlling financial resources, preparing draft laws and presenting them to the Palestinian Council of Ministers. In addition, the ministry represents the Palestinian tourism sector in the international arena.⁵³

Tourism Police

The Tourism Police are becoming well developed to meet the standard required by the tourism sector in the oPt. They are an independent police force, falling under the Directorate General of the Police of the Ministry of Interior. With specially trained officers, educated either in tourist issues or antiquities, the tourism police are present in all 11 districts of the West Bank. According to Major Ziad Al Khatib, Director General of the tourism police and antiquities in Bethlehem, within his office “there are 25 officers, many of which are educated in languages, history, antiquities, management, etc”.⁵⁴

The work of the tourism police is separated into three categories:

- *The protection of tourism sites and facilities;*
- *Investigating complaints made by tourists;*
- *Collecting statistics (of buses, number of tourists visiting, number of tourists staying in hotels, etc).*

Due to the Israeli occupation, Major Ziyad al Khatib explains that it is impossible for the tourist police to be present at the checkpoints which control entry into and out of the oPt. This makes it very difficult for the police to monitor the number of people visiting, but also to investigate potential offenses committed in areas under their jurisdiction.

53- Interview with Ziad Al Khatib, Palestinian tourism police officer, conducted in October 2014.

54- Ibid.

He concludes that in a country like Palestine, where tourism is a major source of income for local people, the tourism police have an extremely important role to play. As the tourism sector develops, so too will the need for a more developed tourist police.

Palestinian Networks for Tourism

There exist five leading networks dedicated to the Palestinian travel and tourism sector:

Holy Land Incoming Tour Operators Association (HILTOA)

HILTOA was established in 2005 to work on inbound tourism. HILTOA's vision is to be a key player in developing the Palestinian tourism industry. Recognizing tourism as a major economic sector in Palestine, HILTOA's mission is to support incoming tour operators, and to speak on behalf of these operators as part of a process of participating in, and contributing to, the development of sustainable incoming tourism in the Holy Land. The objectives of HILTOA are many, but the body's primary focus is to develop the tourism industry, to ensure its sustainability and to increase the number of tourists handled by the 43 members of HILTOA.

In an interview with Richard Elias, Vice president of HILTOA, he explains that additional roles of HILTOA include assisting their members by performing as a negotiation platform for tour operators and tourism-related industries, and to deal with the Israeli Ministry of Tourism.⁵⁵

The Arab Hotel Association (AHA)

AHA was established in Jerusalem in 1962 and currently has 56 members representing Palestinian hotels throughout the Holy Land. It acts as a representative of its members, and also assists other related

55- Interview with Richard Elias, Palestinian tourism professional, conducted in October 2014.

tourism associations in Palestine. The Association performs the following four functions:

- *Leading and participating in policy management issues related to the tourism sector in general, and the hotel industry in particular;*
- *Providing technical assistance regarding sound hotel management and performance;*
- *Seeking appropriate financial avenues through which to pursue members objectives;*
- *Providing members with marketing services and information on targeted and competitive markets.*

Network for Experimental Palestinian Tourism Organization (NEPTO)

NEPTO represents a group of independent non-profit organizations, each working to share the best of Palestine with travelers from around the world. NEPTO believes in tourism that supports local communities, protects Palestinian heritage and respects the environment.

NEPTO's mission is to develop, consolidate, coordinate and promote humanistic, cultural, heritage, historic, solidarity, and environmental programs and to incorporate them into the Palestinian tourism and cultural development framework. NEPTO's main goal is the development of Palestinian tourism, its competitive advantage, and reflecting a positive Palestinian image.

Palestinian Society of Tourist and Travel Agents (PSTTA)

PSTTA was established in 2008. PSTTA represents the private sector of travel and tourist agents, and aims to continue serving the goals of all travel and tourist agencies in Palestine and to protect the integrity of the travel trade. Its main objectives are to advocate for greater awareness of tourism amongst the Palestinian people and to promote and support

the Palestinian Travel and Tourism industry.

Palestinian Initiative for Responsible Tourism (PIRT)

PIRT was established in 2007. PIRT is a network of organizations, associations and public bodies committed to advocate and work for responsible tourism in the Holy Land. PIRT's objective is to promote a just and responsible tourism sector in Palestine that benefits the Palestinian people, pilgrims, tourists and all other stakeholders within the industry without harming local communities. PIRT's efforts lie in identifying the difficulties and threats that the occupation imposes on tourism inside the oPt, and in discussing these difficulties publicly. PIRT is committed to transforming the current tourism patterns in the Holy Land by encouraging pilgrims and tourists to include Palestinian cities, towns and villages in their itineraries, thus achieving a more equal distribution of tourism revenues to all people in this land.

Palestinian Tourism Board

The Palestinian Tourism Board is an initiative that was proposed ten years ago to work as the voice for both private and public sectors concerning tourism in Palestine. The Board has three main goals: to be a marketing arm for Palestine as a tourism destination; a think tank for improving stakeholder performance in the tourism industry; and a development stimulator to encourage investment in the tourism market.

Responsibilities of the Tourism Board include the consolidation of tourism industry efforts to participate in sector-specific trade exhibitions; representing the various tourism services, and sponsoring selective public relations and media events to promote the interests of international tourism operators who operate or are interested in operating in Palestine. In addition, it also tasked with the planning, monitoring, and evaluation of development strategies, and coordinating marketing efforts with Palestinian representatives in key tourism markets abroad.



Private Actor Initiatives

Private actors' initiatives influence governance and generate rules and regulations. By creating soft law they perform a de facto governance function, which may lead to economic growth and meaningful development. The Code of Conduct: Come and See Call, and the Center of Cultural heritage Preservation are examples of such outcomes.

Code of Conduct

The code of conduct was jointly developed in 2007 by Palestinian and international organizations to create a unified message concerning responsible tourism in Palestine⁵⁶. The Code of Conduct seeks to place Palestine firmly on the international tourism map, and challenges the current mainstream tourist sector. It urges tourists to visit both Israel and the oPt, and asks tourists and pilgrims to experience the true reality on the ground. The Code supports interested tourists and pilgrims in the preparation of their itinerary, and the nature of questions and requests that should be asked of - or even demanded from - their tour operators. Furthermore, it urges tourists to conduct their own research, and to ensure that they receive sufficient information before they begin their travel. In addition, the Code emphasizes the importance of tourists meeting Palestinians during their travels within the region.

The Code also presents examples of the "right" or appropriate behavior to which tourists should aspire during their trip. Local guide Ra'fat Al Shomali explains, for instance, that tourists are expected to use Palestinian Hotels, to actively engage with the people on the ground and to be curious about Palestinian culture⁵⁷. Director of ATG, Rami Kassis, explains how the organization prepares tourists before their arrival by

56- Available at http://www.atg.ps/print.php?page=code_english.

57- Interview with Ra'fat Al Shomali, Palestinian tourist guide, conducted in November 2014.

asking them to read ATG's guide book and articles about Palestine. Once the tourists are in the country, ATG organize meetings with local community leaders and political or religious leaders⁵⁸. The Code of Conduct also asks tourists and pilgrims to be inspired, and to enjoy the company of Palestinians. In this regard, Ayman Abu Al Zolouf emphasizes that the aim of responsible tourism is to give tourists the opportunity to understand the situation as Palestinians live it on an every-day basis⁵⁹.

Come and See Call

Come and See Guidelines for Christians Contemplating a Pilgrimage to the Holy Land is a call from Palestine for tourists and pilgrims to visit the "living stones" of the Holy Land. The Come and See document, inspired by Kairos Palestine, was launched in 2009 by Christian leaders in order to raise awareness of the daily realities of life under Israeli occupation, to act as a call upon Christians and churches worldwide to bear witness to these realities, and to subsequently take appropriate action. "In order to understand our reality, we say to the Churches: Come and see. We will fulfill our role to make known to you the truth of our reality, receiving you as pilgrims coming to us to pray, carrying a message of peace, love and reconciliation. You will know the facts and the people in this land, Palestinians and Israelis alike. At the same time we call on you to say a word of truth and to take a position of truth with regards to Israel's occupation of Palestinian land"⁶⁰.

58- Interview with Rami Al Kassis, director of the Alternative Tourism Group, conducted in October 2014.

59- Interview with Ayman Abu Al Zolouf, Palestinian tourism expert, conducted in December 2014.

60- Alternative Tourism Group, Come and See Guidelines (2009). Retrieved January 2015 at <http://www.atg.ps/resources/file/pages/Guidelines.pdf>.

Center of Cultural Heritage Preservation

As part of the private initiatives to encourage tourism and to promote cultural heritage, the Center of Cultural Heritage Preservation in Bethlehem works to link the past with the present, and to ensure the living proof of the Palestinian identity.

In Bethlehem - one of the most important locations for Palestinian tourism - the Center for Cultural Heritage has contributed greatly to the tourism sector by renovating old houses and transforming them into tourist attractions. In neighboring Beit Sahour, for example, the Center renovated, in cooperation with the municipality, the old part of the city and subsequently achieved "first place in the Arab Town Awards 2010 in the field of cultural heritage preservation. The award was a motivation for other municipalities to follow this model!"⁶¹

61- Palestine Business Focus (2012), Vol 5. 2012, pp, 32-33.

Chapter 3
International Tourism Standards



International tourism law deals with issues occurring from travel which, by its legal definition, involves the physical crossing of national borders. Tourism law is diverse; composed mostly of laws applying to situations arising from unforeseen incidents such as disappointments and damages; industry specific laws and international regulations; and laws arising from the need to regulate this vast world market in a socially sustainable and environmentally friendly manner.⁶² Nevertheless, unlike in other areas of law, there is not one specific set of laws regulating international tourism. Instead, areas covered in tourism law consist of different codes, conventions, regulatory materials, treaties and national best practice, of which the majority are voluntary standards and therefore non-binding in nature. Those of particular importance include:

Travel Contracts

- *International Convention on the Travel Contracts (CCV), 1970*

Trade

- *General Agreement on Trade in Services*

Transport

- *Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002*
- *Montreal Convention for the Unification of Certain Rules for International Carriage by Air, 1999*

Accommodation

- *Paris Convention on the Liability of Hotel-keepers concerning the Property of their Guests, 1962*

62- See Rowe, A, Smith, J and Borein (2002), *F. Travel and Tourism*. Cambridge University. Retrieved January 2015 at <http://assets.cambridge.org/052189/235X/sample/052189235Xws.pdf>.

Cultural Heritage

- *Council of Europe Framework Convention on the Value of Cultural Heritage for Society, 2005*
- *European Convention on the Protection of the Archaeological Heritage*

Travel Documents

- *Convention Relating to the Status of Stateless Persons, 1954*

Working Conditions

- *International Labour Organization's Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)*

Environment

- *European Landscape Convention*
- *Convention on Biological Diversity Guidelines on Biodiversity and Tourism Development*

Social Standard

- *World Tourism Organisation Global Code of Ethics for Tourism*
- *United Nations Environment Programme Principles for Implementation of Sustainable Tourism*

Industry Association Codes of Conduct

- *Africa Travel Association Responsible Traveller Guidelines*
- *World Travel and Tourism Council (WTTC) Environmental Guidelines*

Sustainable Tourism

Sustainable tourism can be defined as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities”.⁶³ It requires that in order to achieve sustainable tourism, the participation of all stakeholders should - and must -be ensured. It is also a continuous process, with careful monitoring of the results and, when needed, implementation of corrective measures or preventative mechanisms. Additionally, it should maintain a high level of tourist satisfaction and ensure a meaningful experience to all visitors, raising their awareness of sustainability issues and promoting sustainable tourism practices amongst them⁶⁴.

As seen above, since 1980, numerous international declarations, strategies and guidelines on sustainable tourism have been developed, culminating in a set of UNEP Principles which attempt to move the debate on from merely defining what sustainable tourism is, to ascertaining how to put it into practice.

According to The General Agreement on Trade in Services (GATS)⁶⁵, sustainable development of tourism should include the involvement of local communities, implementation of environmental and quality standards, and the allocation of tourism revenues to prevent degradation of resources.

63- Sustainable Development of Tourism. Available at <http://sdt.unwto.org/en/content/about-us-5>.

64- See UNWTO, SDT E-Bulletin No. 19, (2011). Sustainable Development of Tourism Programme. Retrieved January 2015 at <http://www.unwto.org/sdt/>.

65- The General Agreement on Trade in Services (GATS) is a treaty of the World Trade Organization that entered into force in January 1995 as a result of the Uruguay Round negotiations. The treaty was created to extend the multilateral trading system to service sector. All members of the WTO are signatories to the GATS.

Sustainable tourism standards are not, however, directly covered by GATS, but instead indirectly through provisions concerning World Trade Organisation (WTO/OMC) Member policies and practices that might relate to such standards. This is important, as the majority of tourism standards receive some government support, generally in the form of finance, marketing and technical assistance. In addition, some standards are even incorporated into legislation.⁶⁶

Currently, however, environmental criteria are often more developed than social criteria, with more accepted indicators, practical methods for benchmarking and accepted methodologies for measurement and monitoring.⁶⁷ There are several proposals to internationalize tourism standards, but none of them are yet at a sufficiently advanced stage of development, and concerted efforts are required in this area to attain the necessary level of consensus for these proposals to become a viable international, sustainable tourism standard. The International Organization for Standardization (ISO), through its Committee on Consumer Policy (COPOLCO), is considering the feasibility of tourism standards, which could change the nature of international tourism standards. Currently, several certification programs are rapidly gaining in support, and this success may serve as a future platform for the assessment of the benefits of an internationalization of standards.

Global Code of Ethics for Tourism of the World Tourism Organisation

The Global Code of Ethics for Tourism of the WTO offers an example of such an international codification. Most importantly, it deals with two

66- Font, X and Bendell, J. (2002). STANDARDS FOR SUSTAINABLE TOURISM FOR THE PURPOSE OF MULTILATERAL TRADE NEGOTIATIONS. Leeds Metropolitan University. Retrieved January 2015 at <http://fama2.us.es:8080/turismo/turisonet1/economia%20del%20turismo/turismo%20sostenible/standards%20for%20sustanaible%20tourism.pdf>.

67- UNWTO. (2010) Tourism and Biodiversity – Achieving Common Goals Towards Sustainability. Retrieved January 2015 at <http://dtxq4w60xqpw.cloudfront.net/sites/all/files/tourismbiodiversity.pdf>.

pillars:

1. Sustainable development as enshrined in articles 3 and 5:

Article 3. Tourism, a factor of sustainable development

(1) All the stakeholders in tourism development should safeguard the natural Environment...

Article 5. Tourism, a beneficial activity for host countries and communities

(2) Tourism policies should be applied in such a way as to help to raise the standard of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric...

2. Rights and obligations of stake holders and duty bearers involved in tourism as exemplified by articles 4, 6, 7 and 9:

Article 4. Tourism, a user of the cultural heritage of mankind and a contributor to its enhancement

(1) ... the communities in whose territories they are situated have particular rights and obligations to them...

Article 6. Obligations of stakeholders in tourism development

(1) Tourism professionals have an obligation to provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays...

Article 7. Right to tourism

(3) Social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travels and holidays, should

be developed with the support of the public authorities...

Article 9. Rights of the workers and entrepreneurs in the tourism industry

(1) The fundamental rights of salaried and self-employed workers in the tourism industry and related activities should be guaranteed under the supervision of the national and local administrations...

Sustainable tourism, therefore, first and foremost protects the local community from degradation of its environment and cultural heritage in order to preserve it as tourist attraction for future generations. In essence, the idea is to ensure the sustainability of tourism for an infinite period of time. Additionally, such a code aims to protect employees of tourist businesses as well as tourists themselves, and create a positive atmosphere in which local residents and tourists both stand to benefit. Moreover, such a code must be laid down in a proper legal setting so as to create legal obligations and ensure subsequent compulsory compliance.





Chapter 4
The Way Forward

The currently applicable Palestinian tourism laws were mainly established during the Jordanian rule over the West Bank in 1965. In addition to that, Israeli military orders have been established to serve Israeli interests. The main tourism laws are roughly 40 years old and still applied today. The applicable tourism legislation does not specify the rights and duties of all sectors (including MoTA) that organize and influence the Palestinian tourism sector. This might lead to overlap of responsibilities which in turn could result in the duplication of work, or could undermine responsibility, since it is not clear under whose mandate a specific task falls. The Palestinian tourism law should define and determine the specific mandate of each duty bearer - including relevant ministries, local committees, municipalities, advisory committees and the private sector - in order to coordinate the activities of the tourism sector. Furthermore, the law should include specific notions referring to accountability and mechanisms which will further guarantee the fulfillment of tasks and/or enable penalization if authority was misused or obligatory tasks not performed. In addition, due to the political situation in Palestine, where the private sector often assumes responsibility for services that would ordinarily be offered by the government, an understanding of this dynamic should be reflected in laws and regulations. Specifically, it should include the possibility of holding the private sector accountable when it undertakes ostensibly governmental tasks.

According to Ali Abu Srour, director general at MoTA, the current law does not guarantee customer security or fulfillment of basic requirements to regulate the tourism sector. Nor does it meet the changes and needs of the tourism sector. For example, existing legislation fails to regulate the relationship between the governmental and the private sector, and does little to encourage investment. Furthermore, it does not address key bodies and functions within the sphere of Palestinian tourism. For instance, the current applicable legal instruments do not specify the role

of the inspection department of MoTA.⁶⁸

The tourism law also fails to consider environmental dimensions in its protection of touristic and archaeological sites, or the creation of natural reserves. Administrative regulations of lands designated as natural reserves, whereby unique opportunities would be provided for studying the plants and animals in Palestine, should be created. The tourism law should include the principle of preserving the Palestinian natural environment; guaranteeing geologically-focused study of areas of special interest, and preserving the unique characteristics of these environments. In addition, the issue of national parks should be addressed in the law through specific environmental protection measures, as well as provisions which address the possibility of further development of such sites and areas in Palestine.

Moreover, the current legislation does not regulate the issue of tourism crimes. Despite the existence of legal stipulations within the penal code pertaining to crimes committed, it would be more effective if the tourism law included the types of violations and/or crimes committed against tourism in general, and applying the necessary and appropriate penalty on the perpetrators of these violations or crimes. This would include criminal offenses committed both against and by tourists, and policy-responses to tourist crime. Such a law would focus on tourism and property crime, as well as a range of other relevant issues. Furthermore, existing tourism law lacks stipulations on the protection of historic and cultural heritage. As Palestine is home to cities, towns, villages, sites and structures of great historical and artistic significance, such legislation would be very important. It is also important to issue instructions on how to use, administer and protect archaeological lands and buildings.

MoTA is currently working on a new tourism law. A first draft of this law is presently being discussed within the ministry. The minister will issue their official opinion, which is then to be submitted for further

68- Interview with Ali Abou Sour, Palestinian tourism expert, conducted in December 2014.

deliberation. One focus of the new law will be the reassessment of the licensing system. For instance, one idea is to license tourist guides annually in order to ensure their quality. One other idea is to encourage investment into the tourism sector by promoting and organizing tourism festivals. So far it is not clear which direction the new Palestinian tourism law will take, but it is important to support the ministry in creating a modern tourism law which takes into consideration international tourism principles such as sustainable tourism, environmental tourism, protection of the local community, and the rights of workers in the tourist sector.

In this light, the new Palestinian tourism law should:

- *Support and reward the local economy by improving the production of local and national products.*
- *Facilitate and encourage tourists to engage with the local community and to respect Palestinian customs and traditions.*
- *Protect tourists from harassment and financial exploitation.*
- *Protect local communities living in areas close to touristic sites from harassment and financial exploitation.*
- *Protect touristic and archaeological sites.*
- *Preserve the Palestinian natural environment.*
- *License new tourism facilities (such as hotels) on the condition of their filing of a proper water management plan, so as to safeguard the Palestinian water supply.*
- *Develop the Palestinian narrative in tourism.*
- *Offer training sessions and workshops to enhance the awareness and knowledge of relevant personnel (including hotel workers, taxi*

and bus drivers, employees of souvenir shops, etc) on the subjects of Palestinian touristic sites, history and culture.

Further Steps

- To further study the impacts of the Israeli occupation on Palestinian tourism;
- To develop legal parameters for sustainable, just, and environmentally-sensitive tourism in Palestine;
- To conduct a series of seminars among all relevant stakeholders to discuss and deliberate upon the new draft Palestinian tourism law.