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Cultural Genocide in Palestine

The systematic erasure of Palestinian tangible

and

culinary heritage

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Abstract

This dissertation investigates genocidal actions targeting both tangible and intangible cultural heritage in Palestine, perpetrated through deliberate Israeli State policies. It argues that cultural destruction functions not merely as evidence of genocidal intent but as a structured mechanism within a systematic genocidal project - constituting what may be understood as a legal "cultural vacuum" (Novic, 2016).

The research draws on a multidisciplinary methodology encompassing international and cultural law, sociology, and anthropology, with particular attention to intangible heritage and culinary traditions as vehicles of collective identity. Central to the analysis is the persistent gap in international law: the notion of cultural genocide, though originally conceived by Raphael Lemkin as one of eight techniques of genocide, was excluded from the 1948 Genocide Convention due to political pressure from Western colonial powers and remains unenforceable to this day.

Legal sources examined include the Genocide Convention, the Rome Statute, the Hague Conventions, UNESCO frameworks, ICJ Jurisprudence, and Israeli domestic legislation. Special attention is given to gastronomic erasure: the systematic rebranding of Palestinian culinary heritage - including hummus, olive oil, and za'atar - under an Israeli, kosher and supposedly "biblical coat" (Khalidi, 2024, p.9) is deeply rooted in the colonial and Zionist logic of *terra nullius*.

The results demonstrate that the destruction of a people's culture targets the very roots of their existence, severing the intergenerational transmission of identity - passed down, as this research claims, -for example- through the simple yet profound act of preparing and sharing food. The dissertation concludes with a call for the reconceptualization of international legal frameworks to include cultural genocide as a punishable offense, and a reflection on law's ethical and epistemic limits when confronted with cultural erasure.

List of Abbreviations

FAO: Food and Agriculture Organization of the United Nations
HoReCa: Hotels, Restaurants, Cafe
ICC: International Criminal Court
ICCPR: International Covenant on Civil and Political Rights
ICH: Intangible Cultural Heritage
ICRC: International Committee of the Red Cross
ICTR: International Criminal Tribunal for Rwanda
ICTY: International Criminal Tribunal for Former Yugoslavia
ICJ: International Court of Justice
IDF: Israel Defense Forces
ILC: International Law Commission
JNF: Jewish National Fund
OSAPG: Office of the Special Adviser on the Prevention of Genocide
RSTCF: Recommendation on the Safeguarding of Traditional Culture and Folklore
TCH: Tangible Cultural Heritage
UDHR: Universal Declaration of Human Rights
UN: United Nations
UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples
UNESCO: United Nations Educational, Scientific and Cultural Organization
UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East.
VCLT: Vienna Convention on Law of Treaties
WIZO: Women's International Zionist Organization

Chapter I

The Legal Notion of Cultural Genocide

1. Introduction

This dissertation focuses on the ongoing Cultural Genocide in Palestine, specifically examining actions intended to destroy both the physical existence and cultural expressions of the Palestinian people. It argues that cultural destruction functions not only as evidence of *actus reus* but also as a method to commit genocide itself; cultural genocide in this sense functions as a legal "cultural vacuum" (Novic, 2016). The present research addresses a gap in the accepted definition of genocide by proposing a broader interpretation that includes cultural genocide, as discussed in legal and jurisprudential discourse. Contemporary and historical conflicts have shown that the exacerbation of violence against one people, intended to bring about its complete destruction - and thus constituting *dolus specialis* - has often been intertwined with cultural disintegration.

1.1 Historical and Legal Context

After the Second World War, the international community was horrified by the irreparable damage inflicted by Nazi and Fascist regimes, most notably the genocidal campaign against the Jewish people. Thanks to figures such as Raphael Lemkin, legal developments began to move toward recognizing such crimes in order to prevent future atrocities. Nonetheless, numerous genocides have occurred since - each with its own particularities as regards the attention devoted to cultural destruction - making it challenging for the international community to detect intentionality and to address the destruction of a people in both peacetime and war.

According to the final draft of the 1948 Genocide Convention, the destruction of culture is regarded as either a demonstration of *actus reus* and *dolus specialis* or in a cumulative sense, meaning that only the physical and biological destruction of a people is considered under international criminal law. The definition of genocide remains highly contested, resulting in the exclusion of cultural destruction from the Convention for both functionalist and political reasons - many Western powers were still engaged in colonial practices at the time. Notably, the exclusion of cultural genocide from the Genocide Convention has stimulated the flourishing of multiple approaches to the subject in different fields.

This research outlines how the State of Israel has been carrying out a genocidal project targeting not only the physical but also the cultural existence of the Palestinian people through legal and policy mechanisms.

1.2 Literature Review

The investigation adopts a multidisciplinary approach, drawing on legal, sociological, and cultural studies to understand and apply the concept of cultural genocide. Central to this analysis is Elisa Novic's *The Concept of Cultural Genocide: An International Law Perspective* (2016), which traces the genealogy of cultural genocide from Lemkin's coining of the term to recent legal cases involving, for example, the removal of Aboriginal children and the destruction of cultural heritage. Through the different cases brought before the courts, she analyzes the ways in which plaintiffs have tried to apply and enforce the legal concept of cultural genocide: either as a crime per se under the Genocide Convention, or through other enforcement tools, such as violations of international humanitarian law or criminal law, in both peacetime and war.

The variables of occurring genocides are vast, making cohesive application of the concept difficult. Lemkin's original definition in *Axis Rule in Occupied Europe* (1944) identified cultural genocide as one of eight methodologies, but political negotiations led to its exclusion from the 1948 Convention.

Other key scholars include Anne Meneley (on the role of olive oil in Palestinian society), Iruş Braverman (on the role between environmental destruction, colonialism and genocide), and Dafna Hirsch (on the Israeli rebranding of hummus). The literature highlights the challenges of enforcing cultural genocide as a crime, the need for multidisciplinary perspectives, and potential avenues for recognition through international human rights law, the Hague Convention, UNESCO, and UNDRIP.

1.3 Methodology

Given the legal, cultural, and sociological dimensions, this research employs a multidisciplinary methodology with a focus on intangible heritage, especially food and culinary traditions, as crucial aspects of identity.

Legal sources include Lemkin's writings, the Vienna Convention on the Law of Treaties (VCLT), the Hague Convention, UNESCO and UNDRIP instruments, as well as the Israeli legal and policy mechanisms targeting Palestinian heritage. This inquiry is conducted with the understanding that the notion of cultural genocide has evolved beyond the strictly legal sphere and, as such, remains a legal fiction: a rhetorical label rather than an enforceable legal concept (Novic, 2016).

Chapter II will present the legal sources and theoretical frameworks. Following the investigation of international legislation, a dedicated sub-section will address the Israeli domestic legal system and

its policies, in order to emphasize the actual means through which Israel dispossesses and destroys artifacts, land, and intangible heritage.

Chapter III is pivotal in the research question since it aims to demonstrate how the Palestinian Cultural Genocide can be seen as a turning point in contemporary debates and understanding of the legal notion; it will do so by examining the programmed and systematic destruction and appropriation of Palestinian cultural heritage, including schools, educational centers, and literature.

Chapter IV will focus on the long genocidal process of appropriation and rebranding of Palestinian culinary practices by Israel, with the case of wild herbs, olive oil, and broader culinary heritage. It will become clear that, while tangible cultural heritage is deemed unworthy of survival within Zionist ideology, food remains the one aspect worthy of being adapted and recontextualized, owing to its implied association with biblical values. The underlying ideology behind the Israeli policies, focused on the food and culinary realm, is grounded on the colonial idea of *terra nullius* manifested in early political manifestos such as "A land without a people for a people without a land" (Khalidi, 2024).

Crucial for the analysis of Cultural Genocide with a focus on the destruction of intangible heritage is the acknowledgment of the idea that cuisine is an efficient lens through which we can understand a civilization and thus a way to understand the national differences (Ciliberto, 2026).

The methodology justifies the focus on food culture as it reveals unique genocidal and colonial mechanisms - and outcomings - linked to identity and land.

To conclude, the approach is inspired by Braverman's (2021) hope which, characterized by activeness and resilience, coincides with an engaged way of pursuing justice within a context of exacerbated violence.

Chapter II

Legal framework from Lemkin's cultural genocide and its developments to domestic law

The present chapter intends to prove, through the analysis of legal frameworks, that cultural genocide is not a mere byproduct of genocide, but a structured and programmed system backed up in the Palestinian Genocide by deliberate and legislative means.

Starting from a general understanding and analysis of the context surrounding the conceptualization and codification of genocide as a crime under international law, a subsequent analysis will focus upon the acknowledgment of the broad interpretability of the given concept according to which different legal scholars developed their own definitions.

2.1 Originary Conceptualization of Genocide

As stated in the introduction, the Holocaust and the consequent shock of the international community were the triggers to the recognition of the crime of Genocide: a term which the Polish and Jewish jurist Raphael Lemkin made appear for the first time in his writings *Axis Rule in Occupied Europe* as he was working as an analyst at the War Department in DC, after successfully escaping from Europe due to the nazi persecutions targeting jews in Poland.

Lemkin was already fascinated in the 1920s as a student in the reality behind the persecution of a people, specifically what we now know as the Armenian Genocide¹.

During his research on the atrocities perpetrated by the nazi officials (or on the basis of their orders) in the occupied territories both towards individuals and cultural heritage, Lemkin started to meditate

¹Lemkin (1948) focused on several historical cases, which he retrospectively defined as "classical genocide cases," including the destruction of Carthage, the eradication of the Albigenses and Waldenses, the Crusades, the march of the Teutonic Knights, the destruction of Christians under the Ottoman Empire, the massacres of the Herero in Africa, the extermination of the Armenians, the slaughter of Christian Assyrians in Iraq in 1933, the destruction of the Maronites, and the pogroms against Jews in Tsarist Russia and Romania (Moses, 2010).

on the proper term which would have portrayed such crimes; it needed to refer not merely to the killing of individuals during times of war but a systematic intentionality directed towards the complete destruction of a specific group - for being part of the given group - either in times of peace or war. With the publication of *Axis Rule in Occupied Europe* in 1944 by Raphael Lemkin, for the first time it was possible to retrieve the term genocide resulting in the fusion between the greek word root γένος, meaning social group or people, and from the latin verb *caedere* meaning killing, with the as follows definition:

"Generally speaking, *genocide does not necessarily mean the immediate destruction* (emphasis added) of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the *destruction of essential foundations of the life* of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social *institutions*, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide targets a national group as a whole, with actions carried out against individuals not because of their personal identity, but because they are members of that group².

Different aspects of the above mentioned quotations require careful consideration.

Lemkin conceived a crime which didn't necessarily implicate an instant annihilation of a people, as well as that the intention of such injury would be to destroy the *essential foundations* and institutions of the targeted people, including cultural ones.

The analysis carried out in the publication taken into account focused, as before mentioned, on the laws and decrees of the Axis powers and their puppet regimes³ (analyzing hand on the legal framework which allowed the massive genocides) and subsequently specifying the meaning and structural elements of the newly coined term of genocide.

Furthermore, the introduction of the concept of cultural genocide can be found in the enumeration of the eight techniques of genocide, within which cultural destruction is included as a distinct component; it is clear how genocide, based on Lemkin's original intention, is understood as "represent[ing] a concentrated and coordinated attack upon all elements of nationhood" (Lemkin, 1944, p. 82).

After having enunciated the political and social fields as susceptible, ipso facto, to genocidal violence, the jurist introduces the cultural domain.

²Lemkin, R. (1944). *Axis Rule in Occupied Europe*, p. 79.

³*The American Historical Review*, Volume 51, Issue 1. (1945, October), p.117

The volume is of course focused onto the specific case study of the expedients used by the nazi regime to carry on their genocidal plan, thus the example refers to the specific case, still what is crucial to acknowledge is the role which Lemkin himself left to cultural destruction.

It is evidenced that examples of cultural genocide in the case of German Techniques of occupation were forbidding the use of a people's language in schools and in printing⁴; a strict control was introduced to prevent Polish youth from studying humanities; restrictions regarding cultural activities to the point of obliging people engaged in any kind of arts to obtain a specific license, to continue their activities 'freely'.

Lemkin continues to highlight how the local populations were deprived from expressing freely their own native creativity since every action connected with the arts and culture was controlled by a centralized authority called the Reich Chamber of Culture. The paragraph is concluded with the crimes committed in Poland during its occupation which consisted in the destruction of libraries, archives, museums and art galleries; a citation of the Germans who reacted at the intentional burning down of the library of Jewish Theological Seminary in Lublin (Poland) is striking in its cruelty, yet remains contemporary as will be visible in the next chapters for its similitude with cases of intentional destruction, removal and theft by Israeli militaries during the so called Nakba(s). In the cases of cultural destruction such as these, the annihilation is associated with the pride for the population which is committing the violence; Lemkin cited how the Germans laughed while the Jews cried during the destruction of the library archive.

The chapter continues describing the economic, biological, physical, religious and moral fields as the other domains in which the crime of genocide is manifested.

Nonetheless, the cultural sphere failed to move beyond the stage of discussion and as will be clear in the next subparagraph, it was omitted in the final text, ergo cultural genocide is at present *not* recognized as a standalone crime.

Although Lemkin included among the genocidal techniques that of cultural genocide, it is noteworthy that the difficulty in the interpretation of the term, as contemplated by Lemkin, is due to conceptual and semantic developments. Once again, although due to scope reasons and limitations on the subject of research, it is not possible (and not the intention of the author to delve into the complexity of anthropological studies which had lead towards the definition of the word 'culture', 'people', 'group', 'ethnicity'), it remains crucial to address briefly how the coiner of genocide intended the notion and probably its subsequent interpretation, to further on be able to propose possible new theoretical interpretations of the related Convention or other legal tools to enforce the claims of cultural genocide.

⁴Through the promulgation of Decree of August 6, 1940, the French language was not allowed to be taught, while German became the only official allowed language to be taught in schools (Lemkin, Axis Rule, p. 84).

The context in which the jurist was working on the terminology and the definition, was that of a XX century in which culture was interpreted as a complex ensemble of knowledge, beliefs, art, morals, customs and most importantly as habits acquired by an individual as a member of society (Edward Burnett Tylor, n.d.), yet another contemporary school of thought, which can be traced back to anthropologist like A.L. Kroeber and C. Kluckhohn, promoted an understanding of culture as abstract ideas of a people (Britannica, n.d.) rather than activities carried out by the same. Ergo, the complexity behind the interpretation of the definition of cultural genocide lies in the very meaning of culture itself. Bronislaw Malinowski's functional theory, which justified assimilation, aligns with the narrative adopted by occupying States that frame forced assimilation as inevitable and necessary - whether for security reasons or the pursuit of self-determination - often at the expense of the self-determination of oppressed peoples. Yet, significant perplexities remain, given that neither concept is anchored in any binding legal framework, thereby rendering them unenforceable (Novic, 2016).

In conclusion it can be observed that the original concept as proposed by Lemkin was actually a broad interpretation⁵ of the understanding of Genocide recognizing the targeting of different fields to succeed in the genocidal scheme: in the following subparagraph the author will underline the gap between the definition resulted from the theoretical approach in *Axis Rule* versus the one in the final text of the 1948 Genocide Convention approved by the UN General Assembly.

2.1.1 The Genocide Convention

While stepping as mere visitors inside the Nuremberg Tribunal (now a museum) - home to the processes against the Nazi Officials for the crimes they committed during the Second World War - the word Genocide seems to resonate continuously in the atmosphere, although during the Nuremberg Trials the word was only briefly cited and never enforced since it was not codified, yet. The actions, now known as the Holocaust, were classified as crimes against humanity (Novic, 2016): the novelty consisted in a *mens rea* of targeting not occupied populations but rather their own nationals.

Thanks to the research carried out by Lemkin and his publications, the process of the codification of the crime of genocide started within the newly founded United Nations.

⁵Lemkin's notion needs to be contextualized on the basis of the grasp of terms like culture, community, ethnicity etc...

On 9 December 1948, the Convention on the Prevention and Punishment of the Crime of Genocide was approved and opened for signature, ratification, or accession by General Assembly Resolution 260 A (III)⁶. Prior to this, on 11 December 1946, during its 55th plenary meeting, the UN General Assembly adopted Resolution 96(1), marking the first time an international institution provided an official definition of genocide.

“Genocide is a *denial of the right of existence* of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial, of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of *cultural* and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations [...]”

(United Nations General Assembly, 1948).

Following the 1946 plenary meeting, the UN Secretary-General appointed - alongside Raphael Lemkin - Henri Donnedieu de Vabres and Vespasian V. Pella as legal experts to assist in drafting the Convention (Novic, 2016). Donnedieu de Vabres, a distinguished jurist, represented France at the Nuremberg Trials and was also a member of the International Law Commission, while Pella, a prominent Romanian jurist, was a strong advocate for the establishment of international criminal jurisdiction.

As a result of the collaboration between these three jurists, the draft Convention on the Crime of Genocide was produced on 26 June 1947, in which the eight modalities of genocide proposed by Lemkin in *Axis Rule in Occupied Europe* were reduced to the categories of biological, physical, and cultural genocide (Novic, 2016). Despite a collaborative academic process, the three academics were not in complete agreement: due to disagreement with his fellow appointees, Lemkin was forced to devote considerable effort to ensure the inclusion of cultural genocide in the Secretariat Draft. In fact, the three experts disagreed on whether the UNGC ought to prohibit elements of cultural genocide; De Vabres and Pella argued that cultural genocide represented “an undue extension of the notion of genocide” (Bachman, 2019, p.47).

Lemkin’s understanding coincided with the apprehension of cultural genocide as tantamount to “a policy which by drastic methods, aimed at the rapid and complete disappearance of the cultural, moral and religious life of a group of human beings” (United Nations Economic and Social Council [ECOSOC], 1947).

Specifically, was Cultural Genocide defined as follows

⁶United Nations. (1948). *Convention on the Prevention and Punishment of the Crime of Genocide*.

III. Destroying the specific characteristics of the group by:

- a. forcible transfer of children to another human group; or
- b. forced and systematic exile of individuals representing the culture of a group; or
- c. prohibition of the use of the national language even in private intercourse; or
- d. systematic destruction of books printed in the national language or of religious works or prohibition of new publications; or
- e. systematic destruction of historical or religious monuments or their diversion to alien uses, destruction of historical or religious monuments or their diversion to alien uses, destruction or dispersion of documents and objects of historical, artistic, or religious value and of objects used in religious worship.

The delegates of several Western countries expressed their disagreements, and at this juncture, political mediation became particularly relevant.

In the post-Second World War period, colonialism remained a dominant framework, and the principal Western and colonial states strongly opposed the inclusion of the aforementioned provision, as they often relied on such modalities to maintain their colonial status and preserve the status quo. On one hand, colonial states exploited the legality of their actions, since they were, in most cases, the only community (both internally and externally) recognized as having legal sovereignty-thereby denying statehood to indigenous communities and imposing what would now be considered unlawful actions. On the other hand, indigenous communities had very limited legal means to enforce their rights - whether territorial or individual - either as individuals or collectively as part of a community or ethnic group⁷).

More specifically, the different paragraphs were not appreciated since they were considered a lawful and, most importantly, useful tool to not maintain the status quo; for example paragraph a) - associated to the policies of displacement of children - allowed to separate the community and create a sense of loss and disconnection. Children would have lived with a constant feeling of deficiency

⁷For Indigenous community to be protected at international level, it was necessary to wait until the UNDRIP adopted in 2007 granting rights to self-determination (art.3), freedom in management and property of their own lands and territories (Art. 25-28), most importantly freedom in expressing one's cultural traditions and customs (Art. 11-13). The other rights granted by law are associated with education, health, social services (Articles 14, 21, 24), discrimination (Art. 2), and to conclude participation to decision making processes (Articles 18, 19, 32) affecting their rights through continuous consultations including representatives nominated within their community (rights underlined subsequently within the formulation of the Faro Convention focusing on the importance for communities to participate in the promotion, management and promotion of their own cultural heritage).

both in their original community (since they grew up according to the colonial power values) and that of the oppressor (all things considered they would have never felt fully integrated).

The homogenization was often justified fervently for reasons of national security, representing even internationally the oppressed community as un-civilized, not Western and not able to follow specific administrative frameworks which were in strong contrast with the lifestyle of the local communities. The opposing delegations justified their position in relation to their sovereignty in domestic affairs, implying that the Genocide Convention - as delineated in the draft - would have triggered a limitation in the exclusive competence over internal affairs in favor of international jurisdiction.

In conclusion, the national envoys expressed their disagreements about including within the draft acts which exceeded those related to physical violence (Novic, 2016, p. 25), therefore it can be underlined how the drafting process, specifically in this case, was very much a political process which positioned and framed the colonial powers as clearly in opposition to the adoption of a broad definition of the definition of Genocide, thus of the inclusion of cultural genocide as a technique of genocide, as intended by Lemkin.

After the creation of a specific Ad Hoc Committee constituted seven Member States to shed light on the divergences, the result was a new draft.

Since states would have been less inspired to ratify the convention as such, including cultural genocide - with the intention to protect their still in place colonial affairs - it was suggested, within the ad Hoc Committee, to detach the provision on cultural genocide from the rest of the draft. The idea was to create an ad hoc article dedicated exclusively to cultural genocide: the subsequent version, resulting from the drafting process, was the idea of genocide as including " [...] any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial or religious group on grounds of the national or racial origin or the religious belief of its members [...]" (United Nations Economic and Social Council, 1947). The Article continues to specify, in two paragraphs, examples of acts included within the definition taken into consideration of Genocide, such as prohibiting the usage of the language in daily intercourse or in schools, the destruction of libraries, museums, schools and, in general, material cultural heritage both sacred and profane (United Nations Economic and Social Council, 1947).

The delegates faced several complications. They had to secure the interests of the states they represented, while also foreseeing the difficulties that the inclusion of a provision on cultural genocide in the final Convention would create. The underlying problem originated from the blurred borders between what was to be classified as cultural annihilation and what as the physical destruction of a people, in so far as the former often runs concurrently with the latter, and vice versa. A telling example is the forced transfer of children under paragraph (a) of the Draft Convention: this act is perpetrated mainly for cultural reasons - seeking to uproot children from their context and community of origin and to sever their connection with their cultural traditions⁸ - but the results and

⁸This causes a constant feeling of precariousness.

effects are notably felt at the level of the individual as such and as a member of a community; this may, thus, potentially amount to physical and biological genocide other than disrupting the cultural connections.

The aftermath of the Second World War, was a particular period considering that the international community was developing a series of legal frameworks to protect indigenous communities⁹ and not allow atrocities and violations of international law experienced during the two wars, introducing stricter legislations keeping in mind the life of innocent civilians; in this context, The Universal Declaration of Human Rights (also adopted in December 1948) was being formulated and constituted the perfect excuse to omit¹⁰ cultural genocide from the final Draft of the Genocide Convention conveying that such destruction would have been included within the UDHR (Novic, 2016). It becomes increasingly clear how these diplomatic processes were handled with notable shrewdness: while it is true that the UDHR was being adopted in that time frame, it is also necessary to underline that even though it constitutes a founding pillar of international law, as the Genocide Convention, it is a non-binding instrument. Furthermore, it is important to highlight the proposal of the so-called “colonial clause” during the drafting of the Genocide Convention: the clause represents another evidence of the aftermath of the Two World Wars and how colonialism was still heavily entrenched.

The colonial clause was intended as a legal loophole, allowing colonial powers to exempt their colonies from the jurisdiction of the Genocide Convention, thereby preserving their freedom of action within colonial territories. This proposal was premised on the idea that the colonial power might have required to use force and actions of assimilation, forcible transfer or destruction due to their supposedly endangered existence and statehood by an *untameable*¹¹ indigenous community.

At this point, the final definition of the crime of Genocide was settled, excluding any sort of reference to the crime of cultural genocide. The issue remained that which William Schabas¹² (2009) defined due to an unready world for such an innovative proposal in a binding treaty.

Retrieving back Lemkin’s definition, it was clear how, for the Polish jurist, the conceptualization of genocide was informed by, as introduced previously, functionalist anthropology of Sir James Frazer and Malinowski; ergo, Lemkin stressed how culture integrated society and enabled the fulfillment of individual basic needs and that if a group’s culture were to be attacked, the members of the group

⁹While the protection of Indigenous rights and the prohibition of genocide may intersect in international law, they do not coincide; legally, they are distinct subjects, and the enforcement of these rights follows different frameworks and mechanisms.

¹⁰The underlying narrative and understanding was that cultural destruction was an issue limited to minorities, thus deserving to be confined merely to the UDHR.

¹¹The choice of the adjective is contextual to describe the way in which the colonized people was seen; on the basis of the Oxford dictionary the word refers to an animal “not able to be trained in order to make it less dangerous and more able to live around people.” Cambridge University Press & Assessment (n.d.). “untameable” in dictionary.cambridge.org (last accessed 2026, March 17).

¹²Schabas, W. A. (2009). *Genocide in international law: The crime of crimes* (2nd ed.).

would disintegrate resulting either in a process of absorption or succumb to the loss of their own social structure and ability to live, eventually being biologically destroyed (Lemkin, 1940s).

In summary, this paragraph has examined the drafting process behind the Genocide Convention as the result of a political and diplomatic trade-off. By exploring the interests of the different parties underlying their reluctance towards including cultural genocide as a technique within the final draft - as intended by its coiner - , it has demonstrated the reasons why cultural genocide remains till this day an inherently interdisciplinary subject, which, ipso facto, is difficult to categorize and to render legally enforceable. This complexity is further exacerbated by the legal principle of *nullum crimen, nulla poena sine lege* (balanced by the *in dubio pro reo* principle), according to which conduct cannot be prosecuted as a crime unless it is clearly defined by law. This state is further compounded by the reluctance of states to ratify provisions that would make such obligations binding under international law. The findings provide a foundation for the analysis in the following paragraphs, which will address different - even conflicting - interpretations of the notion of cultural genocide other than other legal sources both domestic and international.

2.1.2 Interpretations by doctrine

Considering the exclusion of the notion of cultural genocide from the final text, genocidal acts directed towards culture are interpreted in several ways even stepping away from the strictly legal sphere.

The general perception is that, with reference to contemporary cases of genocide such as the former Yugoslavia, actions of cultural targeting have demonstrated that they do not merely constitute a peripheral phenomenon, but a fundamental step in the fulfillment of the genocidal outcome¹³. It is worth reiterating that, the systematic dismantling of a group's cultural fabric operates on multiple levels: it demoralizes the targeted community, severs the continuity between the living and their ancestral heritage, and ruptures the intergenerational transmission of collective memory and identity. In so doing, cultural destruction triggers precariousness and profound disorientation within the indigenous or targeted society, rendering it increasingly vulnerable to physical annihilation. The cultural and the biological dimensions of genocide are therefore not parallel but deeply intertwined, the former serving as both a precondition and an accelerant of the latter.

In this setting, there has been an increasing pressure towards recognizing cultural genocide as a prosecutable offense and not only analyzable as a legal fiction (Novic, 2016) in light of how the notion of genocide actually originated as a broad and flexible crime applicable universally in dissimilar

¹³At the very least, a highly effective means of achieving biological destruction.

cases, ergo scholars interpret - due to the broadness of the original concept and strictness of the framework - retrospectively the notion and the way Lemkin intended it.

Daud Abdullah, an extremely precious source in light of his perseverance and dedication to the Palestinian case from a legal point of view, for example, presented his "A century of cultural genocide in Palestine"; it is worth emphasizing, in the context of the present sub paragraph, that Doctor Abdullah's idea was premised upon Lawrence Davidson's definition of cultural genocide according to which present times have pushed settler countries to recourse to escamotages in order to continue their hegemonist projects without violating conventions like the Genocide Convention nor customary law.

Ergo, considering the fact that the international community is familiar with the reality of genocide, especially after the Holocaust, states rely upon a social destructive process targeting culture in order to annihilate a people, without being disturbed during such process: cultural genocide equals to what Davidson has defined as second best substitute for physical genocide (Davidson, 2012).

Furthermore, authors such as Short and Crook have highlighted across their publications (Crook, Short, 2014) a fundamental tension within the Genocide Convention's *actus reus*: the Convention's drafting process resulted in a disproportionate focus on the most spectacular and historically traumatizing manifestations of genocidal conduct - specifically physical and biological destruction - to the detriment of the broader range of methods originally identified by Lemkin, encompassing social, economic, and cultural techniques of genocide. As Short and Crook (2014) have argued, these latter methods are capable of unfolding over considerably longer time spans and may occur entirely in the absence of mass killings, or alongside only sporadic episodes of physical violence (even in times of peace), without losing their genocidal character. This remark acquires particular significance in light of the above cited argument advanced by Lawrence Davidson, ergo that settler states, conscious of the international media coverage associated with physical genocide, have increasingly turned to cultural genocide. In other words, the very visibility and condemnation of mass killing in the contemporary international arena has incentivized perpetrating states to pursue the destruction of a group through cultural, social, and structural means, rendering the Convention's narrow focus on biological and physical acts all the more insufficient as a framework for capturing the full spectrum of genocidal practice.

2.2 Geneva Conventions

The given subparagraph will take briefly into consideration, for the mere purpose of contextual and thematic completeness, the Geneva Conventions¹⁴ which were adopted in August 1949.

The International Treaties under scrutiny are as defined by the Red Cross the “most important rules limiting the barbarity of war” (International Committee of The Red Cross, n.d.). The subjects which are granted protection under the given treaties are people who do not take part or not anymore in the bellicose actions such as medics, civilians, sick and wounded troops and war prisoners; the aim of the considered international humanitarian law is to limit casualties during times of war and introduce proper and effective consequences for those who breach the Conventions.

Furthermore, many of the fundamental protections enshrined in the Geneva Conventions -such as the humane treatment of wounded persons, prisoners of war, and civilians - are widely recognized as customary international law and are thus binding on all states, regardless of treaty ratification.

To recapitulate, despite the widespread acceptance of the Geneva Conventions, their effective enforcement remains a significant challenge, as violations persist in many contemporary conflicts, including the situation in Palestine. Notably, ongoing attacks against Palestinian doctors and NGO personnel are clear examples of such breaches. However, a comprehensive examination of these violations exceeds the scope of this dissertation.

2.3 The Rome Statute

In the present paragraph, the analysis is dedicated to the text of the Rome Statute of the International Criminal Court, its amendments and the International Criminal Court (ICC) as established by its founding Statute. For the sake of clarity and analytical coherence, the provisions of the Rome Statute will be examined in ascending order, proceeding from Article 1 onwards, so as to allow for a systematic and progressive reading of the relevant legal framework.

Due consideration will be given to specific Articles which will be crucial for the subsequent part of the dissertation dedicated to the specific case study of Palestinian Cultural Genocide; underlying its peculiarities will aid the understanding of the legal framework in which the ongoing Genocide takes place, thus account will be taken of, for example, Palestine not enjoying *de jure* statehood (while it

¹⁴The 1949 Geneva Conventions consist of four distinct treaties, each addressing the protection of a particular category: the wounded and sick in armed forces in the field; the wounded, sick, and shipwrecked at sea; prisoners of war; and civilians. The Conventions have been subsequently enriched by Additional Protocols, adopted in 1977 and 2005, which further expanded the scope of the protection.

holds it *de facto*) in contemplation of future normative evolution, Israel not being a signatory state to the Statute, the notion of *nullum crimen sine lege*, the States and situations over which the ICC holds jurisdiction and how individuals can be held accountable for their alleged crimes (Benoliel, Perry, 2011).

From the past enunciations, with regards to the numerous legal sources, it can be deduced how the XX century represented the primary locus of the consolidation and development of international law, in fact was the Rome Statute of the International Criminal Court adopted on the 17th of July in 1998, marking at the same time the establishment of the International Criminal Court. On the first of July 2002 the Statute entered into force following the ratification by the 60th country, modality enshrined both in the Rome Statute itself under Article 126 indicating the requirement of the deposition by 60 state parties other than in the Vienna Convention on the Law of Treaties defining the general framework ruling the entry of force of international treaties.

Under the Articles present in the first part of the Statute the nature¹⁵, seat¹⁶ and legal status¹⁷ of the Court are defined: the ICC by virtue of these articles is a "permanent institution [...] [*with*] the power to exercise its jurisdiction over persons for the most serious crimes of international concern [...] "and that it is invested with international legal personality, seated at The Hague with the possibility to sit elsewhere in the case the Court finds it necessary.

Subsequently, in the II Part under the nomenclature of "Jurisdiction, Admissibility and Applicable Law" the crimes which fall within the jurisdiction of the Court are listed as follows

- a. The crime of genocide;
- b. Crimes against humanity;
- c. War crimes;
- d. The crime of aggression.

As underlined in the first Article (Article 5) in the given section of the Statute, the Court shall have jurisdiction over "the *most serious crimes of concern to the international community as a whole*¹⁸"; accordingly, those crimes whose scale is not perceived as sufficiently serious are excluded from the competency of the Court. In this respect, cultural genocide once again occupies a vague position.

¹⁵Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 3, Establishment of the Court, Art.1, Part 1.

¹⁶Ibid. Art.3

¹⁷Ibid. Art.4.

¹⁸Ibid. Art.5

During the drafting process, some delegates regarded it as the clearest expression of the severity of physical genocide, while others argued for its exclusion, reserving the gravest category for the “spectacular brutality” associated with biological genocide - as opposed to cultural genocide.

Under Article 6, the crime of Genocide is defined as any “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group”.

As is visible, within Article 6 is cultural genocide not to be found, while the forcible transfer of children is included under subsection (e) - in Lemkin’s approach included within the realm of cultural genocide, while during the drafting process it was the only aspect of the ‘cultural methodology’; it continues subsequently to enunciate the other crimes which concern the given Court, listed in Article 5.

It is noteworthy, a new, that what regards genocide “conceptual centrality is afforded to physical killing” (Crook, Short, 2014), a part from the forcible transfer of children; yet, it can be claimed that the crime under subsection (e) is very much based upon the physicality of the individuals thus constituting in this legal framework physical destruction rather than the cultural destruction (heritage dispersal, disruption of families, destruction of collective memory, exclusion from society etc...) underlying such a crime.

In accordance with Article 7 and its subsections, the Court shall have jurisdiction over crimes against humanity such as murder, extermination, deportation or forcible transfer of population, torture, *apartheid*, other inhumane acts of a similar character and intentionality causing great suffering, or *serious injury* to body or to *mental* or physical health etc...

The just listed crimes under Article 7 have a significant relevance in the understanding of the genocidal project carried out by the Israeli Government towards Palestinians.

In the second paragraph of the Statute, the definitions of each crime enshrined in the first paragraph are outlined to ease the judicial process specifically considering the already complex nature of such crimes which see, as involved parties, States home to the crimes, States complying with such crimes,

States criminalizing other nation's individuals and individuals. It is relevant to underline the subsection (k) which includes "other *inhumane acts* of a similar character *intentionally* causing great suffering, or *serious injury* to body or to *mental* or physical *health*": if we are to understand that culture is crucial not only for collective memory to be formed and passed down through generations, consistent with Lemkin's approach, but that it also constitutes a *necessary pre-condition* for the actualization of *material needs* of individuals worldwide (Crook, Short, 2014), cultural genocide can be understood as an intentional inhuman act causing serious injury to mental health.

Article 8 under the name of "war crimes" as deducible by the title introduces the crimes which are to be perpetrated during times of war and are, thus, covered by the Geneva Conventions of 12 August 1949.

For the purpose of not exceeding the scope of the dissertation, it is crucial to analyze only the subsections which shall be relevant for future analysis; it follows that, subparagraph (iv) under which the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully [...]" is enshrined, is to be considered relevant in light of the destruction of cultural heritage "as part of a large-scale commission" during times of war. Correspondingly, subparagraph ii) which refers to the act of "intentionally attacking civilian objects" will serve as a foundational reference point for the analysis in the following chapter since it can be applied to the several attacks which have been committed (especially following the attack of the 7th of October 2023) against UNRWA¹⁹ schools and facilities in general, which marks its inclusion also under the subparagraph iii)²⁰ since the attacks can be considered as such actions.

Furthermore, paragraph Art.8(b), subparagraphs (v) and (ix) deserve special attention in relation to destruction of cultural material heritage; under the given paragraphs attacking or bombarding towns, villages, buildings which are undefended and not military objectives, other than intentionally directing attacks against buildings dedicated to religion, education, art science, historic monuments etc... all constitute "serious violations of the laws and customs applicable in international armed conflict²¹".

¹⁹UNRWA refers to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, an institution which was first proposed to be established through resolution UN 194 (III) of 11 December 1948 and was subsequently adopted with the UN General Assembly Resolution 302 (IV) of 8 December 1949. As stated on the official website of UNRWA, its mission is that of a "humanitarian and development mandate to provide assistance and protection to Palestine refugees pending a just and lasting solution to their plight [...] providing essential service delivery" (UNRWA, n.d.). While the Agency recognized the right for Palestinians to voluntarily repatriate after the context of widespread violence caused by the adoption of the UN resolution 181 - by which the Israeli state was created in Palestine - (Israel was granted 56% of the territory, while Palestine the remaining 43% excluding Jerusalem as 'corpus separatum' under the UN administration), the nature of the agency quickly transformed into aiding Palestinians to integrate within the near States to which they already escaped to or intended to go.

Notwithstanding the best of intentions behind its establishment, it may be argued that UNRWA has come to serve as the primary legal framework perpetuating Palestinian refugee status indefinitely, raising significant questions as to the long-term implications of its mandate (Jebreal, 2025).

²⁰"Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict" (*Rome Statute of the International Criminal Court*, July 17, 1998, 2187 U.N.T.S. 3 (2)(b)(iii)).

²¹*Ibid*, (b).

To conclude what concerns attacks towards tangible heritage, it is pertinent to observe the crime persecuted by the Court of “destroying or seizing the enemy’s property unless such destruction or seizure be imperatively demanded by the necessities of war²²” laid down in sub paragraph (xiii).

The crimes within the jurisdiction of the Court are concluded with the crime of aggression codified under Article 8 bis as “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, *gravity and scale*, constitutes a manifest violation of the Charter of the United Nations.” It follows that after having defined individual criminal responsibility²³, the act of aggression qualifies itself as such when the “use of armed force by a State against the sovereignty, territorial integrity or political independence of another State [...]” takes place; the latter paragraph, associated with Article 12 on the preconditions to exercise jurisdiction, will inform subsequent analysis on the difficulty underlying the fact that since the Rome Statute is founded and functions as a state based system, “the existence of a Palestinian state is a precondition” (Benoliel, Perry, 2011) to proceed legally through the ICC against Israel. Accordingly, another aspect, likewise analyzed by Benoliel and Perry, crucial to this extent is whether, and to what extent, the ICC can exercise its jurisdiction over States which are not signatory to the Statute, such as Israel²⁴.

2.3.1 General principles of International Criminal Law

For the purpose of the present and subsequent chapter, it is pertinent to examine briefly the general principles of international criminal law as codified within the Rome Statute, inasmuch as these principles constitute the foundational normative framework within which any discussion of individual criminal responsibility (including, as will be argued, for acts of cultural genocide) must be situated.

Specifically, the principles which will be considered are the preconditions to exercise jurisdiction (under Article 12), the principles of *nullum crimen sine lege* and *nulla poena sine lege* respectively enshrined in Articles 22 and 23 of the Statute.

Pursuant to Article 12, “State(s) which become a Party to this Statute [...] accept the jurisdiction of the Court²⁵”, while under paragraph 2 it is stated how it is sufficient if only one of the states involved in the case is party to the Statute and constitutes a ratifier. Precedent jurisdiction has entailed ad

²²Ibid, (b)(xxiii).

²³According to the International Military Tribunal at Nuremberg in 1946, crimes against international law are committed by individuals-not abstract entities-and international law can be enforced only by punishing those individuals responsible for such crimes.

²⁴ Under Article 127 of the Rome Statute the right for Member States to withdraw is enshrined. In 2000 Israel signed the treaty but announced two years afterwards its intention not to ratify the Statute, thus not becoming signatory, supposedly due to what they claimed to be a too extensive treaty, and not recognizing the jurisdiction of the ICC.

²⁵*Rome Statute of the International Criminal Court*, July 17, 1998, 2187 U.N.T.S. 3, Article 12.

hoc agreements in cases in which the domestic law isn't cooperating properly for example in the case of Democratic Republic of Congo where, through the given agreements, investigations were facilitated towards the identification of the crimes committed by Germain Katanga and Thomas Lubanga such as murder, sexual slavery and child soldier recruitment. Although the just cited ad hoc agreements might be extremely helpful in the given case study, they are not sufficient to prosecute the current Israeli Prime Minister, apart from other allegedly criminals, for crimes committed in Palestine since, as stated before, Palestine doesn't *de jure* hold statehood and Israel isn't signatory to the Statute, ergo the ICC doesn't have the formal authority to investigate Israel (Benoliel, Perry, 2011).

In the third part of the Statute, under Article 22, the principle of *nullum crimen sine lege* is clarified in the sense that an individual shall be criminally responsible if, and only if, the "conduct in question, constituted at the time it takes place a crime within the jurisdiction of the Court²⁶". Hence, the notion of cultural genocide, as seen in the analysis of different streams of the jurisprudence, is used only as a demonstration of intentionality of genocidal policies²⁷, not constituting a crime as such.

In the case of ambiguity (pursuant to paragraph 2 under Article 22) "the definition shall be interpreted in favor of the person being investigated, prosecuted or convicted" related to the principle of in *dubio pro reo*. Needless to say that the legal framework of *lex stricta* - crucial safeguard within contemporary democratic legal orders²⁸ - creates a direct tension with the prosecution of cultural genocide, precisely because the named offence is not criminalized neither under the Genocide Convention nor under the Rome Statute: prosecuting an individual for the perpetuation of cultural genocide might constitute in this sense an extension by analogy²⁹, thus contrasting directly with the principle *nulla poena sine lege* enshrined in Article 23.

²⁶Ibid, Part 3, Article 22.

²⁷In case no: IT-98-33-T known as *Prosecutor v. Radislav Krstic*, the latter - a Bosnian Serb General - was convicted for aiding and abetting genocide against the Bosnian Muslims of Srebrenica, other than crimes against humanity and violations of laws of war.

In compliance with Paragraph 580 "The Trial Chamber is aware that it must interpret the Convention with due regard for the principle of *nullum crimen sine lege*. It therefore recognises that, despite recent developments, customary international law limits the definition of genocide to those acts seeking the physical or biological destruction of all or part of the group [...] The Trial Chamber however points out that where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be *considered as evidence of an intent to physically destroy the group*. In this case, the Trial Chamber will thus take into account as *evidence of intent to destroy* the group the deliberate destruction of mosques and houses belonging to members of the group".

(*Prosecutor v. Radislav Krstic (Trial Judgement)*), -, International Criminal Tribunal for the former Yugoslavia (ICTY), 2 August 2001, <https://www.refworld.org/jurisprudence/caselaw/icty/2001/40159> [last accessed 23 March 2026].

²⁸The *lex stricta* framework ensures the maintenance of the fundamental Human Rights of the alleged offender such as ensuring "that a trial is fair and [...] conducted with full respect for the rights of the accused" respecting the right to fair trial-enshrined in Article 64 of the Rome Statute- and that "everyone shall be presumed innocent until proved guilty" in accordance with Article 66 of the Statute.

²⁹Ibid, Part 3, Art. 22, para.2.

Moreover, “the Court shall have jurisdiction over natural persons to this Statute”(Rome Statute, Art. 25(1)) meaning that the “person [...] shall be individually responsible and liable” (Rome Statute, Art. 25(2)): these two paragraphs underline the centrality of individual accountability within the international criminal framework in contrast with the jurisdiction of the ICJ focused on State’s responsibilities and not that of individuals.

Pertinent to the theme of cultural genocide, is the legislation concerning the Reparations to Victims according to which the Court shall establish the restitution, the compensation and the rehabilitation and the creation of a trust fund (under Article 79) for the victims and families of the latter. In respect of the right to restitution enshrined in Article 75, it becomes complex when referring to destroyed immovable property and heritage which, thus, might need to be reconstructed conservatively and respectively as in the case, although not identified as Genocide, of the violence during the Bosnian war of the 1990s resulting in the targeted and deliberate destruction of a total of fifteen mosques in Banja Luka, including the Ferhadija Mosque³⁰: the building underwent a meticulous reconstruction from 2007 until 2016, when it re-opened to the public.

As is known, cultural heritage doesn’t hold and represent merely material value for the local community and humanity as a whole - especially what regards UNESCO sites - but mainly a moral value which is often elusive³¹: these aspects will be taken into account during the analysis on the destruction of Palestinian cultural heritage both inscribed and not in UNESCO Lists.

Even though, the subsequent brief excursus might extend the scope of the present dissertation, it is necessary to underline how in this day and age many critiques have arisen from the almost total inertia from both Western states³² and the international community, although the legal framework in the XXI century was specifically focused to not allow the repetition of crimes against humanity and the prevalence of “the law of the jungle”. Under Article 86 of the Statute, lies the general obligation for State Parties to cooperate fully with the ICC towards its fulfillment, yet the current Prime Minister Benjamin Netanyahu (despite the pending international arrest warrant) has had the opportunity to

³⁰In this case the local Islamic Community claimed in front of the Human Rights Chamber that the fact that local authorities were not allowing the reconstruction violated the Human Right to Religious Freedom (Novic, 2016, *Reparation for Intended Cultural Harm*, p.212).

³¹In the case *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Mr Al Mahd was sentenced to nine years - reduced by two years in 2021-imprisonment for the crime of intentionally directing attacks against historic buildings in Timbuktu in 2012. On the 8th of March 2018 the Appeals Chamber of the ICC delivered its judgement on the Reparations Order according to which not only were individual and collective measures granted but also symbolic taking into account the damage caused to all humanity (which was represented during the proceeding by UNESCO).

³²The Palestinian and Italian journalist and author Rula Jebreal has underlined the moral and political void of a world which is reducing humanity to a hierarchy of deaths (Jebreal, 2025).

circulate freely in the air space of Western States³³ such as Italy, France and Greece - with their approval.

While it is true that genocidal policies are able to take place specifically through extended plans and systems and not only through individual intent, in criminal law the identification of the individual intention to perpetrate genocide is required in order for the ICC to persecute the alleged offender (Article 25(1)).

To conclude, the just listed will prove instrumental to the subsequent chapters particularly insofar as the absence of an express criminalization of cultural genocide within the Rome Statute raises significant questions of legality under Article 22: the principle of *nullum crimen sine lege* acts of course as a safeguard of Fundamental Human Rights but at the same time as a structural impediment to the prosecution of cultural destruction as a crime in its own right.

2.4 ICJ jurisprudence

The International Court of Justice (ICJ) was established in the aftermath of the Second World War in June 1945, as the judicial organ commissioned to settle international disputes peacefully between States.

The ICJ, in its jurisprudence, has consistently interpreted the Genocide Convention as primarily addressing the physical and biological destruction of protected groups, however, the Court has acknowledged that the systematic destruction of cultural and religious sites may serve as evidence of genocidal intent.

Specific cases will be taken into consideration to better understand the role granted by the ICJ to cultural destruction in cases of Genocide and persistent violence specifically the *Bosnia and Herzegovina v. Serbia and Montenegro* (2007), the *Advisory Opinion on the Construction of a Wall in the Occupied Palestinian Territory* (2004) and the ongoing *Gambia v. Myanmar* case.

³³The American and Palestinian historic Rashid Khalidi in his publication "The Hundred Years' War on Palestine" tracing back the historicity and origin of conflicts within Palestine took into account the ethnic cleansing occurred in 1948 of Palestinians; in such occasion the historic underlined how this "colonial conflict [was] conducted with massive support from external powers" (Khalidi, 2024, page 9) which complicated at the time the Israeli-Palestine conflict and still maintains the same framework marking it almost as a symbolic and *psychological controversia*, reflecting broader global divisions. It can be viewed as a conflict in which the Global North, for the most part, does not recognize Palestine as a sovereign state - supporting more or less openly the oppression of Palestine -, whereas the Global South largely extends such recognition (Asta, 2025). This dichotomy underscores the differing geopolitical perspectives and the symbolic weight the conflict carries in international relations.

2.4.1 Former Federal Republic of Yugoslavia in front of the ICJ

The case of *Bosnia and Herzegovina v. Serbia and Montenegro* was initiated by Bosnia and Herzegovina against Serbia and Montenegro on 20 March 1993 before the International Court of Justice (ICJ).

Bosnia and Herzegovina proceeded against Former Yugoslavia for its alleged violations of the Genocide Convention, constituting, thus, the first time the ICJ was asked to interpret the scope and obligations of the Convention in the context of an interstate dispute.

The final judgment was delivered in 2007 according to which the claim against Former Yugoslavia was dropped; such decision was taken considering the crimes under Art. 1 and Art 4 and Art. 6 of the Genocide Convention, respectively the obligation to prevent and punish, the punishment of the perpetrators and the prosecution in competent tribunals.

While analyzing the whole judgment of the ICJ would broaden up the scope of the research, specifically due the extensive body of information, what is pertinent to address are the paragraphs from 335 to 344. Needless to say, in accordance with the principle of *lex stricta*, cultural genocide was not to be included among the charges.

Sufficient sources were found for the proper development of the Court's investigations which demonstrated that during the war in Bosnia and Herzegovina the following attacks (destroyed, damaged or desecrated) towards culture at large were committed "in an attempt to wipe out the traces of their very existence" (*Bosnia and Herzegovina v. Serbia and Montenegro*, 2007, para.342):

- a. 1.123 mosques;
- b. 504 Catholic churches;
- c. five synagogues;
- d. cemeteries;
- e. monasteries;
- f. archives and libraries.

This meant that in the areas in which the Muslim and Catholic presence was limited, the attacks implied a complete demolition like in the area of Banja Luka, in the Kozarac area (where all sixteen mosques were destroyed) and in the Prijedor region.

Official Reports were careful enough to submit the document to the Court relative to these attacks underlying that the evidence indicated that the buildings were purely civilian and not used

strategically by military forces³⁴. The modalities to carry out the destruction were multiple including bombing, blowing up from the inside, or burning down.

Furthermore, at paragraph 340, it is acknowledged how the destruction of the given cultural and religious buildings was followed by the substitution with parking lots, flea markets, bus stations or even Serbian Orthodox churches; despite being less visually or physically destructive, the underlying significance is deeply troubling in nature.

The banality of evil (Arendt, 1963) is evident in the “simple” substitution of a Catholic or Muslim place of worship with a non-place³⁵ such as a parking lot.

The conclusion by the Court enshrined in paragraph 344 is “that the destruction of such heritage was “an essential part of the policy of ethnic purification” and was “an attempt to wipe out the traces of [the] very existence” of the Bosnian Muslims”, nevertheless this can be limited to be considered as “highly significant” to determine the intentionality to destroy “all traces of the cultural or religious presence of a group”.

The absence of the notion of cultural genocide within the 1948 Convention was underlined by the Court itself concluding that the destruction of cultural, historical, religious and cultural heritage cannot be regarded as a genocidal act in accordance with the Article 2 of the Convention (*Bosnia and Herzegovina v. Serbia and Montenegro*, 2007).

It is finally stated how, as in the observation made in the Krstić case, the acts understandable *de facto* - and not *de jure* - as cultural genocide are perpetrated in association with biological and physical attacks (recognized by law and by their degree as the only necessarily cruel by their degree).

The just elaborated Paragraph has demonstrated how the Court, although not classifying, the destruction of cultural and religious sites as genocide - in compliance with the principles *nullum crimen sine lege* and *nulla poena sine lege* - acknowledged such acts as evidence of genocidal *mens rea*, when considered alongside attacks of biological and physical kind.

³⁴According to both the Rome Statute (Article 8(2)(b)(ix)) and the Hague Convention (Article 27 of the Regulations annexed to the 1907 Hague Convention IV other than Article 4(1)) religious, cultural, and educational buildings are afforded special protection during armed conflict (since they might potentially be shelters for civilians) provided they are not repurposed for military objectives.

Ergo, the attacks directed towards these buildings constitute a clear breach of international law.

³⁵The French anthropologist Marc Augé introduced the concept of non-places in his publication *Non-Places: Introduction to an Anthropology of Supermodernity* (1995). The notion indicates a place that cannot be defined as relational nor historical; examples are airports, bus stations, supermarkets etc...all places impairing sociality opposed to places of worship which are in the majority of cases based upon community and mutual support between residents.

2.4.2 Building Walls in the West Bank

This sub-paragraph, which will take into consideration specifically the *Advisory Opinion on the Construction of a Wall in the Occupied Palestinian Territory* (2004), is certainly deeply intertwined with the present dissertation.

On 9 July 2004 the ICJ rendered its Advisory Opinion on the consequences of the construction of a wall by the Israeli government; in this regard it is to be noted that although Advisory Opinions of the ICJ are not legally binding, they hold substantial moral and political authority, often shaping international discourse and influencing United Nations policy.

The main question presented in the Opinion is the consequences and the extent to which the policies adopted by Israel influence the legal status of the occupation, ergo the Court seeks to identify the legality of the persistent occupation by Israel within the Occupied Palestinian Territory.

It is crucial to state the role of Palestine within the United Nations which has been a non-member observer state³⁶ since 2012, thus allowing Palestine to engage within the UN proceedings: this involvement has specifically allowed Palestine to present advisory opinions in their own interests before the ICJ.

The ICJ underlines the breach of Articles 46, 52 and 55 of Hague Regulations regarding the Israeli policies on confiscation and land management in occupied Palestinian territory.

It is furthermore stated how the use by Israeli power of the Palestinian natural resources is “inconsistent with its obligations under international law”(ICJ, 2024): an aspect which traces a file rouge with the extractivist *modus operandi* adopted by Israeli forces in relation with any type of Palestinian resources such as water, soil, herbs, ingredients, olive trees etc...(this aspect will be analyzed further more in chapter IV).

The exploitation of natural resources is to be found at paragraph 124 of the Opinion stating that according to both customary law and Article 55 of the Hague Regulations “the occupying Power shall be regarded only as administrator and usufructuary of natural resources in the occupied territory” (ICJ, 2024). It is underlined how the use of resources by the occupying power cannot be at the expense of necessary and sufficient resources for the local population which shall be provided with foodstuff and water³⁷.

³⁶Palestine’s participation as non-observer State to the UN was granted with the General Assembly Resolution 52/250 (1998) recognizing “the right to participate in the general debate of the General Assembly [...], the right of reply, the right to raise points of order related to the proceedings on Palestinian and Middle East issues [...] the right to co-sponsor draft resolutions and decisions on Palestinian and Middle East issues”(ICJ, 1998). Nonetheless, under paragraph 8 “Palestine shall not have the right to vote or to put forward candidates” (ICJ, 1998).

³⁷UN doc. A/HRC/48/43 (15 October 2021) highlights how the management of water resources was granted, discriminately, to the Israeli national water company Mekorot. These policies are in breach of international law considering that they restrict the access to Palestinians to their own primary resources while exploiting its use for their own benefit. Palestinians are prevented from accessing water from the Jordan River, other

The advisory opinion lists the numerous breaches of international law, being:

- under the Hague convention Article 43, Article 46 for the “excessive use of force against Palestinians” (ICJ, 2024);
- Articles 64, 49, first paragraph of Article 27 (Fourth Geneva convention);
- Articles 7 and 2, paragraph 2, 23 and 26 of the International Covenant on Civil and Political Rights (ICCPR).

Specifically pertinent to the given research is the discrimination consisting in “Israel’s practice of demolition of Palestinian properties in the West Bank and in East Jerusalem, including punitive demolitions and demolitions for lack of building permit” (ICJ, 2024).

Within the Opinion, under paragraph 207 the Demolition of property is recalled under the names of (a) punitive demolition and (b) demolitions for lack of building permit. Punitive demolitions refers to the power granted to the Israeli Defense Forces³⁸ to demolish private houses of “individuals having committed any of a cluster of offenses deemed to be terrorist in nature” (ICJ, 2024). Up to 22 December 2020, it is well established that, through this allegedly legally and justified punishment, 2,000 Palestinian properties have been teared down (the numbers of cultural property targeted, following 2020, will be considered within the subsequent chapter); nonetheless, the inconsistency of the Regulation 119 of the Defense Regulations, under which the punitive demolition is enforced, lies on the fact that there seems to be no evidence of Israeli citizen being subjected to the same ill treatment, thus demonstrating the discriminatory nature of such policies.

The given Regulation is furthermore inconsistent with Article 33 of the Fourth Geneva Convention since the individuals being damaged by such provisions are the extensive family of the alleged offender.

than constructing water installations by introducing restrictive laws. The numerous genocidal and colonial policies on land and resources have affected naturally the agricultural sector diminishing the quality, since the extractivist approach has been associated with the construction of industrial areas and a scarce control of pollution which consequently merges with the Palestinian soil and limited water - not being allowed to have sufficient water infrastructure necessary for its safe consumption.

³⁸In accordance with Regulation 119 of the Defence (Emergency) Regulations, 1945 PART XII - Miscellaneous Penal Provisions - Forfeiture and demolition of property, etc., “A Military Commander may by order direct the forfeiture to the Government of Palestine of *any* house, structure, or land from which he has reason to *suspect* that any firearm has been illegally discharged, or any bomb, grenade or explosive or incendiary article illegally thrown, or of any house, structure or land situated in any area, town, village, quarter or street the inhabitants or some of the inhabitants of which he is satisfied have committed, or attempted to commit, or abetted the commission of, or been accessories after the fact to the commission of, any offence against these Regulations involving violence or intimidation or any Military Court offence; and when any house, structure or land is forfeited as aforesaid, the Military Commander *may destroy the house* or the structure or *anything on growing on the land*” (Defence (Emergency) Regulations, 1945, Reg. 119).

Included among the legal consequences for Israel, at paragraph 270, the latter is asked “to return the land and other immovable property, as well as all assets seized from any natural or legal person since its occupation started in 1967, and all cultural property and assets taken from Palestinians and Palestinian institutions, including archives and documents” (ICJ, 2024): in this way in the context of the ICJ it is acknowledged that Israel had not only destroyed but also stolen from numerous Palestinian archives and libraries.

It is notable that, although the ICJ acknowledged the widespread destruction and appropriation of Palestinian cultural property, the legal framework applied in the Opinion does not allow for the classification of these acts as “cultural genocide.” This gap underscores the limitations of current international law in fully addressing the cultural dimensions of group destruction.

To conclude, despite the clarity of the ICJ’s findings, the implementation of the Court’s recommendations remains limited, with many of the violations identified in the 2004 Opinion still ongoing and intensifying - especially after Hamas’ attack on 7 October 2023.

2.4.3 Rohingya Genocide

The present - ongoing - case³⁹ on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide involves two parties being Myanmar, alleged perpetrator of Genocide, and the Muslim-majority Rohingya people.

As sustained by the plaintiff on the 27th of January 2026, the evidence proving the violence perpetrated against civilians is indisputable: civilians forced to enter burning houses, targeted shootings, imposing measures to prevent births etc. all actions which were identified by Myanmar representatives themselves as “clearance operations”.

Other genocidal acts committed by Myanmar comprehend acts included in Article 2 (b) such as torture, rape, targeting mainly children as subjects of torture, while women as victims for inhuman rape practices in which their husbands, brothers, fathers were forced to watch: all these actions imply a “serious permanent harm” (ICJ, 2026, CR 2026/20).

At paragraph 13 it is underlined how 700,000 Rohingya had to flee to Bangladesh in order “to escape the genocidal violence” perpetrated by Tatmadaw⁴⁰ (ICJ, 2026, CR 2026/20).

³⁹The case was presented by Gambia before the ICJ in 2019.

⁴⁰Tatmadaw are the armed forces of Myanmar and as such act as an organ of the Myanmar State (ICJ, 2026).

Shifting to crimes more pertinent to the heritage realm, it was noted how 178 villages have been totally destroyed, while additionally 214 have been partially destroyed.

Throughout the hearings, it has been repeatedly emphasized by representatives of the Gambia that genocide should not be identified solely with the act of killing individuals. Rather, it encompasses a series of actions that, while not resulting in complete physical annihilation, are profoundly damaging to a group's personhood and identity. These acts are no less significant as manifestations of genocide.

Furthermore, as underlined in Paragraph 26, the fact that these acts are to be considered as genocidal doesn't mean that they are not to be considered also as war crimes.

The attacks seem to be targeted to undermine the people for their religious beliefs both Muslim and Christians: several NGOs such as Opendoors and independent news agency like UCANews Reports are revealing the targeted strikes against religious buildings⁴¹ (churches, temples, mosques and monasteries) and educational and health institutions.

Nonetheless these claims haven't been included (yet) explicitly, apart from the Memorial of the Gambia⁴², within the ICJ hearings. The complaint of cultural destruction would serve in this context as an additional demonstration of genocidal intent by the Tatmadaw forces. Notwithstanding that Gambia has requested the "restitution to the fullest extent possible" (The Gambia, 2020) in relation to bodily or mental injury, including death or material injury to their property.

Further references to targeted cultural destruction are to be found within the Gambia's Memorial (2020) such as under paragraph 45 in which it is addressed how the Special Rapporteur reported on 16 October 1992 on the ongoing crimes including the reiterated destruction of mosques and towns; "mosques were at first locked up, and then destroyed throughout the area with forced Muslim labour, and Buddhist temples were reportedly built in their place" (The Gambia, 2020, annex VI, p.73).

The strikes were not only targeted towards Muslim heritage and people but also to the Christian in Chin State constituting the acts of bombing of villages, the execution of pastors, "destruction of a Christian cross" (The Gambia, 2020, p.171). The destruction of a Christian cross, while not the most overtly violent act, is nonetheless imbued with profound significance. Such an action transcends mere physical damage; it serves as a clear manifestation of the underlying genocidal intent. By targeting and eradicating symbols that embody a community's cultural and religious identity, the perpetrators reveal an intention not only to erase the physical presence of the group but also to

⁴¹It has been highlighted on occasion of CR 2026/12 that Myanmar hasn't accepted any of the materials gathered and sourced by NGOs, claiming their "incapability of proving factual truth" (CR 2026/8).

⁴²The Gambia. (2020, October 23). *Memorial of The Gambia: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Volume II: Annexes*. International Court of Justice.

eliminate the very markers of their existence and heritage. In the context of Myanmar, this act underscores a broader genocidal strategy aimed at obliterating any symbols or reminders of a culture that the authorities do not wish to acknowledge or coexist with.

The analysis of the Rohingya Genocide, which involved the targeting of a population on the basis of their religious beliefs, highlights that the destruction of cultural heritage often occurs alongside acts of physical violence. Recent developments within ICJ jurisprudence, while constrained by the principle of *nullum crimen sine lege* and thus unable to recognize “cultural genocide” as a distinct crime, nonetheless reference the targeting of cultural and religious sites to emphasize the gravity and scope of genocidal acts.

2.5 The Hague Conventions

The Convention for the Protection of Cultural Property in the Event of Armed Conflict, known under the name of Hague Convention, was adopted “considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection” (Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954), especially in times of war.

The adoption of the 1954 Convention took place with the careful supervision of UNESCO in light of the destruction and horror which the two world wars caused not only to individuals but to their cultural assets, as crucial for the foundations of those communities.

Prior to 1954, the protection of *cultural property* - the significance of which is enshrined in Article 1 of the Convention and will be taken into account shortly - in armed conflict was addressed only under the Hague Regulations of 1899 and 1907, specifically Articles 27 and 56 of the 1907 Convention. In the same way, numerous other legal instruments resulted to be inadequate during the two wars, a major development occurred towards the adoption of the Hague Convention and its two subsequent protocols.

In 1899, on occasion of the First Hague Peace Conference, States conveyed on the adoption of the given Convention on land warfare and its attached regulations.

The provisions which are included in the Convention both of 1899 and the subsequent of 1907 constitute rules of customary international law (Schindler, Toman, 1988), ergo the States⁴³ which are not parties to the Conventions are still bound.

It is extremely interesting to underline the fact that in 1946 the Nüremberg International Military Tribunal stated that the new rules of land warfare were a novelty and progression in International Law, but that, by 1939, they were considered customary and aligned with civilized contemporary societies (Schindler, Toman, 1988); nonetheless, as of June 2026, we continue to witness widespread attacks against cultural heritage and property during armed conflict, a form of violence that remains ongoing in the Palestinian territories. As will be outlined in the subsequent chapter, such acts have targeted mosques, churches, archaeological sites, schools, archives, libraries, and other symbols of cultural identity.

Two specific Articles of the 1907 Convention will be taken into consideration for their relevance as these laid the groundwork for the 1954 Convention and its relative protocols.

Under Article 27 it is enshrined how the involved parties within the conflict *must* take *all necessary steps "to spare, as far as possible, buildings dedicated to religion, art, science [...] historic monuments [...]"* ⁴⁴ provided they are not being used at the time for military purposes" (Hague Convention (IV) Respecting the Laws and Customs of War on Land, 1907) other than the duty for the attacked to indicate those buildings or locations with visible signs which "*shall* be notified to the enemy beforehand⁴⁵" (Hague Convention (IV) Respecting the Laws and Customs of War on Land, 1907).

The words are emphasized deliberately to highlight the role of prescriptive terms - such as "must" and "shall"- which, in international criminal law, denote binding obligations. These terms indicate not only the requirement to take all necessary measures to avoid collateral damage, but also the duty to refrain from specifically targeting objects, unless they are being used for military purposes.

Furthermore, it has been decided to focus briefly upon Article 56 to be able to delve into the 1954 Convention, with the knowledge of the legal protection granted to cultural property prior to the two World Wars.

Pursuant to Article 56 the acts of seizure, destruction or willful damage directed to historic monuments, works of art and science are to be considered as unlawful.

Although with reference to the pre World Wars context these legal instruments were groundbreaking, subsequent to the 1945s, as stated before, they already had demonstrated to be inadequate in light

⁴³The states of Argentina, Bulgaria, Chile, Colombia, Ecuador, Greece, Italy, Korea, Montenegro, Paraguay, Persia, Peru, Serbia, Spain, Turkey, Uruguay, Venezuela were signatories to the 1899 Convention but decided to not be parties to the 1907 Convention.

⁴⁴The First Hague Convention introduced the relevance of cultural heritage mainly for the role it might have constituted as a shelter for civilians - not for its intrinsic artistic value.

⁴⁵Hague Convention (IV) Respecting the Laws and Customs of War on Land. (1907) Art. 27(2).

of changing societal expectations and the cruelty of the wars (more specifically the Second World War) which saw the almost complete annihilation of entire cities: under these circumstances, the negotiations leading to the adoption of the 1954 Hague Convention began.

2.5.1 1954 Convention

The given Convention is considered as the “first and most comprehensive multilateral treaty dedicated exclusively to the protection of cultural heritage in times of peace as well as during an armed conflict” (UNESCO, n.d.) issued with the final aim to protect cultural property.

The obligations arising from the signing of the Convention are as follows:

- Adopting preventive measures before times of war or emergence namely prepare inventories to have full knowledge of the extent of the collection, planning emergency measures for buildings and secure locations for movable cultural property;
- Introduce actions “which guarantee respect for cultural property situated on their own territory or on the territory of other States Parties” (Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954) including desisting from targeted attacks other than using given cultural property in ways in which could conduct to its destruction or deterioration;
- Include within the International Register of Cultural Property under Special Protection the cultural property of outstanding value to be recognized as such by opposing forces;
- Signaling specific buildings and monuments with the recognizable emblem⁴⁶ as defined within the Convention;
- Identify a specific location to function as a potential refugee for movable cultural property;
- Implement special units within the military dedicated to the protection of cultural property;
- Promote the Convention both among the general public and within the field of cultural heritage and the military;
- Apply sanctions for breaches of the Convention.

⁴⁶Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), Art. 16.

The underlying ideas for the enrichment of the Convention from the 1899 and the 1907 versions are based on the experience of the World Wars which's warfare methods were extremely developed and innovative, thus constituting a new threat for people and cultural heritage indiscriminately. While the legislation on the protection of human rights and international law was in constant development after the two wars, cultural property was what UNESCO presented as the final piece of the puzzle since its damaging "means damage to the cultural heritage of *all* mankind" (UNESCO, 2025) in accordance with the ideas of cultural pluralism and multiculturalism, both of which hold that every culture contributes uniquely to the collective heritage of humanity.

Furthermore, it is necessary to underline that the Convention was proposed and developed under the auspices of UNESCO, which played a central role in convening the diplomatic conference that led to its adoption; the opinion of the latter organization was that in order to guarantee effective protection of cultural property national and international measures have to be taken not only during times of war, but also during times of peace.

In accordance with Article 1, paragraphs (a), (b), and (c), the concept of cultural property⁴⁷ is defined as encompassing both movable and immovable items. The Article, in strict adherence to the principle of *lex stricta*, expressly includes specific categories of cultural property such as books, works of art, buildings used for exhibitions, and scientific collections, among others.

Subsequently, pursuant to Article 4, the Contracting Parties shall respect cultural property located within their own territory other than within the territory of other Parties, as well as "prohibit, prevent and [...] put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against" (Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954) the given object.

It is also relevant to observe that under Article 5 any High Contracting Party, which is occupying the territory of another Party, shall implement steps to preserve cultural property within the occupied territory while taking necessary measures co-operating with the competent local authorities.

As underlined above, the 1954 Convention introduced the novelty of the nature of special protection granted to specific cultural property characterized by great importance on the condition that the given artifacts are "situated at an adequate distance from any large industrial center or from any important military objective constituting a vulnerable point" (Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954), as well as not being used for military purposes- specifically regarding buildings-; the latter aspects enshrined in Article 8 are quite complex.

⁴⁷The convention is understood as codification convention since it defines for the very first time the notion of *cultural property*.

The conditions are highly restrictive, making it extremely difficult for cultural property to qualify for special protection under Article 8 and ostensibly justifying their targeting⁴⁸; the 1999 Protocol addressed many of the concerns regarding the effective safeguarding of cultural heritage in times of war or occupation.

To conclude what regards specifically the provisions within the Convention, in accordance with Articles 18 and 19 the Convention shall apply:

"[...] in the event of declared war or of any other armed conflict which may arise between two or more of the [...] Parties, even if the state of war is not recognized by, one or more of them [...], to all cases of partial or total occupation [...] in the event of an armed conflict not of an international character [...]" (Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954).

2.5.2 1954 and 1999 Protocols

In relation with the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, two separate Protocols were adopted: the First one was adopted alongside the Convention, in 1954, to provide immediate and specific measures for the protection and restitution of cultural property removed from occupied territories.

Under paragraph I. of the Protocol of 1954 it is enshrined that each Party "undertakes to prevent the exportation, from a territory occupied by it during armed conflict [...]", beyond managing "to take into custody cultural property imported into its territory" (First Protocol Hague Convention, 1954).

Furthermore, according to Paragraph II. when a given cultural property is coming from the territory of a Party and placed in the care of another Party keeping it into custody during armed conflict must, as soon as hostilities are concluded, be returned by the latter to the competent authorities of the territory of origin.

In summary, the evidence suggests that the First Protocol focused mainly on the looting of cultural property as a response to the widespread looting and displacement of the latter occurred during the Second World War, specifically as a result of Nazi policies⁴⁹.

⁴⁸The main perplexity arises from the clause of "military necessity" according to which states might use it as *escaping clause* exercising State discretion.

⁴⁹The Nazi policies were based upon the categorization by Hitler of many artistic forms as *Entartete Kunst* meaning degenerate art; those included were not only produced by Jewish artists, such as Ernst Kirchner and Emil Nolde. The result was a systematic seizure and removal of cultural objects in the occupied territories, eventually having led to an outstanding number of cases in which former owners (many Jews) of art and cultural property have brought legal proceedings to recover their possessions.

Subsequently in 1999, was the Second Protocol adopted to address, as stated previously, the legal and practical voids-related mainly to the notions enshrined under Article 8 - which became clear following the implementation of the Convention and its First Protocol.

One of the major voids which became apparent over time was the restrictive mechanism for “special protection”: as stated previously the conditional requirements for granting the cultural property the status of “special protection” were impractical, resulting in only a few sites qualifying for the status.

Moreover, the other voids consisted of a lack of robust enforcement, of criminal responsibility and unclarity regarding the protective *iter* during conflicts of non-international character⁵⁰.

Considering these shortcomings, UNESCO decided to organize a diplomatic conference to address the issues through the proposal of the Second Protocol of the Hague Convention.

In accordance with chapter III, Articles 10 and 11 the notion of Enhanced protection was introduced according to which cultural property might be granted given status on three conditions:

- (a) it is cultural heritage of the greatest importance for humanity; [OBJ]
- (b) it is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; [OBJ]
- (c) it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used (Second Protocol of Hague Convention, 1999).

The cultural property is inserted within the list of property granted enhanced protection through the submission of an inventory by each Party to the Committee requesting given treatment. Pursuant to Article 9, in cases of emergency at the outbreak of hostilities, a Party may request “enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee” (Second Protocol of Hague Convention, 1999). The given cultural property may also

⁵⁰In accordance with Article 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954).

lose or be suspended temporarily from its recognition of enhanced protection, in compliance with Article 13 and 14, in cases in which:

- the criteria in Article 10 of the given Protocol aren't met anymore;
- the cultural property has *become a military objective* due to its *change of uses* in the case of a serious violation of Article 12.

The Second Protocol is furthermore crucial for having addressed the shortcomings of the legal framework of 1954 regarding criminal responsibility: in conformity with Article 15 an individual breaches the Protocol when:

- intentionally attacks a cultural property under enhanced protection;
- uses cultural property under enhanced protection or its surrounding area for military purposes;
- attacks cultural property protected by virtue of the Convention;
- commits "theft, pillage or misappropriation of, or acts of vandalism" explicitly against cultural property protected by virtue of the Convention (Second Protocol of the Hague Convention, 1999).

The legal framework concerning criminal responsibility concludes, as stipulated in Chapter IV, with the obligation for each State Party to adopt appropriate measures under its domestic law to render such offences punishable. Furthermore, States Parties are required to ensure that alleged offenders are prosecuted, either by instituting proceedings under their own jurisdiction or, where appropriate, by extraditing the individual to another State competent to exercise jurisdiction.

To complete the analysis of the so-called 1999 Protocol, it is relevant to take into account the chapter V on the protection of cultural property in armed conflicts not of an international character, which will be helpful and serve as a reference for the subsequent chapters, given that the Israeli-Palestinian conflict cannot be regarded - solely - as an international matter. Pursuant to Article 22 the Protocol shall apply in the event of armed conflicts not per se of international character as long as the tensions are not of sporadic occurrence.

Overall, it may be said that while the Hague Conventions and their Protocols constitute an essential legal framework for the protection of cultural property in armed conflict, their application to the Israeli

and Palestinian context is marked by persistent gaps and challenges in enforcement⁵¹. These norms will therefore be critically considered in the following chapter, which will address both their enduring relevance and the limitations they present.

2.6 United Nations Educational, Scientific and Cultural Organization

The ensuing subparagraph discusses the creation of UNESCO which arose from the necessity of building a better society together after the World Wars (UNESCO, n.d.).

The International community saw within the sectors of cultures, education, science and information powerful tools to build a lasting international peace and common welfare of mankind (UNESCO, 1966); ergo, the given organization, often also called *intellectual* for this very reason, was founded with the idea in mind that "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed" (UNESCO, 1966).

The Specialized Agency was founded in 1945 to, as introduced previously, among the many other competences it is tasked, primarily maintain international peace and security, develop friendly relations among nations, and promote social progress, better living standard and human rights. It furthermore provides a forum for the 194 Member States to openly express their opinions since its universal character makes it open to all (Rosati, 2024).

The widespread understanding by academics within the UNESCO realm around the 1960s was that the World Wars and further atrocities were the result of ignorance and prejudice between peoples and that, keeping this in mind, a peace based solely on economic and political agreements would not secure a long-lasting and just peace (UNESCO, 1966).

Within this scenario, education of humanity as a whole for justice, peace and liberty are considered as a *sacred duty* which States shall concur to mutually achieve.

UNESCO, although part of the UN as a specialized agency, still operates independently having its own specific governing bodies and resources.

The specific functions of UNESCO are enshrined within the Founding Charter under which the Agency is identified as a *laboratory of ideas* - home to intellectual debates - which *reinforces the global agenda* through the development of policies, *the setting of norms and standards* in its field of competence. Another crucial aspect, outlined in its constitutive documents, is that UNESCO aims to

⁵¹It has been reported on several occasions how Israeli political leaders have openly claimed and remained firm on the idea that Israeli suspects were not to be persecuted in domestic legal courts even refusing to carry on with investigations or conduct autopsies requested by NGOs, the International community at large and Palestinian political representatives.

not only *assist countries in the development of policies*, but to *foster intercultural dialogues through education, science, culture*⁵² and information towards the fulfillment of the final goal of building peace, eradication of poverty, and maintaining security for all humankind (Rosati, 2024).

It is particularly relevant for the present dissertation to analyze UNESCO and its conventions adopted considering that it is the only organization within the UN which has recognized Palestine as a Member State in 2011 by qualified majority vote, an action which prompted the withdrawal of Israel and the US from UNESCO itself.

2.6.1 The World Heritage Convention

In the second part of the XX century the development of international tools for the protection and conservation of cultural heritage underwent major developments, as evidenced by the Hague Conventions, accelerated by events such as the the construction of the Aswan High Dam in Egypt causing the flooding of the Abu Simbel temples⁵³: there was an undeniable necessity to introduce robust means to underline the importance of cultural and natural heritage and their synergies in relation with peoples. The Convention introduced a broader notion and understanding of heritage at large⁵⁴ which consisted of the combination of conservation of cultural sites with those of nature. On 16 November 1972 the Convention on the Protection of the World Cultural and Natural Heritage was adopted by the General Conference of UNESCO: the Signatories to the Convention are acknowledging in this way the importance and related commitment to protecting both of the heritages especially for future generations. The Convention functions with the support of the List of the World Heritage List, the World Heritage in Danger⁵⁵ and related World Heritage Fund (Article 15); the two former include 1248 properties plus 53 endangered.

Within the State of Palestine are three sites included in Endangered List being Hebron/Al-Khalil Old Town since 2017, the village of Battir for its outstanding cultural landscape since 2014 and Saint

⁵²Culture in this context is not to be considered as a standalone goal in UNESCO's agenda but rather as an *enabler* of peace and mutual understanding among peoples. Objectives related to culture are the contribution of culture to both sustainable development and culture of peace, other than the protection and enhancement of cultural heritage.

⁵³After several appeals made by Egypt and Sudan, UNESCO started a campaign to firstly research as far as possible the remains dispersed during the flooding and to deconstruct the entire Abu Simbel and Philae temples to reconstruct them properly.

⁵⁴Beyond the Hague Conventions presenting for the first time the still restrictive notion of "cultural property".

⁵⁵In compliance with Article 11(4) the heritage which can be inscribed to the list of World Heritage in Danger shall be "threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, [...] destruction caused by changes in the use or ownership of the land; [...] the outbreak or the threat of an armed conflict [...]" (UNESCO, 1972).

Hilarion Monastery since 2024⁵⁶, while the Church of the Nativity and the Pilgrimage Route in Bethlehem and Ancient Jericho are enlisted in the World Heritage List. There is ongoing deliberation regarding the potential listing of sites because of imminent risks.

The obligations arising from the ratification of the 1972 Convention are the following:

-In accordance with Article 4, States have the duty to identify, protect, conserve and transmit the given cultural and natural heritage to future generations with the aid, when required, concerning artistic, scientific and technical matters;

-In accordance with Article 5, States shall “ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural heritage situated on its territory” (UNESCO, 1972) through the adoption of policies aimed at giving the present heritage “a function in the life of the community” (UNESCO, 1972), to establish competent structures-also national and regional centres for the preliminary training—that fulfill their duty of protecting, conserving and presenting the local heritage, to focus on the advancement of scientific and technical studies;

-The Parties to the Convention bear the responsibility to recognize that cultural and natural heritage are to be considered world heritage (Article 6(1)) in light of its relevance for the international community, thus requiring that protective measures are to be carried out by the international community at large;

-Subsequently, States refrain from “any deliberate measures which might damage directly or indirectly the cultural and natural heritage [...] situated on the territory of other states parties [...]” (UNESCO, 1972);

-With regard to the two Lists, States are required to participate in periodic reporting on the state of conservation of the inscribed heritage. Furthermore, upon request by the State, the World Heritage Committee may recommend corrective actions to address identified issues;

-As outlined in the brief introduction, international cooperation between States is highly encouraged by the Convention and UNESCO in general.

⁵⁶Following the exacerbation of genocidal acts targeting not only human beings but also cultural heritage.

It can be deduced from the aforementioned obligations that no actual penalties are imposed on States in cases of breaches or non-compliance. Although the Convention represents a highly significant step toward recognizing the importance of both cultural and natural heritage and is formally binding, its enforcement mechanisms remain relatively weak, relying primarily on the voluntary cooperation of States.

2.6.2 Convention for the Safeguarding of Intangible Cultural Heritage

The given Convention was the result of the recognition of the role and importance for - especially - indigenous communities in the custody of intangible cultural heritage; it was considered how up to the 2000s the existing normative system - mainly the 1972 World Heritage Convention - did concern the world cultural and natural heritage but needed to be enriched by covering intangible heritage (UNESCO, n.d.) or so called "living heritage" named as such because its nature is ever changing and a live (Rosati, 2024).

The contextual developments in the XX century included the emergence of the so-called global South, ergo a more holistic conceptualization of the idea of culture started to emerge including for example folklore, languages and further intangible cultural expressions (Asta, 2024). The paramount idea, which started to emerge in this context was that heritage couldn't be limited to merely tangible properties - which was the result of a Western centric framework - but to "all immaterial elements that are considered by a given community as essential [...] of its intrinsic identity as well as of its uniqueness [...] in comparison with all other human groups" (Lenzerini, 2011)

More specifically, in countries such as South Korea and Japan, in order to contrast western homogenizing forces, did the legal notion of intangible cultural heritage start to emerge through domestic legislations around the 1950s⁵⁷ in the latter, while 1960s⁵⁸ in the former, up to subsequent evolutions in the early 2000s (Petrillo, 2023).

⁵⁷The Japanese Law for Protection of Cultural Properties was adopted in 1950 with the aim to restore the richness of its national identity, after the destruction of the Second World War which heavily affected the Japanese people, through the explicit acknowledgment of the role of ICH within this cultural restoration against past violence, westernizing and globalizing forces.

⁵⁸The Republic of South Korea through Articles 1 and 2 of the Cultural Heritage Protection Act No. 961 of January 10, 1962 according to which the aim of the given legal tool is to "promote the cultural edification of Korean nationals and to contribute to the development of human culture by transferring national culture and enhancing it to be utilized through the preservation" (Cultural Heritage Protection Act, 1962) of both TCH and ICH specifying that, within the latter, customs and traditions related to food are to be included in light of their essential role for the comprehension of changes of the lives of Koreans over time.

Circa around the same time frame did Brasil⁵⁹ and Mexico⁶⁰ respond to the same necessities - due to their multicultural roots - through the recognition of the cultural rights to specific indigenous communities of which its diversity needed to be acknowledged and protected. Prior to such local developments was the common misconception that the creators and bearers of the ICH were providing sufficiently to its protection and promotion, however was the XX century characterized by major social process like globalization which were - and are - rapidly modifying and putting in danger everlasting traditions: that is the context in which the just listed countries of the so-called Global South reacted through domestic means in order to counteract external forces targeting their ICH with the risks of ending up with a homogenized global culture. The first concrete step towards the implementation of binding instruments, was the adoption in 1989 of the Recommendation on the Safeguarding of Traditional Culture and Folklore (RSTCF) which, as can be deduced by the title itself, focused upon folklore; the Recommendation introduced the obligation for the bearers and creators of the folklore to safeguard it, nonetheless the instrument is of non-binding nature. At global level other developments pushed towards the legal adoption of a broader notion of cultural heritage such as the Living Human Treasures in 1994 and the Programme of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity in 1998. The latter mechanism aimed at nominating the ICH regarded as having outstanding value for the community concerned.

The UNESCO ICH Convention⁶¹ (2003) has been ratified by 184 States making it one of the most widely adopted international cultural provisions (Wet Tropics Management Authority, n.d.) demonstrating its international relevance and its necessity prior to its adoption. Nonetheless, in the early formulations of the Convention the differences in terms of sensibility to the theme were apparent especially in the reluctance of several States to immediately ratify the Convention (Petrillo, 2023).

It can be detected how the general outcome of the Convention was the further acknowledgement - and introduction of domestic means - by States which were, prior to the given state, not prone to a broader understanding of heritage.

Extremely relevant to the given study is the codification of the concept of "intangible cultural heritage" enshrined under Article 2(1) as " [...] practices, representations, expressions, knowledge, skills, as

⁵⁹In Brazil, in compliance with Articles 215 of its Constitution, the protection of cultural expressions from differing groups, being Indian, Afro-Brazilian and others, is guaranteed by law: in this way the rich diversity, typical of Brazil, is acknowledged for its societal importance. Subsequently, in accordance with Article 216, the composition of Brazilian cultural heritage is asserted; Brazilian heritage is of both material and immaterial nature including ways of creating and living.

Thereafter, the crucial aspect of the necessity of managing documents concerned to heritage with transparency and with the maximum cooperation and involvement of the bearers and creators of the heritage is mentioned (an aspect which has gained major relevance especially from the early 2000 as demonstrated by the adoption of the Faro Convention).

⁶⁰The Mexico City Declaration of 1982 defined culture as the ensemble of spiritual, material, intellectual and emotional manifestations that distinguish a specific people.

⁶¹The Convention was adopted on 3 November 2003 and entered into force on 20 April 2006.

well as the instruments, objects, artifacts and cultural spaces associated therewith [...]” (UNESCO, 2003) which are identified as part of the cultural heritage by a given community. Coherent to this definition is that what the Convention is concerned with is not merely the beauty of the artifact or place, but its intangible aspects which might serve integrally to the cultural practice. Another aspect interesting enough which is underlined, after the determination of the scope of action of the Convention, is that these practices and expressions “are transmitted from generation to generation” (UNESCO, 2003) through the *continuous recreation* inspired by for example external influences and interactions; no reference can be found to a supposed authenticity⁶² of the tradition which might freeze the concept not allowing its natural and fascinating *evolution* [emphasis added] (Rosati, 2024), nonetheless if we are to consider as important an implicit authenticity of the ICH it cannot be regarded as a synonym of origin, exclusivity or static.

In conformity with Article 2 and its paragraphs a, b, c, d and e, the object of the Convention is manifested *inter alia* in the, illustrative but not exhaustive (Petrillo, 2023), domains of: oral traditions⁶³, performing arts, social practices and rituals, knowledge and practices concerning nature, traditional craftsmanship.

The following elements, enshrined in the just cited Article, are to be considered for the comprehension of the scope of the Convention and the very notion included of ICH:

1. The ICH is identified by the same community for which the heritage bears the relevant significance. The individuation of a specific heritage is based upon subjective criteria -and not objective like it occurs with tangible heritage - of the concerned communities or individuals;
2. The before mentioned mutable and ephemeral character of ICH consequently requires that specifically the involved parties shall promote preservation and adaption of the heritage and its creators. Lenzerini (2011) has outlined how although this aspect seems at first a legal contradiction since precise definition of the scope of application is a prerequisite in law, safeguarding coincides with the arrangement of a flourishable context for the ICH to develop according to its natural evolution;
3. The given heritage “provides [the community] with a sense of identity” (UNESCO, 2003) which, as such, is based upon subjective rationals, thus it might occur that States that undertake oppressive regimes-such as Israel-undermine the significance of the ICH in the light of universal values and its supposedly inferiority as inspired by colonial misconceptions.

⁶²The drafters select the wording of each Convention very carefully; in this context including the word “authenticity” would have been prescriptive, losing in this way the very nature of intangible heritage which is moving and alive.

⁶³Languages are to be considered included under Article 2(a) as a “vehicle of the intangible cultural heritage” (UNESCO, 2003).

Subsequently, 'a state-oriented approach in the management of ICH may not be effective in achieving its proper safeguarding' (Lenzerini, 2011) due to the fact that the interests of the State might not coincide with the ones of the community. In light of the role of the given heritage for the community, the initial idea, prior to the adoption of the Convention, was that of involving to a large extent the concerned community: the gap was subsequently -partially - fulfilled by the Faro Convention in 2005 which specifically provides the involvement of the community in the management of their heritage⁶⁴. Nonetheless, the obligations for States to involve the community in the Convention are not prescriptive⁶⁵;

4. The implicit authenticity of the ICH, an aspect which-as stated before-doesn't concur neither with originality nor with the crystallization of the heritage. It occurs often that in cases in which States are severely involved in the management-often due to economic purposes-of the heritage, the authenticity itself is at stake. It is crucial to underline that the word authenticity is never mentioned;

The relationship⁶⁶ between ICH and human rights includes the understanding of ICH as a prerequisite for the enjoyment of human rights⁶⁷ and, simultaneously, the necessity for human rights to be respected for the enjoyment of ICH - see subsequent example on the nomination of *borscht* as endangered ICH (Lenzerini, 2011).

As underlined by Petrillo⁶⁸ (2023), the major differentiation between tangible and intangible cultural heritage lies in the ways in which the former and latter shall be protected due to their very nature: while for the former, of tangible and easily identifiable nature, is the introduction of duties imposed on its holders, in the case of the latter, identified by a more fluid character and difficulty to be associated with actual legal ownership, its safeguard is obtained through the protection identity and culture-related rights: this aspect is crucial for the comprehension of the role which ICH plays in

⁶⁴The legal lacunas can be furthermore fulfilled with the application of the Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage adopted in 2008 according to which State Parties are encouraged "to establish [...] cooperation among communities, groups and, where applicable, individuals" (Operational Directives, 2010) concerned with the given heritage.

⁶⁵In accordance with Article 15 "each State Party shall endeavour to ensure the *widest possible* (emphasis added) participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management." (UNESCO, 2003).

⁶⁶In the case of *Lhaka Honhat Association v. Argentina* (2020) at the Inter-American Court of Human Rights the Court established, for the very first time, the right to cultural identity linking the preservation of traditional food and environmental practices to the right to a dignified life. The Court ruled how the conduct of Argentina which consisted of illegally fencing and logging denied the access to the Indigenous communities to their food supply, forests and land in general.

⁶⁷In cases of contrasts-and a *fortiori* breaches-between the given ICH and basic human rights such as cases of mutilations and sexual exploitation, the rights concerned with human dignity prevail in light of the hierarchy of *jus cogens*.

⁶⁸P.L. Petrillo, other than a prominent jurist, researcher and professor in the realm of law, held not only the position as President of the Evaluation Body of the UNESCO Convention on ICH but also that of member of the Global Facilitator Network of the same Convention (Unitelma Sapienza, n.d.).

situations of violence, especially in times of genocide, since it represents the very cultural expressions that allow the identification of a given people in consideration of its specific peculiarities and uniqueness. This position is enforced even more by jurists like F. Lenzerini⁶⁹ (2011) who see a clear “relationship between ICH and human rights [...]” since the concept of ICH is intrinsically connected with the identity of its bearers, for example their religious identity; in this sense does the jurist identify that, not only the preservation of such Heritage is to be regarded as a prerequisite of several human rights, but that in cases in which ICH is not safeguarded there is often a concurrence of breaches of rights to freedom of thought, conscience and religion as enshrined under the UDHR and the ICCPR (Lenzerini, 2011). It is clear how the legislation in that time frame was focused upon the safeguarding and protection of the rights of minorities, in this case through the acknowledgment of the cultural rights and heritage of such communities.

The undermining and gradual “remodelling” of Palestinian culinary heritage, which will be addressed in the IV chapter, might be enforced on the basis of several paragraphs⁷⁰ of the considered Article, being:

- The usage of herbs like za'atar and akoub and the appropriation of the soils which embody the given tradition, other than similar actions targeting olive trees fits well with the “knowledge and practices concerning nature and the universe” (Article 2(d)). The consumption, smell and taste of olive oil has been always associated in Palestinian traditions with embodied tradition (Meneley, 2011) and considered crucial for the wellbeing of families, thus the tangible representations of given heritage, like the olive trees and the soil growing the latter, are crucial for the preservation of such heritage;

- The harvesting of olives and the serving of several dishes such as hummus are associated with communal activities and shared living aligned with “social practices, rituals [...]”(UNESCO, 2003);

⁶⁹Dr F. Lenzerini's contributions are extremely relevant for the given research in consideration of his publications on the Reparations for Indigenous Peoples (2008), the 1972 World Heritage Convention (2008) and on Cultural Heritage, Cultural Rights, Cultural Diversity as developments in International Law (2012). The professional career does furthermore demonstrate the relevance in studies on the “indissoluble relationship” (Lenzerini, 2011) between culture and human rights: Lenzerini served between 2008 and 2012 as Rapporteur of the *Committee on the Implementation of the Rights of Indigenous Peoples* of the *International Law Association* and as member of the *Committee on Cultural Heritage Law* of the *International Law Association* between 2012 and 2016 (Università degli Studi di Siena, n.d.).

⁷⁰Culinary practices in general are to be regarded as the articulation of “social relations and shared cultural meanings” (Petrillo, 2023).

-Finally, the totality of Palestinian recipes and ways of harvesting wild herbs and olives are to be regarded as “oral traditions and expressions” Article 2(a) using the cited language as a vehicle.

This parenthetical reference will be developed extensively in its dedicated IV chapter emphasizing how if we are to consider cultural intangible manifestations as foundative elements of the “intimate identity” (Lenzerini, 2011) of its creators and bearers, giving them a sense of identity and continuity (Lenzerini, 2011), that especially during times of widespread violence the persecuted people shall need to maintain, in some way, the ancestral relations and roots for their survival (Poulain, 2017).

To conclude, the legislation upon ICH by UNESCO transformed the understanding of the given heritage by, in the first instance, extending the very notion of heritage and by introducing - relatively - effective practical means to support the protection of cultural rights, including related to the food realm, and the rights of the individuals holders to the living heritage.

2.6.2.1 The recognition of Borsht as endangered ICH

This brief detour is necessary to highlight the importance of cultural recognition during wartime. While ICH is inherently fluid, people often return to their roots during conflict to seek refuge in ancestral identity. This can occasionally manifest as nationalism; however, recognition by international bodies like UNESCO serves a vital cultural necessity for displaced or threatened populations. As Montanari and Petrillo (2025) note, while UNESCO does not aim to adjudicate the “ownership”⁷¹ of heritage, its actions effectively bridge the connection between a people and their specific traditions.

With this preamble does the author consider it is useful to cite briefly the context concerning the recognition occurred in 2023 of *Borsh*⁷² as not only - and not exclusively - Ukrainian dish, but also its inscription in the List of Intangible Cultural Heritage in Need of Urgent Safeguarding by UNESCO, demonstrating the central role of cuisines in times of reiterated violence. At the outbreak of the war between the Russian Federation and Ukraine, UNESCO started a “series of emergency measures in the field of culture, education [...]” (UNESCO, 2022, 2023): more specifically did the NGO acknowledge the risks caused by the war concerning the actual disappearance of the culinary tradition. The conflict has been causing the inability for Ukrainians to, in the first place, grow the necessary vegetables to prepare borscht, and consequently to gather to practice the ICH among family and friends. For the sake of accuracy, it is necessary to underline that Ukraine went through with the application of borscht as ICH in 2021, which was planned to have been subjected to

⁷¹The inscription of ICH on a UNESCO list “does not imply exclusivity, nor ownership of the heritage concerned” (UNESCO, 2022, 2023).

⁷²*Borsh* is a soup based on beetroot with many variations which include the addition of mushrooms, potatoes, cabbage, tomatoes, onions, parsley, sour cream etc...

evaluation in 2024. Nonetheless, due the outbreak of the war and increasing instabilities affecting people and heritage, the Ukrainian government requested the application of the emergence procedure in accordance with Article 17.3 of the Convention. The Russian/Ukrainian conflict extended the battle fields and entered the UNESCO offices in Paris when Russia severely opposed the proposal and desired nomination of borscht as a Ukrainian dish claiming it exclusively as a Russian product ignoring that the inscription of a given ICH in a List doesn't coincide with unshared roots nor a single national identity. The outcome, as said before, was the inscription of the dish in the List; this action doesn't crystallize the heritage in a given way but simply acknowledges the importance of the considered heritage for the Ukrainian people and the risks caused by reiterated violence, thus it doesn't preclude possible evolutions and adaptations of borscht.

2.6.3 Declaration concerning the Intentional Destruction of Cultural Heritage

Following previous considerations on cultural heritage it is worth briefly recognizing the Declaration adopted by UNESCO on 17 October 2003 focusing on the intentional destruction of cultural heritage. The drafting was the result of the acknowledgment of the "importance of cultural identity [as a component] of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights [...]" (UNESCO, n.d.); the major event which had shaken the moral international conscious was the destruction of the Buddhas of Bamiyan⁷³. The Declaration recalled the principles laid out in the Hague Conventions, Rome Statute and the UNESCO constitutive document.

The duties arising from the 2003 UNESCO Declaration concerning the intentional destruction of cultural heritage (which are not legally binding unless they reflect international customary law) include the obligation to refrain from intentionally destroying, or intentionally failing to take appropriate measures to prohibit, prevent, stop, and punish any intentional destruction of cultural heritage of great importance to humanity (UNESCO, n.d.). The responsibility for such destruction is borne not only collectively, but also individually, as the Declaration calls for the establishment of effective criminal sanctions against alleged perpetrators of these crimes.

Nonetheless, the numerous attacks against cultural sites in Palestine - including those inscribed on the World Heritage List as well as the Endangered List - underscore yet again the limitations of international legal instruments. These tools are grounded in the assumption that international

⁷³The scenario around the destruction of the colossal Buddhas of Bamiyan in Afghanistan by Talibans in 2001 forced the international community to witness the whole destructive process on the media while being unable and paralyzed to counteract such crime. In such an occasion the legal gap was more than evident regarding the intentional attacks of cultural heritage in times not only of war but also of "relative peace" - occupation in the case in point - as enshrined in the V title of the Declaration.

cooperation advances the betterment of humankind and, in the case of UNESCO, fosters mutual understanding and the maintenance of international peace through education, science, and information. Yet, the ongoing destruction in Palestine reveals the persistent gap between these ideals and their implementation.

2.6.4 Cooperation between NGOs and UNESCO

Non-Governmental Organizations have increasingly become relevant - especially from the end of the XX century - in the international law discourse having an important role in the "global dissemination of ideas, values and knowledge" (Martens, 1999).

The given paragraph aims to outline the role of NGOs considering their relationships of collaboration with major intergovernmental organization such as UNESCO outlined in the Directives concerning the Relations with NGOs adopted for the first time in 1966 - and lastly in 2011 - which specifically introduces a framework to foster cooperation and partnerships while adhering to democratic views and UNESCO's vision: the NGOs in this sense are "auxiliary bodies" focused upon the implementation of UNESCO's objectives (Martens, 1999).

UNESCO, as stated on occasion of the 36th session of the General Conference, has moulded strong and several relationships with NGOs to the point of providing the specific Directive through which the organizations gain the status of official-intellectual-partners for the achievement of UNESCOs objectives.

In the specific case study under consideration, NGOs must be regarded as numerous and significant for their relevant research, whose findings demonstrate both present and past genocidal intent and actions by Israel at the expense of Palestinians and their cultural heritage. For the analysis in the following two chapters, it is crucial to recognize the importance of NGOs such as Amnesty

International⁷⁴, Human Rights Watch, ICOMOS⁷⁵, and ICOM⁷⁶, whose independent research - often conducted in situations of extreme danger - is invaluable, especially given the documented targeting of volunteers, particularly medical personnel, by Israeli soldiers while aiding the Palestinian cause.

2.7 Domestic legislation

As in concordance with the Office on Genocide Prevention and the Responsibility to Protect (OSAPG) framework⁷⁷, discriminatory legislation is to be identified as a demonstration of genocidal intent in conjunction with other characters under the framework. The given paragraph and subparagraphs will take into consideration the role of Israeli legal provisions as to identify the ways in which specifically cultural heritage is attacked or the possibility to access it, including also

⁷⁴The report “*You Feel Like You Are Subhuman’: Israel’s Genocide Against Palestinians in Gaza*” published on 5 December 2024 by Amnesty International is impactful even only for its title. Both the title and the report tap into the provision on hate speech of the OSAPG’s according to which the recurrent media representation and discourses of influential figures have portrayed Palestinians as subhumans to the point of Palestinians themselves claiming to feel in a given way (Jebreal, 2025). The dehumanization of the media has in this way allowed and has been justifying continuously, up to this day, the perpetual genocidal violence (Jebreal, 2025, p.140).

The contribution by the NGO is particularly relevant considering the analysis of “destruction of cultural and religious sites” taken into consideration under Paragraph 7.1.3.

What is immediately underlined is that the targeting of the cultural heritage destroyed or subject to attacks could not have been used by Palestinians for military means-an appeal often used by Israeli politicians to justify the targeting of churches, schools and houses of civilians in light of the supposed use by the given buildings by Hamas-, justifying in that case Israeli military intervention due to *imperative military necessity* under 1999 Protocol of the Hague Convention Article 6, but that those sites were actually controlled by Israeli forces. Amnesty International gathered numerous aerial views of the damages caused on major landmarks including churches, historical areas, theaters, libraries, universities and museums. The lawfulness of the attacks by Israel cannot be established since Israeli representatives fail to comply in giving to international organization and tribunal sources demonstrating the involvement of Hamas, thus justifying the massive attacks. The just considered Report will be addressed in the next chapter on the destruction of Palestinian tangible heritage.

⁷⁵ICOMOS published on 30 September 2025 a statement calling for an immediate stop of violence perpetrated against cultural heritage and violations of human rights-the call for both in the same sentence underlines how the two violences are concurrent and the subsequent difficulty in the present application of the Genocide Convention which is extremely limited in its scope of application having also excluded “cultural genocide”-. Citing both the 1954 Hague Convention and the 1972 World Heritage Convention, the NGO claims its position on the respect of human rights and cultural heritage under humanitarian international law. The statement subsequently underlines the specific sites put into danger like the World Heritage Site of Saint Hilarion/Tell Umm Amer, the Greek Orthodox Church of St. Porphyrius and St. Philip’s Anglican Church. It is furthermore interesting, in accordance with the UNESCO convention on intangible heritage that the report asserts the risks attached to the displacements and attacks in the West Bank which “risk erasure of millennial-old agricultural *practices* and village life” undermining the connections of the peoples to the land (ICOMOS, 2025).

⁷⁶Both ICOMOS and ICOM cooperate with UNESCO by means of their expertise in artistic, archaeological and scientific evaluation to evaluate the dangers for given artifacts and its associated value, other than exposing themselves as relevant NGOs to refrain both Parties from the continuation of hostilities. ICOM has for example recalled the obligations arising from 1954 Hague Convention and Article 27 of the UDHR: citing both of these international frameworks ICOM reminds Israel and Palestine that they are both Parties to the Hague Convention in compliance of which they shall protect and respect civilians and their property-cultural heritage included- and that pursuant with the UDHR the protection of cultural artifacts is a moral imperative (ICOM, n.d.).

⁷⁷ OSAPG identifies discriminatory laws, among the other 13 Risk Factors, as element which might function as a basis of identification of genocidal intentions by a State.

numerous other legislation on limitations of personal movement⁷⁸, as identified on occasion of the *Advisory Opinion of 19 July 2024* by the ICJ.

Many sections of the Area C⁷⁹ have been regarded as either military zone, natural reserve or reserved to Israeli settlement making it almost impossible for Palestinians to access, even with permits - Israeli government justifies these restrictions for security reasons. As underlined in the *ICJ advisory Opinion* of 2024, under Paragraph 203, the limitations of personal movements have been denying Palestinians the right to religious freedom since they are not able to access places of worship due to closing down of streets for Palestinian requiring unlawful permits.

It is extremely relevant to understand that in Palestine the legislation and provisions which are introduced by Israeli are discriminatory and imply differential treatments. In this sense the ICJ concluded in its *Advisory Opinion* of 2024 under paragraph 223 that Israel has been breaching Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD due to the following considerations:

“ [...] the Court concludes that a broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians *differently on grounds specified by international law*. As the Court has noted, this differentiation of treatment *cannot be justified* with reference to reasonable and objective criteria nor to a legitimate public aim [...]” (ICJ, 2024).

Furthermore, under Paragraph 224, it is stated how several members have even identified Israeli policies as practices of segregation and apartheid breaching Article 3 of the CERD.

The Israeli policies and provisions which allow and actually include the confiscation of Palestinian land are crucial for the understanding of the attacks targeting cultural heritage since the land houses both cultural and natural heritage, thus the ICJ has underlined how the policies and practices

⁷⁸Palestinians cannot move freely onto 29 roads, even connected and accessing private Palestinian habitations and structures, and sections of roads up to a total of 58 km throughout the West Bank. The Nation state Bill of 2018, for example, defines the right for *only* Jewish Israelis, of auto-determination and “independence from the river to the sea” (Jebreal, 2025), besides the Absentee’s Property Law 1950 which stipulated that the property belonging to those absent had to be confiscated and gone under the control of the State of Israel taking possession of land, its properties and consequently cultural heritage (violating, as underlined in Paragraph 122 of the ICJ Advisory Opinion of 2024, Article 46 of the Hague Regulations).

⁷⁹The Interim Agreement on the West Bank and the Gaza strip-also known as Oslo II- was formalized in 1995 introducing the sectioning of the Palestinian and Israeli territory into areas A, B and C. The areas under administrative Palestinian control were 18% of area A and 22% of area B, while area C was granted control for 60% by Israel. The exacerbation of the apartheid reached one of its maximum peaks at that moment: Palestinians were increasingly prevented from moving and entering freely in Israel especially due to the introduction of numerous checkpoints, separation walls and electrified fences (Khalidi, 2020, 2024).

introduced have resulted in the deprivation for Palestinians to enjoy their natural resources, and their economic, social and cultural growth (ICJ, 2024).

2.7.1 Israel Antiquities Law (1978) and Antiquities Authority Law (1989)

The Antiquities Law of 1978, subsequently amended in 2000, replaced the British Antiquities Ordinances (1920), some of which remained in force until the adoption of the new law in 1978. According to Chapter 1, Section 1, Part 1, the law defines “antiquities” as any man-made artifact dating prior to the year 1700, thereby establishing a clear temporal and material scope for its application. Only individuals in possession of an authorized license, which specifies the permitted area of activity, are allowed to initiate excavations or diggings in locations where antiquities are suspected to be found. Violation of this provision -conducting unauthorized excavations-can result in up to two years’ imprisonment or a fine of up to 100,000 pounds, as further detailed in the law.

Significantly, Chapter 4, Section 22 stipulates that any antiquity discovered within Israel “becomes property of the State.” Under this provision, a person who unearths such an artifact is legally obligated to notify the Director of the Israel Antiquities Authority within fifteen days of its discovery.

The most critical and telling aspect, however, lies in the persistent exclusion of Palestinians from these legal frameworks. Nowhere in the relevant provisions are Palestinians explicitly referenced as interested parties⁸⁰. Rather, as seen in the application of the Ottoman Land Law - analyzed in subsequent subparagraph -, they are positioned merely as passive subjects, vulnerable to expropriation and dispossession, compelled to abandon lands that once formed the basis of their livelihood. This exclusion continues in the current Israeli legal framework, which not only fails to recognize Palestinian statehood or the right to self-determination but, paradoxically, presents the granting of Israeli citizenship as the most viable option - for those few eligible.

The 1989 Authority Law, which formally established the Israel Antiquities Authority, further mandated that its governing council be composed of 16 professionals and experts in the relevant fields, ostensibly to ensure that archaeological activities and policies are informed by scholarly expertise. The composition is as follows (the first group is identified as State employees):

- 1) -"Director General of the Ministry of Education and Culture;

⁸⁰Palestine was considered by Western Powers as “*terra nullius* [and as such the people living in it as] nameless and amorphous” (Khalidi, 2024, p.11); an example of the persistence by British cabinet - and subsequently the US - to exclude the Palestinian people from legal frameworks, not even mentioning their existence, is the 1917 Balfour Declaration.

- the Head of Cultural Administration in the Ministry of Education and Culture;
- the Director of Economic and Budgetary Administration in the Ministry of Education and Culture;
- the Officer in charge of budgets in the Ministry of Finance;
- the Accountant General;
- the Director of Planning in the Ministry of the Interior;
- the Director of the Planning and Economics branch in the Ministry of Tourism;
- the representatives of the Minister of Agriculture to be appointed by the Minister of Agriculture.

2) two representatives with archaeological background from 2 of the institutions of higher learning [...] each from a different institution [among the Hebrew University in Jerusalem, Tel-Aviv University, Haifa University; Bar-Ilan University; Ben Gurion university of the Negev], one member from the members of the Israeli National Academy of Sciences [...] who will serve as the Council Chairman, the heads of two local municipalities[...]the director of the museum that will display the antiquities [...] representatives from the Ministry of Religious Affairs [...] ” (Antiquities Authority Law, 1989, 3).

Although the governance is led by academics of the field and not politicians - as has been proposed with the so-called Heritage Bill - the underlying legal and administrative architecture remains one in which Palestinians are persistently marginalized⁸¹, both in law and in practice. Under Article 5 (a) “the primary function of the authority is to attend to all antiquities affairs in Israel, including underwater antiquities”.

2.7.2 The Judea and Samaria Heritage Authority

There have been recent expansions by Israeli authorities regarding their scope of action on Palestinian cultural heritage. In this specific case, the so called “Heritage Bill” which has been proposed would establish an Israeli civilian authority to manage archaeological sites located in the

⁸¹Although with regards to Article 25, the Council shall appoint inspectors to conduct investigations concerning offences related to the Antiquities Law, the Law itself stipulates the Israeli State ownership.

West Bank⁸² (Ditmars, 2026), ergo the official granted with the necessary authority would be able to, in the West Bank, designate the historical sites and expropriate the contained artifacts other than the land.

Although in clear breach of international law, violating the 1954 Hague Convention and Fourth Geneva Convention, other than domestic provision such as the Oslo II Accord on the basis of which the antiques in area A and B are to be managed by Palestinian Authority (Ditmars, 2026), the Ministerial Committee has up to April, approved in February the first reading. On occasion of the discussion of the Bill, the left wing had severely opposed the passing considering it a "creeping annexation which would be an obstacle to peace", while the current far right heritage minister Amichai Eliyahu on a Facebook post stated many biblical references on the basis of which such a Bill would be justified: the Zionist movement emulated the actions of Joshua conquering the land - and its heritage - of Abeagam, Isaac and Jacob freeing it from "its occupants" (Eliyahu, 2026). The strong opposition and protest by political and archaeological communities, other than as stated clear breaches of international law (not that that would necessarily constitute a sufficient reason for current Israeli government to refrain from continuing given actions considering the ongoing Genocide) resulted in the failed attempt to introduce the given Bill; nonetheless the analysis may still constitute a relevant document demonstrating the intent to annex lands and appropriate cultural heritage through the symbolic usage of a state which is aligned with contemporary concerns of protecting heritage for the good of future generations.

The introduction of the Bill would have *de facto* resulted in the annexation of Area C in the West Bank and the creation of a parallel body to the already existing Israeli Antiquities Authority, other than the transfer of authority from the Palestinian responsible in charged to the Israeli Ministry of heritage to manage the considered lands and heritage.

The authority would be allowed to conduct excavations, conservative operations, other than declaring archaeological sites in the West Bank and expropriating (or buy) for safeguarding and conserve private land, yet the given system would mainly result in expropriation considering the fact that Palestinians usually refuse to both sell their land to Israelis nor accept compensations (Peacenow, 2026). Given the historicity of the area and concentration of relevant heritage, it is very usual to find cultural and religious heritage near private housing which would thus easily justify, for supposedly protective reasons, the expropriation of the private property considering it a hindrance for what Israelis define as *exclusively Jewish and Biblical heritage*.

⁸²The West Bank has been identified as occupied territory by Israel since 1976, hence it is not part of Israel under international law.

It has been documented how the village of Sebastia⁸³ (part of Area B) has been subjected and would have been even more with the passing of the Bill, to persistent seizures of its rich cultural heritage. In 2023 the Israeli Ministry of Heritage allocated for example 8.8 million shekels to transform the village into a tourist attraction using Palestinian town as an Israeli commodity in perfect compliance with the concept of extractivism. The Israeli Civil Administration in November 2025 even notified its imminent intention to seize the heritage site adjacent to the town, the land of private individuals in Sebastia and the neighboring town of Burqa (The Arts Newspaper, 2026).

One of the major issues which underlines the actual lack of having archaeological sites as a priority is that the governing body would be managed by political figures selected by the minister himself rather than professionals of the field. The lack of actual cultural interest can be deduced by the national spending in culture compared to the expenditure in the military: the allocation for the ministry of culture, sports and social services in Israel amounted to 2.74 billion shekels⁸⁴ (Israeli local currency) in 2024, while for surveillance and military reasons in general, according to the data provided by SIPRI Military Expenditure Database, it amounted to 172.1 billion shekels in the same year.

The implementation of the legal Code taken into consideration transformed significantly the management and understanding of land ownership in Palestine, creating a legal precedent for State led centralization - later heavily implemented by Israel.

The so-called Ottoman Code of 1858 identified five different types of land ownership, being:

1. ملك (milk): private ownership, this category was the least present in Palestine;
2. وقف (waqf): lots of land with a religious purpose managed by religious authorities, under ideally ownership of God;
3. ميرى (mīrī): cultivable land acquired by conquerment or its private nature of milk ceased due to succession issues. An individual may be able to acquire private ownership through its cultivation and joint paying of taxes. This category was the one present in the biggest number in Palestine;
4. متروك (matrūk) often named under Mandate officials but still of private usage;

⁸³The town of Sebastia has been inscribed in the UNESCO Tentative List since 2012 due to continuous threats by Israeli forces.

⁸⁴This data has been provided through the website 'Budget Key' which publishes and gathers governmental data on the state expenditure - it has been translated from Hebrew.
<https://next.obudget.org/about>

5. موات (*mawāt*) wasteland (BEKI, congregation Beth El-Keser Israel, n.d.).

What regards the last three categories, the ownership was entrusted to the State.

The issue already present with the Ottoman law was that the society was organized according to a communal usage of lands called *mushā`* (an aspect which influenced shared social practices associated to the harvesting of olives in Palestinian society); when the British involvement started, difficulty increased since what was then identified as communal became classified as High Commissioner. When subsequently, in 1948, the Israeli Government was officialized, all the categories of the State shifted into Israeli public property, especially *matrūk* lands from being at least privately used, not *de jure* of private property, of public Israeli authorities. To worsen even more the situation, Israeli authorities exploited to their benefits the Code classifying numerous lands as non-cultivable, thus subtracting and expropriating them from private usage for cultivations making them of Israeli state property: Israel in this way diminished the possibility for Palestinians to cultivate and use their natural resources. This approach taps into its concurrent practical policies focused upon the uprooting of olive trees from the supposedly non privately owned land or abandoned and its substitution with pine trees because, if symbolically the pine tree stands for Jews, the Olive tree stands for Palestinians - and their persistence symbolized by the olive trees' roots - (Braverman, 2006). The new coniferous completely transform the landscape and dissociate even the visual collective memories that Palestinians associate with the soil and land.

In sum, this chapter has reconstructed the legal architecture surrounding cultural genocide: from Lemkin's deliberately broad original conceptualization to its exclusion from the 1948 Genocide Convention, and from the protections offered by the Geneva and Hague Conventions, the Rome Statute, ICJ jurisprudence, and UNESCO instruments to the Israeli domestic mechanisms that govern land and heritage. Throughout, one distinction has been kept firm. The physical and biological destruction of a people remains the core of the codified crime, whereas cultural genocide - the destruction of the means through which a group reproduces its identity - remains a recognized but legally unenforced category. With this framework in place, Chapter III turns from norm to practice, examining how the systematic destruction and appropriation of Palestinian tangible and educational heritage gives concrete content to the notion of cultural genocide.

Chapter III

Cultural Genocide in Gaza

In this chapter, the notion of cultural genocide will be applied to the ongoing violent actions in Gaza - and in Palestine more broadly - with the aim of demonstrating the centrality of culture and its destruction in cases of genocide. Both contemporary and historical conflicts have shown, as Zayad (2019, p.81) notes, "that cultural heritage is always *most* [emphasis added] at risk during times of conflict". While it is impossible to fully separate physical genocide from cultural genocide, and so as not to exceed the scope of this dissertation, the analysis will focus, where possible, specifically on violence directed against material and immaterial cultural and religious heritage. This approach should not be interpreted as a neglect of the broader complexity and extent of Israel's cruelty towards Palestinians.

Furthermore, it is crucial to highlight that both Palestinian cultural genocide and widespread physical violence are not a recent phenomena beginning in response to the Hamas attack on 7 October 2023. Rather, their origins trace back to Israel's occupation of Palestinian territories in 1967⁸⁵. Early

⁸⁵The West Bank and the Gaza strip are, under international law, occupied by Israel since 1967 in breach of the IV Geneva Convention, according to the majority of the international community. Nonetheless, did - and does - Israel not agree with such a decision since it does not recognize that those territories owned sovereignty prior to its arrival, not considering it *de jure* an occupation (Zayad, 2019). To be more accurate, the looting and generalized disregard towards Palestinian culture initiated even prior to 1967 when the Ottoman Empire's strength was decreasing in the nineteenth century resulting in an invitation to open air scavenger hunts of Palestinian archaeological heritage: it is in this context that the Ottomans, attempting to contrast the systematic looting, introduced a series of decrees from 1906 stating that the "antiquities" to be found in the territory were to be considered indistinctively as State property (Bshara, n.d.). Subsequently, under the British Administration, whereas a more contemporary approach was introduced with respect to the heritage, the legal instruments allowed more private freedom in the dealing and management of heritage up to the point of providing licenses to legally excavate a "fair share" of the antiquities (which were identified as "any object produced or modified by human agency earlier than the year 1700 A.D.") found up to their trade and exportation by those granted with a license. Foreshadowed in colonial contexts, the approach by British authorities was inspired solely by western aesthetics starting to set the roots to emphasize the supposed greatness of the Jewish Holy Land while ignoring the agency of Palestinians with respect to their culture and the heritage of the region in general (Zayad, 2019).

In this manner, one ultimately arrives at a decisive moment leading to the aforementioned occupation of 1967: from the Nakba of 1948 the Israeli military forces uprooted Palestinian towns, houses and the cultural sites "around which social practices, traditions, and seasonal festivals ha[ve been] evolv[ing]" (Bshara, n.d.). As has been frequently underscored, the targeting of heritage occurs due to its representative nature of the collective memory and identity of a People.

instance that initiated this snow-ball effect of violences against cultural heritage include the entrance of Israeli soldiers into the Palestinian Archaeological Museum in 1967⁸⁶ and the destruction, in 1969, of mosques and other historical and religious buildings (Zayad, 2019). Regarding intangible heritage, Israelis began appropriating the Dakbeh dance (specifically around the 1930s), Palestinian embroidery and cuisine.

Even prior to the first early decades of the twentieth century, Western archaeological institutes⁸⁷ were established in Jerusalem, around the 1890s, with the aim of “appropria[ting] the biblical archaeology of the Holy Land [and thus] strenghtening [...] their Judeo-Christian identity” (Interactive Encyclopedia of the Palestine Question, n.d.). The process of appropriating Muslim religious sites for the purposes of Jewish re-narrativization began as early as the mid-nineteenth century (Ra’ad, 2010).

Nizar Farsakh⁸⁸ (n.d.) has claimed that since 1948, it has been “not only a question of the land being occupied and [Palestinians] being expelled: there was cultural erasure” (Bellingcat on Scrippsnews, 2024).

As of June 2026, all available sources converge on the conclusion that Israel has been committing genocide in Gaza, as well as in the West Bank, although legal proceedings are still ongoing. This is exemplified by South Africa’s accusation against Israel for the crime of genocide in Gaza and its reminder of Israel’s obligation to comply with the Genocide Convention; in accordance with international law, Israel appears to be in violation of Art. II and III of the Convention.

In its report published on 5 December 2024 *You Feel Like You Are Subhuman*, Amnesty International meticulously analyzed all available evidence to support the claim that Israel is actively committing genocide in Gaza. This includes “indiscriminate attacks and intentional destruction of cultural and religious sites with no apparent imperative military necessity” resulting in a level and speed of

With the Israeli occupation commenced after the Six-Day War, Israel severely developed a colonial apparatus “[using] archaeology as [its] ideology [...] to fabricate facts on the ground”(Bshara, n.d.): on several occasions has Israel constructed separative walls at the expense of either Palestinians livelihood, habitations and heritage.

To conclude, the almost three century long cultural targeting has been the result of both colonial British and Zionist frameworks other than insufficient involvement by Palestinian Authorities (Bshara, n.d.) in light of their daily battle to survive.

⁸⁶This act is in breach of international law, as the building was not being used for military purposes.

⁸⁷The institutes which were founded in that time frame were the French École pratique d’études bibliques de Jérusalem, the American School of Oriental Research, the Italian Studium Biblicum Franciscanum, the German Deutsche Evangelische Institut für Altertumswissenschaft des Heiligen Landes and the British School of Archeology.

⁸⁸Farsakh is of the idea that the extent of the destruction of Palestinian culture and the continuous attempts to fully replace it render the role of museums - like the one he is a founding member of - even more special, as they contribute to rebuilding Palestine and Palestinians in the near future.

damage and destruction unprecedented in any conflict of the twenty-first century (Amnesty International, 2024). Based on the findings of this report, one can claim that the genocide of the Palestinian people is occurring in accordance with Art. II of the Convention, as Palestinians constitute the national, ethnical⁸⁹, racial or religious group protected under the Convention; although international jurisprudence has yet to provide an unambiguous definition for determining when a group qualifies as protected, such assessment must be made on a case-by-case basis (Amnesty International, 2024).

The International Court of Justice has stated that the Palestinian people “appear to constitute a distinct national, ethnical, racial or religious groups”, and therefore should be protected in accordance with Article II of the Genocide Convention.

The alleged cultural genocide is deeply rooted in a combination of Israeli and colonial biases, all of which are closely intertwined.

One such bias is the notion of Israel's moral superiority, justified through the idea of “Biblical roots.” According to this view, Israelis and state officials perceive the land they inhabit as *terra nullius* prior to their ‘return’ and thus credit themselves with its renaissance. Meanwhile, “ancient Palestinian roots have been buried over the centuries by a combination of elision, rewriting, neglect and now by brutal dispossession and occupation” (Ra’ad, 2010, p.196). Palestinians, being broadly categorized as Arabs⁹⁰, are thus viewed as a people who simply happened to be present on the land, rather than as its rightful owners. This narrative, in turn, is used to justify the intervention of the ‘chosen people’ to render the ‘desert green and prosperous’ (Ra’ad, 2010). As a result of this colonial governance and ideology, Gaza and Palestine as a whole - along with their people, species, buildings, and culture - are viewed, first as assets or “liabilities to be dispensed with or brought to servitude” (Ra’ad, 2010, p.43), and second, as entities to be “demolished before constructing a new building” (Herzl, 1896) a phrase that figuratively refers to the creation of Israel itself. This logic is applied to all aspects of culture, except in the case of intangible heritage-particularly culinary heritage -where destruction is replaced by systematic appropriation.

To understand the rationale behind the destructive processes targeting Palestinian culture, it is necessary to refer to Zayad’s analysis of the distinction between individual cultural appropriation and systematic cultural appropriation. The former is typically carried out by individuals, making legal

⁸⁹According to the ICTR trial Chamber ethnic group means a group whose “members share a common language or culture” other than groups which distinguish themselves through a process of self-determination and being identified as such by others.

⁹⁰The misconception that Palestinians are simply synonymous with Arabs is perpetuated in Zionist narratives, which often depict Palestinians as having conquered “Israel” in the seventh century during the Muslim conquest. In this framework, “Zionists want to see Palestinians as migrant ‘Arabs’ from the surrounding countries, or from the Arabian Desert, to which they should return” (Ra’ad, 2010, p.7). This perspective calls into question the very existence and identity of Palestinians, conflating them with the broader populations of the region, while Israeli Jews position themselves as the rightful and divinely chosen inheritors of the land.

claims easier to pursue, while the latter is orchestrated by states such as Israel. As Zayad (2019) notes, the key difference lies in the role of the state as “appropriator, as it “[makes] policies and laws that assist in the appropriation, [encourages] its citizens to participate in the [process] to make the culture their own” (Zayad, 2019).

This state-based strategy presents significant challenges in opposing and addressing both overt and subtle forms of violence⁹¹, given Israel’s direct involvement. The intensity of these violent actions is further amplified “by frequent and regular statements by people at the highest level in the government of Israel” (Schabas⁹², 2025) who openly advocate for taking over the entire territory and destroying every stone-a volume of rhetoric and action that is truly unprecedented.

All actions targeting cultural heritage - whether systematic appropriation, individual appropriation, dispossession, or outright destruction - ultimately result in the alienation of the Palestinian people from their heritage (Zayad, 2019). The ultimate goal is to replace the Palestinian heritage entirely with a revised and “westernized” version, framed by a biblical narrative that further reinforces Israeli claims to moral superiority and constructs a national narrative (Zayad, 2019).

Thus, the dilemma lies in the fact that, in addition to dispossession during peacetime and indiscriminate bombing and seizure during conflict, one observes an extractivist approach characteristic of settler colonial regimes. This approach acknowledges the richness of Palestinian culture, yet simultaneously seeks to destroy the cultural fabric of the territory in order to eliminate both the population and their hope for a better future, ultimately replacing them (Wolfe, Veracini, Abu-Lughod, 2006, 2020). As Lemkin (1948) observed, the “objective of this scheme [of cultural genocide] is to destroy or cripple the subjugated people in their development” which can be seen as precisely Israel’s intention.

Several cases have been documented in which Palestinian immovable property has been repurposed. Although these actions may not always involve and stand out for “spectacular violence”, they are nonetheless highly revealing of underlying genocidal intent. For example, it has been reported that in 1948 many mosques were “converted into museums, night clubs and even restaurants to remove any Islamic identity within the region” (Najah News, 2020).

Most recent denounced case, dating back to May 2024, involved Israeli soldiers using a mosque in Rafah as a “cooking place” preparing fully adorned large tables (Abushamala, 2024).

⁹¹Actions of appropriation of cultural heritage at large do not always occur by violently seizing cultural property, but occur, actually even more frequently, over an extended period of time in which slowly the appropriation of the cultural symbols representative of that People occur.

⁹²Dr. Schabas has investigated the genocide in Rwanda in 1994 prior to its occurrence analyzing various violent actions directed towards the Tutsi minority in conjunction with several racist statements made by the Government which suggested their intentionality to destroy the given people; in cases in which there lies the suspect of genocide mass killings isn’t necessarily enough but the blessing of government officials, demonstrated with public statements, renders the claim of genocide increasingly stronger.

Another important aspect to consider is the complexity arising from Israel's non-signatory status to many major international treaties, as well as occupied status of Palestine. As a result, the ongoing conflict and allegations of genocide cannot easily be defined as a two-state dispute but rather resemble a domestic conflict.

It is necessary to underline that the cultural genocide at issue is not concomitant with the physical genocide initiated, as identified by the Jurisprudence, following 7 October 2023 (although genocidal policies and laws are at the very basis of the construction of the Israeli State); here, the cultural genocide is of a slow-burning nature which has been unfolding gradually since Israel's occupation in June 1967.

The Israeli framework of state policies and legal mechanisms, in fact, "give the impression of democracy and equality at the same time that [they] institutionalize discriminatory practices", thereby judaizing cultural sites and the broader narrative (Ra'ad, 2010, p.138), as discussed in the previous chapter on domestic legislation.

Herein lies a significant paradox: as Zayad (2019) argues, Israel is in breach of the Hague Conventions under Articles 4 and 5 through these appropriative actions; while signatories to the Convention are obliged to prosecute and impose measures against individuals committing such felonies, there is, in strictly legal terms, a lack of reference for cases in which the state itself, through its own policies, is the perpetrator. Consequently, in accordance with principles such as *nullum crimen sine lege*, prosecution in such scenarios becomes even more complex.

3.1 Assessing the applicability of the notion of Cultural Genocide

In June 2025, the Permanent Delegation of the Palestinian State sent a letter to UNESCO, denouncing the "unprecedented *cultural* and human *genocide* [emphasis added] in Gaza".

After two years of widespread violence, the intentions of the Israeli State were too evident to be overlooked. These actions were not only intended to prepare the ground for full military occupation at the expense of Palestinian civilians⁹³, but also aimed at "deliberately and systematically[annihilate]the last standing symbols of Gaza's cultural identity" (Permanent Delegation of the Palestinian State to UNESCO, 2025).

⁹³Since 7 October 2023, when Hamas' forces went through with the attack in Israel, are the Palestinian victims of the Genocide 71,000, on top of the 171,000 injured and dispersed triggering an unprecedented humanitarian crisis, even with respect previous waves of violence taking place between Israel and Palestinian armed forces, other than Israel targeting Palestinian civilians indiscriminately breaching the Geneva Conventions.

The gravity of these acts is further underscored by South Africa's Application instituting proceedings against Israel for alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide. Although the Convention does not explicitly include the intentional targeting of buildings dedicated to religion, education, art, science, or historical monuments, the International Court of Justice (2023) has observed that "there is often a close connection between all such acts". In other words, "acts of genocide inevitably form part of a continuum (ICJ, 2023)⁹⁴. South Africa thus argues that it is essential to "place the acts of genocide in the broader context of Israel's conduct towards Palestinians during its 75-year-long apartheid, its 56-year-long belligerent occupation of Palestinian territory and its 16-year-long blockade of Gaza, including the serious and ongoing violations of international law associated therewith, including grave breaches of the Fourth Geneva Convention, and other war crimes and crimes against humanity" (ICJ, 2023)⁹⁵. This context provides a possible basis for demonstrating *dolus specialis* (specific genocidal intent).

Professor Schabas, a legal academic and genocide specialist, has emphasized that the Palestinian case has no relevant historical precedent: the lives of Palestinians have been rendered impossible (Schabas, 2025). The intent to destroy the people as such is evident in the systematic destruction of every piece of heritage, each of which serves as a reminder of Palestinian history and the people's connection to their land.

Cultural genocide in this context can be traced to Herzlian Zionism, which holds that, to maintain the colonial status quo, destruction must precede the creation of something new.

In this process, "culturally, Palestinians become an absence, more literally invisible" (Ra'ad, 2010, p.199). The substitution of Palestinian culture with an Israeli narrative only demonstrates the ferocity of the genocidal project but also signals a disregard for International Law, International Humanitarian Law, and the respect for cultural heritage of humanity at large. This is exemplified by recent declarations about reconstructing Gaza as a touristic "Mediterranean Riviera" for the western and Israeli gaze - eliminating the Palestinian entity (Schabas, 2025). The level of damage in the sectors of housing, health, education and cultural heritage is overwhelming: it is 90 times greater than the damage incurred during Israeli offenses in 2021, and 17 times higher than in 2014 (Amnesty International, 2024).

Despite its small size, the Gaza Strip features a dense concentration of diverse cultural heritage as well as a unique urban layout. The rapid expansion of settlements and the construction of new buildings atop heritage sites during the occupation have often resulted from systematic airstrikes (Heritage for Peace, 2023). Further complicating matters, the Oslo Accords (1993/1995) reorganized Palestine into separate zones, which introduced new challenges for the protection of cultural heritage: in Area C, control remains both *de jure* and *de facto* in the hands of the Israeli

⁹⁴International Court of Justice. (2023, December 29). Application instituting proceedings: Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), request for the indication of provisional measures.

⁹⁵*Ibid.*

Administration, whose significantly military presence leaves archaeological sites at the mercy of unregulated looting by Israeli collectors as well as to natural weathering.

Since October 7, the continuous crisis faced by Palestinians has intensified: violence, airstrikes, bombings, and bulldozer operations have all exponentially increased. As a result, construction materials for sites and houses are constantly collapsing, yet Palestinians -distinguished by their faith and persistence-continue to rebuild atop the collapsed materials (Bellingcat on Scrippsnews, 2024). This phenomenon, described by Professor Weizman (2024), a Haifa born architect and founder of Forensic Architecture, is known as "land pressure". In a densely inhabited and occupied Gaza Strip, any available space is "quickly taken up to build housing for people or essential infrastructure" (Bellingcat on Scrippsnews, 2024).

Apart from Palestinian effort to rebuild homes atop heritage sites for habitation, Israel has systematically practiced not only the annihilation of cultural sites but also the construction of new structures atop what was previously Palestinian heritage, fully substituting the visual landscape. This process often includes replacing endemic plants with pine trees reminiscent of Europe (Braverman, 2016), effectively erasing Palestinian presence and reinforcing the narrative of the land as exclusively Jewish.

Overall, the fragmented territorial organization and mismanagement of cultural heritage have led to widespread illicit activities, compounded by inadequate and insufficiently respectful legislative actions by both Israeli and Palestinian authorities. Adding to this complexity, French archaeologist Professor Humbert (2023) - after decades of work in Palestine-has underlined that, while irreversible cultural destruction remains a sensitive issue to Gaza's society, the "crushing that has been inflicted by the occupying forces over the past fifty years means that vital priorities like feeding, caring for and educating the population have pushed cultural heritage aside as a luxury for wealthy countries".

While specific cases of heritage destruction will be addressed in detail later, it is important to reference the technical evidence provided by the World Bank, the European Union, and the United Nations Gaza Rapid Damage and Needs Assessment (RDNA), among other official sources, as the basis for this analysis of cultural genocide in Gaza.

The RDNA report from 20 April 2026, assessed the damages⁹⁶ in Palestine occurring between 8 October 2023 and 9 October 2025 (with the ceasefire beginning on 10 October 2025, though systematic violence continues against both civilians and cultural heritage).

⁹⁶The RDNA gathered the information regarding the entire Gaza Strip in spite of processual complications: the data was collected initially through remote methods, secondly integrated with ground based researches and several other types of sources. The tools which were used for the gathering of the sources were remote sensing tools with high-resolution satellite imagery and synthetic aperture radar, social media analytics, and ground-level validation through data provided by Public Administration, the United Nations and humanitarian agencies (RDNA, 2026).

The report details sector-specific losses: the agricultural and food system sustained \$1,44 billion in damages, \$1,46 billion in losses, with \$10,49 million needed for recovery; cultural heritage suffered \$0,15 million in damages, \$0,09 million in losses, and \$0,23 million for recovery; the educational sector experienced \$1,08 million in damages, \$2,36 million in losses and \$4,71 million for reconstruction (RDNA, 2026).

Sites classified as “destroyed” suffered more than 40 percent damage; “partially damaged” sites incurred between 20 to 40 percent damage; and “minimally damaged” sites suffered between 10 to 20 percent of the original structure.

According to the Joint Interim Damage Assessment, about 63 percent of all heritage sites in the Gaza Strip have sustained damage, of which 31 percent have been destroyed.

As of 24 March 2026, UNESCO’s preliminary damage assessment—conducted with satellite imagery and analysis from the United Nations Institute for Training and Research (UNITAR) and the United Nations Operational Satellite Applications Programme (UNOSAT), both prior to the ceasefire and through on-site assessment after 10 October 2025—verified damage to 164 sites: 14 religious sites, 128 buildings of historical and artistic interest, 3 depositories of movable cultural property, 9 museums, and 8 archaeological sites (UNESCO, 2026). The data indicates that Gaza and North Gaza Governorates have endured the greatest amount of damage.

The sheer quantity of cultural heritage undermined by Israeli forces demonstrates that the scale of destruction is unprecedented—so much so that it could potentially be described as “cultural genocide”. Nonetheless, the extent of violence alone is not sufficient to establish the occurrence of cultural genocide. For such actions to be recognized as “cultural genocide”—a term that, as Xanthaki (2007) notes, currently holds rhetorical effect only—several factors must be considered.

-Determination of specific intent (*dolus specialis*):

The determination of specific intent, in accordance with international law⁹⁷, must be considered alongside the crimes outlined in Article II of the Genocide Convention. *Dolus specialis* is defined as “the specific intention, required as a constitutive element of the crime, which demands that the perpetrator clearly seeks to produce the act charged”.

⁹⁷More specifically is the notion of specific intent stipulated in Art. 2(2) of the Statute of the ICTR, Art. 4(2) of the ICTY and Art.5 of the Rome Statute (Al-Haq, 2025).

Al-Haq (2025), an independent Palestinian NGO, has underlined that the actions targeting cultural elements represent some of the most effective, if not efficient means of fulfilling a genocidal plan. This is especially relevant in the era of Web 2.0, where any action can be broadcasted worldwide and subjected to scrutiny by both the public and legal institutions. While one might expect that global visibility would deter states from committing the kind of spectacular mass destruction seen in the Holocaust, this does not seem to be the case in Palestine, as Israel has not refrained from massive airstrikes, bombings, and attacks on refugee camps, homes and cultural heritage sites.

This is where the destruction of tangible and intangible cultural heritage becomes especially salient; although, as asserted previously, actions undermining the entirety or parts of a people's or groups' culture with the aim of eradicating distinguishing elements do not, by themselves, fall under the definition of genocide (ICTY, 2001, para. 580), the systematic damage and destruction of Palestinian cultural properties may nevertheless function as a less direct, but still real, means to biologically destroy the group.

Nonetheless, the fundamental issue remains unchanged: from a strictly legal perspective, targeting cultural heritage does not itself constitute the crime of genocide. However, it is agreed that "a state's intent must be approached and considered holistically" (Amnesty International, 2024).

To examine the issue in depth, several official declarations by Israeli State representatives will be analyzed as evidence of genocidal intent. A substantial dossier of such declarations, compiled by South Africa, was presented before the ICJ as part of the evidentiary record; while the demonstration of biological genocidal intent is extremely decisive, it is important to note that this research focuses specifically on cultural genocide. Nevertheless, if the requisite intent is established—particularly when grounded in statements such as "Gaza will be a place where no human being can exist" (Eiland, 2023) - one must ask: how can culture continue to be transmitted and lived under such conditions? Culture constitutes the core of human expression, shaping social gatherings, the capacity to live together in community, and providing meaning to collective and everyday life. The eradication of the conditions necessary for human existence not only threatens physical

survival, but also fundamentally undermines the persistence and vitality of cultural life itself. Further declarations, such as “ [...] we will flatten Gaza, turn them to dust, and the army will cleanse the area. Then we will start building new areas, for us, above all, for our security”⁹⁸, demonstrate not only the widespread genocidal rhetoric but also the moral superiority underlying the Israeli project. To cite once again, the Zionist founder Theodor Herzl: in order to “build an outpost of civilization against barbarism [in Asia]” it is necessary to demolish before reconstructing.

Ze’ev Jabotinsky, another early “apostle of Zionism” (Khalidi, 2024), wrote in the 1920s that “every native population in the world resists colonists as long as it has the slightest *hope* [emphasis added] of being able to rid itself of the danger of being colonized. That is what the Arabs in Palestine are doing, and what they will persist in doing as long as there remains a *solitary spark of hope that they will be able to prevent the transformation of ‘Palestine’ into the ‘Land of Israel’* [emphasis added]”. Can culture not be regarded as one of the most fundamental means by which a people remain connected to their territory, representing the ‘final spark of hope’ for communal endurance? The destruction of culture is, in effect, an assault on the very identity of a people; to eradicate culture is to threaten the existence of the community itself. Moreover, phrases like these demonstrate that the genocidal intent to “destroy the Palestinian people” was not latent at all, even in the first instances of conflict in the final decades of the nineteenth century.

Returning to recent events, Israeli ministers of culture have on several occasions made declarations or taken action that may be characterized as genocidal.

For example, on 1 November 2023, A. Eliyahu published a Facebook post claiming that “The north of the Gaza Strip, [was] more beautiful than ever. Everything is *blown up and flattened* [emphasis added], simply a pleasure for the eyes”. Similarly, the narrative constructed on the current minister of cultural Zohar’s Instagram page consistently conveys messages that may be understood as evidencing genocidal

⁹⁸Former Israeli Knesset member calls on the complete destruction of Gaza, Middle East Eye, (2023, December 25)
<https://www.middleeasteye.net/live-blog/live-blog-update/former-israeli-knesset-member-calls-complete-destruction-gaza> [last accessed 14 May 2026].

intent. Zohar's Instagram page consistently blurs the boundaries between military imagery and cultural expression, with military themes often overshadowing narratives related to heritage and the arts, thereby neglecting the fundamental needs of culture itself.

It becomes apparent that, in the face of destructive actions, rhetoric, and policies, neither the preservation of culture nor the safeguarding of religious faith is the ultimate objective. For example, in cases involving the appropriation of Muslim religious sites, military interventions are never genuinely motivated by sincere religious devotion. Rather, such actions are propelled by genocidal intent, underpinned by deeply ingrained anti-Arab biases.

It follows that the more sensationalized notion of biological genocide is intertwined with the notion of cultural genocide. The desire to "erase the memory of them [...] their families, mothers and children [...] with all [Israeli] forces, complete destruction, enter and destroy [...] and erase them⁹⁹" is intrinsically connected to the ongoing dehumanization of Palestinians and the belief that the land is divinely ordained for the "chosen people," thereby necessitating their substitution¹⁰⁰.

In light of the media 2.0 revolution and considering McLuhan's (1967) assertion that media serve as extensions of our identity and being, the analysis of selected social media platforms can provide valuable insights - especially when combined with other sources - for determining genocidal intent. However, a key challenge posed by the democratization of the internet is that anyone can publish content without restriction; consequently, information obtained from these platforms must be approached with caution and critically evaluated.

The sources analyzed include both official Israeli state accounts - such as the IDF (Israel Defense Forces) and government ministries - and individual IDF soldiers, who have adopted the macabre practice of sharing videos and images of military operations, including the

⁹⁹*Middle East Eye*, @MiddleEastEye (2023, October 13). *A reservist Inciting to completely annihilate Palestinians*, X, <https://x.com/MiddleEastEye/status/1712918166437806294> [last accessed 14 May 2026].

¹⁰⁰The Old Testament repeatedly warns that if the Israelites fail to uphold the covenant and act wickedly, they will be expelled from the land of Israel (Deuteronomy 28:63-64, Leviticus 18:28; 26:33). In this respect, the inconsistency of Zionist rhetoric is apparent, as its foundational texts directly contradict the logic and justification underpinning the current colonial framework.

bombing of buildings, the killing and torture of civilians, and the desecration of art.

Soldiers, as representatives of State, are not exempt from individual liability, as established by the Nuremberg Trials. However, in the Israeli context, domestic tribunals have repeatedly failed to prosecute such acts. These actions thus offer insight not only into the official narrative taught to soldiers and civilians, but also into a broader Israeli military culture that appears to justify - and even promote-such behavior.

One illustrative example is a video published on X (8 April 2026) by IDF soldiers¹⁰¹, showing ten uniformed soldiers-armed and smiling-inside a mosque (Fig.1). The man behind the camera, rather than saying “cheese” for a group photo, instructs them to “give a fire strike”. The lightness of the military narrative, their presence inside a religious site with weapons (in clear breach of international law unless justified by military necessity, and the lack of any apparent military emergency, as evidenced by their smiling faces, are particularly striking.



Figure 1 [@SettlersFW] (2026, April 8) IDF soldiers appeared in a recent video sending passover greetings from a mosque in Gaza with their faces uncovered.They (...) [image extracted from video] X, <https://x.com/SettlersFW/status/2041980000698548266/video/1?s=46>

¹⁰¹[@SettlersFW] (2026, April 8) IDF soldiers fully armed *posing inside of a mosque*, video with textual comment, X, <https://x.com/SettlersFW/status/2041980000698548266/video/1?s=46> [last accessed 14 May 2026].

On 7 May 2026, an image¹⁰² was published (Fig.2) depicting an IDF soldier desecrating a statue of the Virgin Mary by putting a cigarette in her mouth, as if she were smoking. This action appears to be part of a broader trend in which cigarettes are used to convey a message of disrespect for religious symbols, and by extension, for the Catholic faith itself—associating the Holy Mary with gestures and symbolism that are inherently blasphemous. Additionally, someone appears to have applied red paint (Fig. 3) to the statue—both at the height of the sternum, alluding to a gunshot, and on her lips.

Although these actions, have been condemned by State representatives, it might be claimed that it is the result of the extended media coverage of such actions worldwide (as in subsequent cases taken into consideration).

According to the available sources, such actions are not limited to the Gaza Strip and Palestine, but have also been reported in Lebanon, where they continue to be perpetrated by the same “moral military group”.

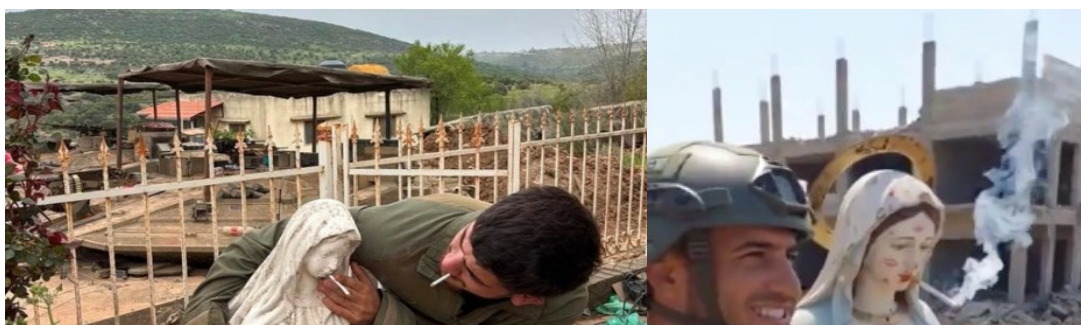


Figure 2 (left) [@KontraMundum7] (2026, May 6) Nuevo incidente de otro soldado de la IDF Israelí profanando una estatua de la Virgen María, la madre de Cristo [image], X, <https://x.com/kontramundum7/status/2052046127193641034?s=46>

Figure 3 (right) [@Jvnior] (2026, 8 May) BREAKING: IDF soldiers are putting cigarettes in Virgin Mary statues in occupied Lebanon. Apparently, this is becoming a trend in (...) [video], X, <https://x.com/jvnior/status/2052734478632521895?s=46>

Within the trend of desecrating religious symbols are there sources incriminating an IDF soldier smashing a statue of Jesus Christ with a sledgehammer which actually took place in Debel Lebanon; to this regard did the IDF officially take a distance from such action, probably due to the major media coverage and its consequent public accountability¹⁰³.

¹⁰²[@KontraMundum7] (2026, May 6). *IDF soldier placing a cigarette on statue of Holy Mary*. [Picture with textual comment, X, <https://x.com/kontramundum7/status/2052046127193641034?s=46> [last accessed 14 May 2026]

[@Jvnior] (2026, 8 May). *IDF soldiers are putting cigarettes in Virgin Mary statues in occupied Lebanon; it is becoming a trend*. Video with textual comment, X, <https://x.com/jvnior/status/2052734478632521895?s=46> [last accessed 14 May 2026].

¹⁰³[@MiddleEastEye] (2026, April 20). *Israeli soldiers on targeting religious symbols*. Video with textual descriptions, YouTube, <https://youtube.com/shorts/oWeNMk-F9Ug?is=kjfju0mYiS9DDwmP> [last accessed 14 May 2026].



Figure 4 [@MiddleEastEye] (2026, April 20). Israeli soldier filmed smashing Jesus statue in Lebanon (...) [video], YouTube, <https://youtube.com/shorts/oWeNMk-F9Ug?is=kjfu0mYiS9DDwmP>

Nonetheless, despite the IDF's official distancing from such acts, violent actions against religious symbols continue to occur-not only against Muslim, but also Christian symbols. This is exemplified by a video¹⁰⁴ from July 2023, filmed in Jerusalem, in which a Catholic priest is shamed and prevented from entering a synagogue solely because of his religious attire, with his cross pendant deemed disrespectful.

On 3 April 2026, a photograph¹⁰⁵ (Fig. 5) was published denouncing alleged actions of the IDF during the Ramadan period. The image, set inside a mosque, shows nearly thirty males with their hands tied behind their back with plastic ties, lying on the ground, while to the left IDF soldiers, fully armed and in camouflage, are clearly visible.

Such actions are significant not only for their symbolic implications-particularly as they constrain religious freedom at a time when religious rituals further strengthen communal bonds-but also for their violations of international law, specifically hindering the right to freedom of religious belief as enshrined in Article 18 of the Universal Declaration of Human Rights.

¹⁰⁴Ibid.

¹⁰⁵[@7signxx] (2026), *Male worshippers being tied by plastic ties at their wrists in a mosque*. [image with textual description], X, <https://x.com/7signxx/status/2039882986938630532?s=46> [last accessed 14 May 2026].



Figure 5[@7signxx] (2026). Never forget. This was during Ramadan, the Holiest month of the year for Muslims. The IDF entered the mosque and (...) [image], X, <https://x.com/7signxx/status/2039882986938630532?s=46>.

As detailed in the previous chapter, Israeli domestic laws-such as the Israel Antiquities Law (1978), the Antiquities Authority Law (1989), the Judea and Samaria Heritage Authority, and the Ottoman Land Code of 1858 - not only permit the destruction and appropriation of cultural heritage, but also serve to legitimize such actions. The fact that the Antiquities Laws “were adopted by Israeli occupying forces and amended several times by the “civil” administration through military orders” (Zayad, 2019) is highly indicative of how, once again, cultural heritage in Israel-as well as nearly every other aspect of life-collides with military occupation and is administered through military means.

Another landmark domestic legal policy is the Absentee's Property Law (1950), which formally and legally allowed for the seizure of all movable and immovable property belonging to Palestinians (everyone except Israeli Jews) who were forced residents to leave their homes to seek refuge and avoid imminent death during the first Nakba; cultural property was, of course, included among the “appropriative raids”¹⁰⁶.

By contrast, the Palestinian counterpart has introduced only limited legal provisions, such as the 2018 Decree Law no.11 on the Protection of Tangible Cultural Heritage, which aims to “provid[e] cultural heritage in Palestine with the necessary legal protection, in line with international standards and in compliance with the provisions of international conventions

¹⁰⁶It is striking that, during the process of appropriation following the Nakba, Israelis did not merely occupy the properties of Palestinians-who, through the Absentee's Property Law, were dispossessed and forced to flee their homes in fear, leaving subsequent generations in a perpetual state of diasporic identity-but that the majority of Israelis “seem to enjoy the antiqueness of the stone houses [...] delud[ing] themselves into thinking that these houses are actually theirs as a God-given heritage” (Ra’ad, 2010, p.138).

ratified by Palestine” (UNESCO, 2018). Despite its implementation, however, cultural heritage remains at the mercy of Israeli IDF forces, with the majority of Palestinians focused primarily on survival, and only a limited group of academics attempting to resist ongoing illicit looting, appropriation, and trafficking.

In accordance with the OSAPG framework, and as noted by the ICJ in its Advisory Opinion of 19 July 2024¹⁰⁷, the existence of discriminatory legal provisions functions as a clear indicator of genocidal intent, particularly when these laws systematically target cultural heritage and restrict access to it. Thus, these legal instruments stand as concrete evidence of the underlying intent informing and shaping official policy.

In conclusion, it is important to highlight and critique the ongoing conceptual and academic tensions between the strictly legal framework and the broader field of cultural studies. While legal discourse often restricts genocide to narrowly defined acts, cultural studies emphasize that genocidal processes occur and groups are destroyed through a range of mechanisms, including cultural erasure (Al-Haq, 2025). This perspective is, in fact, consistent with the Genocide Convention, which encompasses non-lethal forms of genocide and anticipates the destruction of cultural heritage as part of the broader genocidal process (Al-Haq, 2025).

-*actus reus*:

The *actus reus* of cultural genocide refers to the acts that intentionally target and seek to destroy cultural, religious, or social institutions, practices, and symbols of a particular group, with the aim of annihilating and eradicating the group's identity and very existence as a distinct entity.

As is usually observed, in contrast with the Lemkinian interpretation of considering the destruction of cultural symbols as genocide, the codified *actus reus* of genocide is limited to biological and physical destruction, excluding what international law regards as crimes against one's culture from the Convention (Al-Haq, 2025);

-*mens rea*:

As cited previously, can the targeting cultural properties at least be used to aid in the identification of the genocidal *mens rea*. The *Krstić Case* has demonstrated as a landmark that, in such occasion,

¹⁰⁷International Court of Justice. (2024, July 19). Press release No. 2024/57: Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem: The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly.

the deliberate destruction of mosques and houses belonging to the targeted group can be used as evidence of the intent to destroy the latter; In this light, the destruction of cultural heritage can be understood as a means by which, according to the interpretation of the ICTY, the physical destruction of a group may be carried out. Furthermore, on occasion of the *Blagojević and Jokić Case* has the ICTY Trial Chamber observed that although the biological annihilation of a people may represent the most effective way to accomplish genocide, the traditions and history represent the actual ties between the members of the very group and to its land (Al-Haq, 2025) - as is the case of culinary and table traditions which having a collective identitary nature are a manifestation of a people's fundamental values (Poulain, 2017).

-Breaches of international law:

As introduced previously is South Africa's position before the ICJ to denounce violent actions targeting culture amounting to other violations of international law since according to the former "those acts and omissions are genocidal in character, as they are committed with the requisite specific intent" (ICJ, 2023).

It is no surprise that the current assault on cultural property constitutes violations of international law, as detailed in the previous chapter through the examination of the two Hague Conventions and their Protocols, the Geneva Convention, the Rome Statute, and UNESCO's legal instruments. Nevertheless, accountability for cultural destruction under the Genocide Convention remains nearly impossible, unless there is a significant conceptual shift and broadening of the definition of genocide itself.

The UN is in a constant state of observance to understand the severity of the widespread destruction since it aligns with UNESCO's mandate and its necessary consequent involvement to contrast the "eroding [of] the very foundations that connect Palestinians to their homes in Gaza" (Bellingcat on ScrippsNews, 2024).

It should also be noted that law enforcement is further complicated by several factors previously mentioned: Israel's unwillingness to ratify certain international instruments, such as the 1970 UNESCO Convention; the ambiguous legal status of Palestine as a state; the ongoing occupation; and the involvement and support of Israel by

the US and other Western countries. These factors contribute to the complexity of enforcing the law and condemning Israel's actions in support of Palestine.

The Israeli government justifies its actions against the international accusations of targeting both civilians and cultural heritage claiming that the Hamas forces were hiding in tunnels underneath the attacked (and often destroyed) immovable property, legitimizing in this way Israel's action for supposedly military imperatives in accordance with international law since the building is being used for military purposes. Amnesty International has asked in October 2024 to Hamas about the claims made by Israel according to which Hamas would be using cultural sites, schools and mosques for military purposes; Hamas answered to this regard that it is not only false that they were sheltering in the supposedly tunnels but it is impossible to have that many tunnels or military objectives underneath all the heritage in question (Amnesty International, 2024). In this regard, Amnesty International and other international organizations have given Israel the opportunity to faithfully demonstrate its claims.

Nonetheless, no evidence has been presented to these institutions (apart from a few exceptions); thus, such statements amount to mere allegations without supporting evidence, causing the claims to fall.

Furthermore, it appears, from the satellite images taken by Amnesty that there is no evidence supporting Israel's thesis demonstrating that the cultural annihilation is "the very purpose and goal of Israeli soldiers' [and State representatives'] actions" (Amnesty International, 2023). Bellingcat on Scripps News has even tried to approach the IDF which in response claimed that there is no IDF doctrine aiming to cause damages to civilian properties in spite of military necessity.

Overall, it persists that there is a lack of evidence to this regard and there is no intentionality for Israel to investigate and persecute alleged Israeli criminals.

What remains crucial in accordance with international law is that cultural heritage must not only be protected but parties must refrain from attacking it *unless* imperatively required by military necessity. It is also necessary to remember that the crime of causing "serious mental harm" prescribed within the Genocide Convention has been interpreted by the Appeals Chamber of the ICTR and the ICTY requires a non-ephemeral nature, causing long term complications compromising the pursuit of a normal life: the crimes included are for example torture, sexual violence, interrogations with beatings, deportations, and deliberately causing conditions of life with the intention to cause physical destruction (Amnesty International, 2023). While the first crimes cannot coincide with the notion of cultural genocide, due to the ever-present prevalence of the more shocking crimes, overshadowing as per usual attacks perpetrated against the tangible (and intangible) symbols of a people which

“undermines [their] social identity [while] interrupt[ing] cultural transmission and remov[ing] vital communal spaces (Heritage for Peace, 2023).

Nonetheless, the genocidal crime of causing “serious mental harm” does not necessarily coincide with the act of killing members of a given group. Rather, it seeks to undermine the group’s physical well-being, thus aligning with Lemkin’s broader understanding of the crime of genocide.

3.2 Systematic erasure of a People’s cultural heritage

At this point, the analysis addresses the actual data concerning the destruction and appropriation of cultural property. The Gaza Strip is densely populated by cultural heritage representative of the diverse civilizations which lived and got in contact with the area, as such it holds great significance not only for Palestinians but for all humanity, given the position which made it a crossroad of ancient trade routes and major port. This heritage, which is relevant to all humankind, is currently in great danger-those sites not yet destroyed face both intentional and unintentional violence. Cultural heritage sites, often serving as shelters for civilians, are frequently damaged or destroyed without regard for human life. The severity of the situation is such that “what is now at stake is the total obliteration of history, memory and cultural presence” (Permanent Delegation of the State of Palestine, 2025)¹⁰⁸, thus not only breaching international law but also “assault[ing] the shared cultural heritage of humanity” (Permanent Delegation of the State of Palestine, 2025)¹⁰⁹.

The importance of considering the systematic destruction of culture with genocidal intent is underscored by the fact that such violence “extends beyond the physical [modification of the Gazan geographical map] by strik[ing] at the heart of the Palestinian people’s intangible cultural heritage, silencing the transmission of knowledge, identity and history” (Permanent Delegation of the State of Palestine to UNESCO¹¹⁰, 2025). When schools, churches and creative centers are targeted-the very places where people gather to share culture and transmit the authentic roots of their community-the culture itself is jeopardized, as it can no longer be passed on in the settings originally intended for its transmission.

¹⁰⁸Permanent Delegation of the State of Palestine to UNESCO. (2025, July 18). Letter to Madam Director-General [Letter on urgent appeal following the attack on the Holy Family Catholic Church in Gaza].

¹⁰⁹Ibid.

¹¹⁰Permanent Delegation of the State of Palestine to UNESCO, 2025
https://www.unesco.org/sites/default/files/medias/fichiers/2025/09/0630_evacuation.pdf [last accessed 9 May 2026]

3.2.1 Methodologies of Systematic Destruction, Appropriation and Transformation

This section sets the stage by outlining the methodologies through which Israeli forces have implemented their cultural genocide project. While these mechanisms vary depending on the historical period, together they fulfill Israel's broader genocidal aims.

The exacerbation of violence following October 7th 2023, has coincided with massive bombings, shifting the focus from transformation to actual destruction. Although the so-called "2025 Gaza Peace Plan" is presented as a reconstructive initiative, it is in fact aimed at touristic repurposing for a Western audience, supported by significant Israel and US real estate investments.

Nonetheless, Israel has historically employed a variety of methods to appropriate cultural heritage for its own benefit, following an extractivist logic that operates at the expense of Palestinian culture (and people).

The process of cultural appropriation carried out by Israel alienates the people involved from its heritage by systematically grasping either some parts of or the entirety of cultural heritage (Zayad, 2019) to completely annihilate it or propose a new narrative.

In the archaeological sphere, dispossession is often carried out with the explicit aim to promote a deliberately constructed Jewish narrative (Zayad, 2019): from the 1948s numerous Muslim religious sites have been completely transformed into Jewish sites¹¹¹ often justified, simply, by the use of Jewish or Biblical names¹¹². Sites that were part of Muslim heritage prior to the Nakba, such as "Rachel's Tomb"¹¹³ were given new-Jewish—appearances and identities.

A similar transformation occurred at the Al Haram El Ibrahimi Mosque, which, following the 1967 occupation of the West Bank, was divided and partially converted into a synagogue (Ra'ad, 2010).

¹¹¹These actions have been creating an exclusively "Hebrew map" (Ra'ad, 2010).

¹¹²An example of this process can be seen in sites such as Nabi Rubin, Nabi Dan, and Nabi Benjamin; their Jewish or biblical names are used to justify Israeli efforts to supplant Palestinian geography (Ra'ad, 2010).

¹¹³A burial site which remained a Muslim and Turkish structure until 1967 (Ra'ad, 2010).

In this context, Palestinian archaeological heritage became¹¹⁴ for Zionists a "lynchpin of claims to be ancient and biblical, and thus to belong¹¹⁵" (Abu Lughod, 2020).

More recently, in February 2010, the Israeli government appropriated the Ibrahimi Mosque¹¹⁶ in Khalil-Hebron, as well as the Masjid Bilal ibn Rabah, rebranding them as part of Jewish cultural tradition (Zayad, 2019). Even though the Ibrahimi Mosque has constituted a relevant religious sites for multiple religious beliefs it has been considered exclusively as a mosque since the VII century which clashed with the Israeli decision to nominate it as a Jewish site, in opposition to the enlisting by UNESCO of the same site as a Palestinian World Heritage (Zayad, 2019).

The dispossessive approach also targets movable property, which is more susceptible to illicit trafficking and seizure. Many artifacts have been seized¹¹⁷ during the Israeli occupation; some items, initially placed on permanent loan, have later been incorporated into the permanent collection of the Israel Antiquity Authority (Abu Lughod, 2020), with their provenance undisclosed.

The Israel Museum in Jerusalem and Rockefeller Museum¹¹⁸ exemplify such ambiguous practices, as many objects in their collections are the result of Israeli occupation (Abu-Lughod, 2020); further evidence of disregard for Palestinian heritage emerged in 2016, when the Israeli Antiquities Authority disclosed its intention to move the collection and books from the Rockefeller Museum to a campus in West Jerusalem (Zayad, 2019).

These processes of dispossession and transformation must be viewed holistically, especially in light of the ongoing phase, where Palestinian culture-since October 2023-is facing ultimate destruction through airstrikes, heavy bombings and positioned explosives.

¹¹⁴With the exacerbation of violence targeting Palestinian heritage are such transformative and constructed narratives in the past since heritage is indiscriminately destroyed, nonetheless was the transformative process crucial especially around between the 1890s and 1950s in order to actually build the historicity of Israel.

¹¹⁵Once again, archaeology is invoked to assert Israel's historicity - an issue that is deeply felt, as evidenced, for example, by a post on X in which the author states, "tie proven by archaeology, not myths," implying that Palestinians base their land claims on myths while Israelis rely on verified sources ([EBluemountain1], X, 2026).

¹¹⁶The site is relevant for Judaism, Christianity and Islam.

¹¹⁷Either illegally or through legal instruments such as the Absentee' Property Law (1950).

¹¹⁸The Rockefeller Museum actually used to be, until 1955, the Palestinian Archaeological Museum (Zayad, 2019).

3.3 Case Studies of Destroyed or Damaged Heritage

As mentioned earlier, but reiterated here for clarity, as of 24 March 2026, UNESCO has verified- mainly through satellite imagery- damage to a total of 164 sites¹¹⁹ since 7 October 2023. These include 14 religious sites, 128 buildings of historical and/or artistic interest, 3 depositories of movable cultural property, 9 monuments, 2 museums and 8 archaeological sites. According to UNESCO's analysis, the majority of destruction occurred in the Gaza Governorate (153 damaged sites¹²⁰), with

¹¹⁹UNESCO, Impact on cultural heritage in Gaza strip in Palestine, Preliminary Damage Assessment (2026, March 25) <https://www.un.org/unispal/document/unesco-impact-on-cultural-heritage-in-gaza-strip-palestine-preliminary-damage-assessment/> [last accessed 17 May 2026].

¹²⁰Anthedon Harbour(Al-Shati Camp); Ibn Othman Mosque(Gaza city); Rashad Ash-Shawwa Cultural centre(Gaza city); The Great Omari Mosque(Gaza city); Dar AsSa'ada dome and Manuscript Center(Gaza city); Pasha Palace Museum(Gaza city); Zofor Domri Mosque(Gaza city); AsSaqqa Palace(Gaza city); Subat Al Alami (Gaza city); Al-Qissariya Market (Gaza city); The Commonwealth Gaza War Cemetery (Gaza city); Hamam AsSamra(Gaza city); Khader Tarazi House (Gaza city); Storage facility of movable cultural objects at the Ministry of Tourism and Antiquities (Gaza city); The Roman cemetery (Gaza city); Al-Ghussien house/Goethe Institute (Gaza city); The Saint Porphyrios Orthodox Church Complex (Gaza city); Sabil ArRifaiya (Gaza city); HatHat House (Gaza city); Old Gaza Municipality historic building of Midan Filastin "AsSaha", (Gaza city); Ali Ibn Marwan Mosque (Gaza city); Shaikh Zakaria Mosque (Gaza city); Al-Mahkama Mosque Minaret (Gaza city); Al-Mughrabi Mosque (Gaza city); Raghib Al-Alami House (Gaza city); Hani Saba House (Gaza city); Sett Ruqayya Mosque (Gaza city); Ahmad Bsieso House (Gaza city); Eid Al-Biltaji House (Gaza city); Abdelqader Bsieso House (Gaza city); Sarah Al-Hatou House (Gaza city); Ash-Shawwa House (Gaza city); The Unknown Soldier Memorial (Gaza city); Riyadh Al-Qishawi -Beit Sitti- (Gaza city); Gaza Municipality building of Omar Al-Mukhtar Street -architectural monument of local importance-(Gaza city); Building of An-Nassr Cinema -architectural monument of local importance-(Gaza city); Building of As-Samer Cinema -architectural monument of local importance- (Gaza city); Bashir Ar-Rayyes -architectural monument of local importance- (Gaza city); Jalal Al Ghalayeeni (Gaza city)Abu Ramadan House (Gaza city); Al-Qirm House (Gaza city); Tell el-Ajjul (Al Mughraqa); Mahfuz Shuhaiber House (Gaza city); Ali Ibn Marwan Shrine (Gaza city); Al-Wheidi House -Basma Society-(Gaza city); Tell Essakan (Az Zahra'a); Omar Shakhsa House (Gaza city); Ali Abu Al-Kass Shrine (Gaza city); Tell Al-Muntar (Gaza city); Moris Shuhaiber House (Gaza city); Khalil Al Halimi shops -architectural monument of local importance- (Gaza city); Saleh Ja'rour House (Gaza city); Abdulhamid Ashaikh House (Gaza city); Ayesh Al-Ar'ir House (Gaza city); Ashaikh Deib House (Gaza city); Al-Ghussien shop -architectural monument of local importance- (Gaza city); Hashim Abu Jarad shop -architectural monument of local importance-(Gaza city); Jahshan House (Gaza city); Abdul-Mutaleb Al-Ghussien House (Gaza city); Abu Kamal Sahyon shops -architectural monument of local importance-(Gaza city); Hanna Al-Ma'sarani shops -architectural monument of local importance-(Gaza city); Habib Al-Kabariti shop -architectural monument of local importance- (Gaza city); Abu Mohammad Skaik/Awqaf shop -architectural monument of local importance-(Gaza city); ArRayyes Shop -Architectural monument of local importance- (Gaza city); Theater Day productions (Gaza city); Atfaluna Society for Deaf Children (Gaza city); Shababeek Studio (Gaza city); The Palestinian Institute of Music(Gaza city); EBAF Storage -Depository of movable cultural property-(Gaza city); Al-Ghussein Shrine and Cemetery (Gaza city); House of Ramadan Al-Burno (Gaza city); Abd Al Mo'ti Al Mashharawi Store (Gaza city); House of Awni Bseiso (Gaza city); Al-Husseini Shrine (Gaza city); House of Fathi Jarada (Gaza city); Abdelhamid Ad Dirawi (Gaza city); Abu Al-Azm/Shamshon Shrine (Gaza city); Ahmad Al Mashharawi (Gaza city); Al-Jarou (Gaza city); Sa'eed Abdelhay Al Hussein (Gaza city); Mohammad Ishaq Abdo (Gaza city); Mahmoud Khalil Lulu (Gaza city); Saleh Salouha (Gaza city); Widad As Saqq (Gaza city); House of Abu Shanab -Khalil Al-Shawa. (Gaza city); House of Khalil Al-Shawa (Gaza city); Al Madani (Gaza city); Khan Abu Sha'ban (Gaza city); Fawra & Jamal Khalaf Shops (Gaza city); Abu Maher Helles & Salah Herzallah (Gaza city); The Baptist Hospital Emergency building -architectural monument of local importance-(Gaza city); The Baptist Hospital Surgery building -architectural monument of local importance-(Gaza city); Othman At-Tabaa' House (Gaza city); Al-Bakri Shops (Gaza city); Physiotherapy building -architectural monument of local importance- (Gaza city); Storage Building -architectural monument of local importance-(Gaza city); Ramdan Khalil Samamah House (Gaza city); AzZawiya Al-Ahmadiya (Gaza city); Rabee' Al-Ashi House (Gaza city); Nasr Abdel Wahed

the North Gaza Governorate accounting for 5 damaged sites¹²¹, Rafah Governorate¹²² 1, Deir Al Balah Governorate 2¹²³, and Khan Younis Governorate 3¹²⁴. UNESCO has carried out a careful analysis through cross-checking data from multiple credible sources “ensur[ing] consistency and reliability of [it]”(UNESCO).

When Amnesty International (2024) published its report “You feel like you are subhuman” in 2024 (circa a year after Hamas’ attack in October) was the destruction or damage of 100 mosques and 21 cemeteries reported either by ground forces or by air strikes which indicates that in the time span considered already 120 sites were damaged (others remain unreported up to this day); Amnesty used as sources to detect genocidal intent targeting cultural heritage 43 videos (12 intentionally targeted attacks of mosques and 22 airstrikes)including even some frames in which IDF soldiers glorify their misconducts sharing them online as if it were trophies (as demonstrated in previous paragraph with deconsecrated actions of religious statues).

The fact that already in the first year of conflict 120 sites were reported to be destroyed or damaged means that the major attacks regarding cultural heritage occurred with the first exacerbations of Israel’s military operations at the expense of what constitutes “huge significance for the Palestinian national identity, collective memory and [its] social fabric” (Amnesty International, 2024).

House (Gaza city); Khalil Al-Wazeer House (Gaza city); Abed Mohammad Awad Al Banna House (Gaza city); Munir Al Ghazali House (Gaza city); Sowwan House (Gaza city); Abdullah At Tarazi House (Gaza city); Abdullah Shafiq Al Qishawi House (Gaza city); Abu Sha’ban Shops 2 (Gaza city); Ali Ragheb Ash Shorafa Shop (Gaza city); Ayesha Nimer Diab House (Gaza city); Ibrahim Zeno House (Gaza city); Jawad Arafat Shops (Gaza city); Mousa Ar Rayes House (Gaza city); Rashad Arafat Abu Sido House (Gaza city); Sulaiman Al Ashi House (Gaza city); Yassin Al Barqoni House (Gaza city); Subat Kassab (Gaza city); Saed Kassab House (Gaza city); Abu Ayman Al-Muzaini shops (Gaza city); Badee’ Saq Allah shops (Gaza city); Eltiqa’ Gallery (Gaza city); Edward Sa’ed Institute of Music, Gaza city, Gaza Governorate; Ishaq Al Hato (Gaza city); Sabri Al-Mozzeini House (Gaza city); Ramiz Fakhera House (Gaza city) ; Tawfiq Ash Sheikh House (Gaza city); Rafiq Bseiso House (Gaza city); Al Muzaini -Ahmad Diab Obeid- House (Gaza city); Mohammad Saleh Hammodeh House (Gaza city); Wafa AsSayegh House (Gaza city); Othman Qushqar Mosque (Gaza city); Holy Family Church -The Latin Church-(Gaza city); Alaa’ Skaik (Gaza city); Ziyad Al-Amsi House (Gaza city); Salman Al Amsi House (Gaza city); Al Mkhallati House (Gaza city); Abdellatif Al Alami House (Gaza city); Eisa Abdullah Al Muzaini House (Gaza city); Khalil & Ragheb Abu Sha’ban (Gaza city); Riyadh Al Alami House (Gaza city); Fahmi Yusef Az Zeabaq House (Gaza city); Bseiso -Abu Yamen- House (Gaza city); Shafiq Ash Shawwa House (Gaza city); Rafiq & Yousif Ash Shawwa House (Gaza city); Kamel Al Muzaini House (Gaza city); Mustafa Al Farran House (Gaza city); Khalil Al Halimi House (Gaza city); Murtaja House (Gaza city); Sha’ban Arafa House (Gaza city); Ahmad Ar Rayyes House (Gaza city); Mahmoud Al Halees House (Gaza city); Jamal Doghmosh building (Gaza city); Maher Mohammad Ali Saqallah House (Gaza city); Salim Ashour House (Gaza city).

¹²¹Old Al-Omari Mosque in Jabalia(Jabalia); Byzantine Church in Jabalia; “Al Mathaf” Hotel -movable heritage repository-(Jabalia); Ash Sheikh Sa’d Mosque (Jabalia); Rajab Ibrahim Abedrabbah House & Shop (Jabalia).

¹²²Tell Rafah, Rafah.

¹²³English Cemetery (Az-Zawaida); Al-Bureij Mosaic (Al Bureij).

¹²⁴Qal’at Barqouq (Khan Younis City); Abasan Mosaics (Khan Younis City); Al Qarara Cultural Museum (Al Qarara).

It has been demonstrated through cross analysis that cases in which heritage was targeted coincides with the actual control by IDF forces themselves of the site making the claim of intervention given “imperative military necessity” fall instantly.

From the analysis carried out by Forensic Architecture with the aid of remote sensing technology, a UK based research group, it appears that it is common for the first destructive phases to be done massively by positioning explosives or by airstrikes, while the second phase consists of ground invasions in which “dozens of military vehicles and tanks move the earth around” (Bellingcat on Scrippsnews, 2024) clearing eventually sites with bulldozers.

From the same cycle of research it is evident that IDF vehicles entered the Pasha Palace Museum in Gaza City which dates back to the 13th century.

South Africa’s claims before the ICJ included the underscoring of the destruction of the newly opened Rafah Museum on Palestinian heritage, the Anthedon Harbour which is Gaza’s ancient port, Gaza’s Old City “including its 146-year-old historic houses, mosques, churches, markets and schools[but also its] more recent history of more hopeful times, including the Rashad al-Shawa Cultural Center” (ICJ, 2023) which as such functioned as a cultural recreative and gathering hub for the community. As documented by Amnesty International (2024) was the Central Archives of Gaza City, containing 130,000 documents dating back over 100 years, such destruction took place in two phases the first being between 14 and 17 November 2023 and the other between 15 and 19 December 2023 on the basis of satellite imagery. In such an attack what was also lost, luckily not completely thanks to digitization techniques, is the documents attesting historicity and past heritage of Palestinians and their attachments and connections to the land; in the words of Mohammed Hannoush, the Director of the Archives those documents “contained solid proof that this city had a life and a culture.” (Amnesty International, 2024): the intentionality behind such actions appear to be yet again not to destroy as informed by military imperative, but that of genocidal nature to make the city undergo a severe transformation resulting in a warlike city scenario.

3.3.1 UNESCO Sites Under Threat

The following analysis will focus on sites that have been specifically targeted since 7 October 2023, particularly those inscribed or proposed for inscription on the UNESCO World Heritage List, the Endangered List, or those for which Palestinian authorities have sought international recognition. This focus is not intended to elevate these listed or potentially listed sites above other sites that have not received such recognition-nor does it in any way justify their destruction. Rather, it serves to

underscore how, even when international institutions formally acknowledge the universal value of these sites, Israel has nonetheless persisted in targeting them through violent means¹²⁵.

The sites in the State of Palestine, as defined by the specialized agency itself, which have been enlisted by UNESCO, all of which of cultural nature, are currently, as of 16 May 2026, a total of five where three are in the Endangered List (the so-called Land of Olives and Vines in Battir, the Al-Khalil Old Town and the Saint Hilarion Monastery/ Tell Umm Amer) and the other two (the Birthplace of Jesus: Church of the Nativity and the Pilgrimage Route in Bethlehem¹²⁶ and Ancient Jericho/Tell es-Sultan which will not be analyzed since it hasn't been subjected to targeted violence) are in the World Heritage List.

The enlisting are the result of effort by the Palestinian Authority starting from the beginning of the current century to award the sites with the status of heritage characterized by universal value (Bshara, n.d.) as targeted violence "threaten[s] the very integrity and authenticity [...] to humanity as a whole" (Peace Now, Combatants for Peace, Emek Shaveh, 2024).

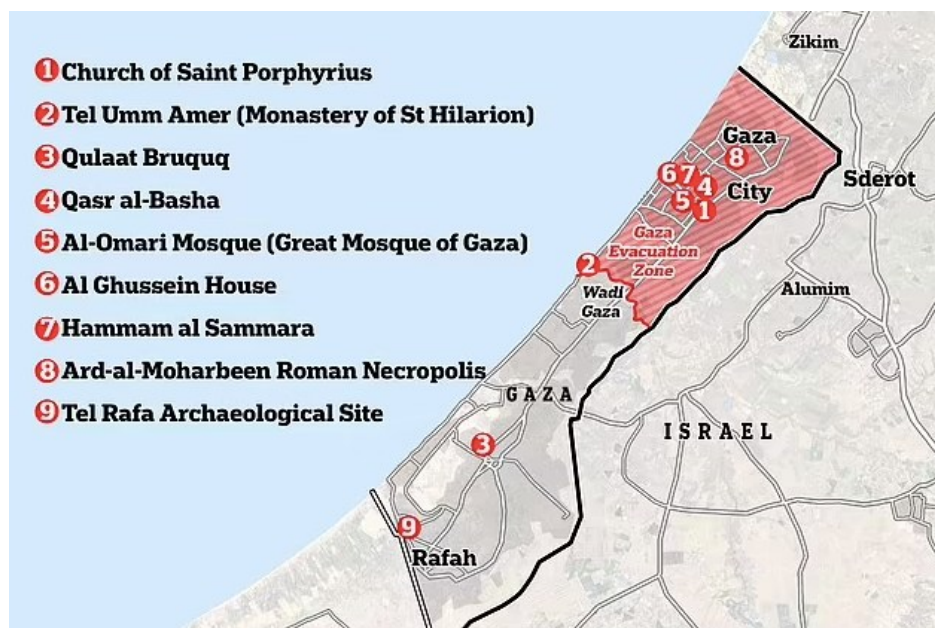


Figure 6 DailyMail. (2023). Nine archaeological and cultural sites in Gaza.

¹²⁵Israel, although having withdrawn in 2019 from UNESCO maintaining up to this day an observer status at the World Heritage Committee, remains bound as a signatory to the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, according to which under Art. 6 clause 3 "each state party to this convention undertakes not to take any deliberate measures which might damage directly or indirectly natural and cultural sites of Outstanding Universal Value situated on the territory of other States Parties to the Convention" such as Palestine which ratified the Convention in December 2011 after its introduction as a State Member at UNESCO in two months prior.

¹²⁶The listing as a site within the State of Palestine stands in stark contrast to Israel's claims of being the sole biblical state and the exclusive cradle of civilization rooted in Judaism. This recognition challenges narratives that seek to monopolize biblical heritage and underscores the multi-religious and multicultural significance of the region.

The Tentative List also includes twelve additional sites that the State of Palestine is advocating to be recognized for their international significance, both for humanity as a whole and for the Palestinian people. Given that the State of Palestine covers an area of only about 6,000 square kilometers, the concentration of UNESCO sites is remarkably high-especially considering the growing number of endangered sites and the continuous expansion of the Tentative List. In this regard, the Palestinian Authority has “formally moved to register 14 new cultural and natural sites¹²⁷ [on the Tentative List] to safeguard its cultural and historical sites from Israeli appropriation and attacks” (Mansour, 2026). The response from the current Israeli administration is truly astonishing. Israeli Heritage Minister Eliyahu, in notifying Prime Minister Netanyahu about the proposals to the Tentative List, described them as an act of “archaeological terrorism” (Yehezkel, 2026). This accusation is based on the claim that the Palestinian Authority is “appropriating Christian and Jewish sites” for which the Ministry has reportedly secured a budget of 40 million shekels - though it remains unclear whether these funds will actually be dedicated to conservation and preservation or diverted for military purposes.

1) Church of the Nativity and the Pilgrimage Route

The Property, situated in Bethlehem, 10 km south of Jerusalem, exemplifies the richness of its historical roots and extensive archaeological heritage, including churches, towers, convents, gardens and pilgrimage route-each attesting to a variety of Christian influences: Latin, Greek Orthodox, Franciscan and Armenian (UNESCO, n.d.). Most importantly, since the second century AD, it has been venerated as the birthplace of Jesus.

Over time, several phases of construction and reconstruction have taken place. The St. Helena Basilica, dating back to 339 AD, was designed to accentuate the cave believed to be the birthplace of Jesus. The subsequent construction under Emperor Justinian resulted in the present Church of the Nativity, which dates to the mid-sixth century and is largely visible today (while elements of the original St. Helena Basilica remain partially underground).

Further modifications were made during the Medieval period, when additional religious buildings were integrated into the complex. The complexity and diversity of faiths embedded in this area symbolically reflect what Palestine has always represented: a land where multiple

¹²⁷The proposed sites for the Tentative List are the following: Palaces of Tulul Abu el-Alayiq, Byzantine Church of Jabalia, Canaanite city-states (various locations), Wadi Kharitoun prehistoric caves, Al-Maghayir caves, Jabal al-Fureidis/Herodium, Qanat es-Sabeel water system, Maqamat/shrines (various locations), Modern architecture in Palestine, El-Bariyah wilderness with monasteries, Gaza Old City including Omari Mosque and Porphyrius Church, the Historic city of Nablus, the Holy Miracles of Jesus Christ (various locations), the Lower Jordan River Valley (various locations) (<https://www.aljazeera.com/features/2026/1/15/wary-of-israeli-appropriation-palestine-lists-14-sites-with-unesco>) [last accessed 18 May 2026].

faiths found hope, prosperity, and cultural expression-not simply a territory for one religion alone.

Today, the “architectural ensemble,[owing to its multi-religious character, is jointly] overseen by members of the Greek Orthodox Church, the Custody of the Holy Land and the Armenian Church, under the provisions of the *Status Quo of the Holy Places* established by the Treaty of Berlin (1878)” (UNESCO, n.d.).

The so-called “Pilgrimage Route” runs from Jerusalem to the Church and has served as a focal point for pilgrims for the past 1,700 years, connecting Bethlehem to Manger Square. Tradition holds that this route follows the journey of Joseph and Mary to Bethlehem, inviting countless pilgrims and patriarchs from the three churches to retrace their steps each year during Christmas celebrations. The site’s historical, religious, and cultural significance lies not only in its recognition as the birthplace of the founder of Christianity-an event of outstanding universal significance-but also in its embodiment of the many cultural and religious influences that have shaped human history in the region.

The complex faces threats from uncontrolled infrastructural, traffic and touristic development. Additionally, pollution from nearby small industries in the historic town has begun to damage the facades of the Church and other buildings along the Pilgrimage Route (UNESCO, n.d.). The complex was added to the Endangered List in June 2012, at the same time as its inscription on the World Heritage List, due to weathering issues. A careful reconstruction project subsequently led to its removal from the Endangered list in 2019.

Corrective actions focused on restoring the church’s roof, which was experiencing leaks, as well as repairing the exterior facades, mosaics, and doors (UNESCO, 2019).

Although the Israeli Administration has, fortunately, not targeted the complex through military means, pollution and heavy construction in the surrounding area continue to reflect a severe lack of recognition for the site’s worldwide significance as Palestinian heritage.

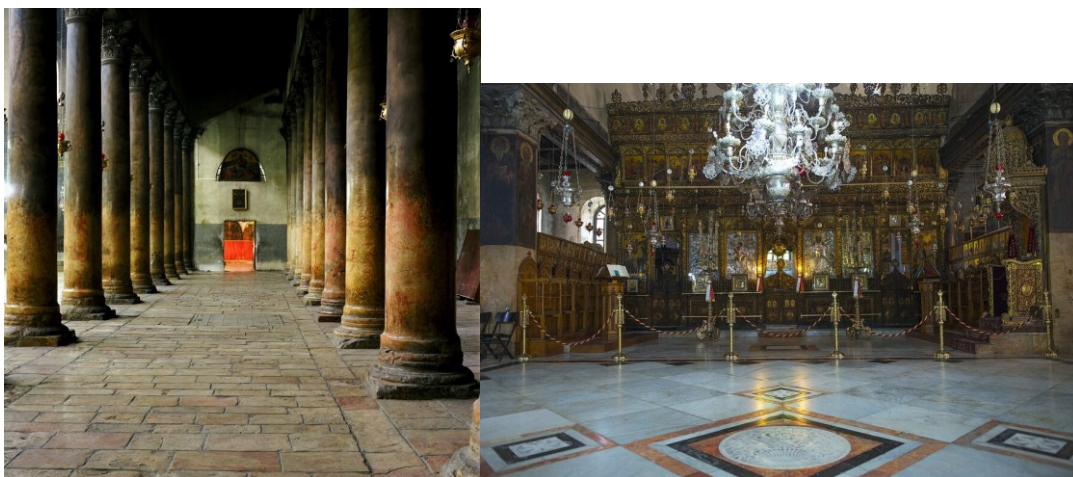


Figure 7 (left) Busonero, F. (2009) Birthplace of Jesus, Church of the Nativity Birthplace of Jesus, Church of Nativity and the Pilgrimage Route, ©UNESCO , Figure 8 (right) Vincent, K.H.C. (2014) [Church of the Nativity] © Ko Hon Chiu Vincent

2)Hebron/Al-Khalil Old Town

The old town of Al-Khalil was inscribed on the UNESCO World Heritage List in July 2017, at the same time as its inclusion on the Endangered List.

The Al-Ibrhaimi Mosque, built in the first century AD, is the central monument within the town; once again, the site has served as a reference point not for one religious tradition alone, but for Judaism, Christianity and Islam alike.

The initial morphology of the town dates back to the Mamluk period (1250-1517) (UNESCO, n.d.), while subsequent additions were made under Ottoman rule (1517-1917), which extended the town and increased the height of buildings and roofs.

The city is recognized as one of “the oldest living cities and spiritual centres in the world [where its rising buildings] bear witness to a rich and prosperous past, through a series of successive and imbricated civilizations from very early antiquity until modern times”(UNESCO, n.d.). The area is surrounded by a buffer zone for security purposes.

As identified by UNESCO, “the main attributes of Outstanding Universal Value can be observed within the limits of the old town, including the Ibrahimi Mosque/The Tomb of Patriarchs monumental complex, Suqs, Khans, Zawiyas, Maqams, Takiyya, and Hammams, the traditional quarters and the ahwash (plural of hosh), as well as the town’s historical setting, and its design” (UNESCO, n.d.).

Despite its recognized status as a place that enables the “interchange of human values” (UNESCO, n.d.), the site remains highly vulnerable due to the ongoing pressures from Israel within Hebron. These include the establishment of unlawful “settlements¹²⁸, archaeological excavations, mobility and access restrictions” (UNESCO, n.d.).

Recent reports by L. Bsharat and S. Amori for Anadolu Agency (16 May 2026) highlight that Israeli forces stormed the southern part of Al-Khalil, “preventing residents from moving around and detain[ing] several people, in addition to seizing vehicles”, forcing shop owners to cease their activity, “while occupiers climbed onto the roofs of several old houses”.

¹²⁸Of the reported 1,637 attacks by Israeli Forces in the West Bank occurred only in April 2026, 7 are attempts of establishing new illegal settlement outpost in Hebron (Bsharat, Amori, 2026).



Figure 9 Lehnert and Landrock Photograph Collection. (1925) Hebron Old City from the east, Lehnert and Landrock Photograph Collection whc.unesco.org/en/documents/158978.

3) The Battir “Land of Olives and Vines” in Southern Jerusalem

The site was inscribed as a UNESCO World Heritage Site in 2014 for its outstanding value as “a series of farmed valleys, known as *widian*, with characteristic stone terraces, some of which are irrigated for market garden production, while others are dry and planted with grapevines and olive trees” (UNESCO, n.d.). The dry-stone architecture “illustrates the development of the human settlements near water sources and the adaptation of the land for agriculture” (UNESCO, n.d.). “The agricultural practices that were used to create this living landscape embody one of the oldest farming methods known to humankind and are an important source of livelihood for local communities” (UNESCO, n.d.). The farming system runs through a series of irrigation channels: water is first accumulated in the region and then shared among families.

The site covers 11 square kilometers in Area C of the West Bank, specifically encompassing the area between the villages of Husan, Battir and Walaje, as well as the towns of Beit Jala and el Khader.

Its inscription (Decision 39 COM 8B.52) came at a critical moment, when the area was under severe threat from the proposed construction of a separation barrier through the terraced landscape.

According to the State of Conservation Report (2021), the property is threatened “by various external and internal circumstances that are actively damaging the quality of the landscape and threatening its long-term viability at various visual, ecological, socio-economic, and cultural levels”(UNESCO World Heritage Centre, 2021). The causes of deterioration include insufficient water and sewage networks in Battir village, Israeli restrictions that prevent farmers from practicing traditional conservation methods, pollution due to the lack of sewage system, and ongoing attempts by Israel to build a separation wall. Legal action did lead to the Israeli High Court of Justice suspending wall construction near the site on 4 January 2015.

Nonetheless, as reported by the UNESCO World Heritage Centre (2021), the Israeli administration has continued to threaten the site: on 10 March 2021, it issued a new settlement plan (No. 1/3/426) to expand Beitar Illit into the western part of the site, confiscating private property in the process; it also issued plan (No.19/1/426) to build a large Industrial zone that would extend into the buffer zone and threaten the site's integrity. Since 2019, a tunnel and bypass road (Road 60), intended only for Israeli citizens, has been under construction in the eastern part of the site.

On 17 November 2020, illegal Israeli settlers unlawfully established a new settlement and subsequently destroyed agricultural soil. On 9 November 2021, Israeli forces “destroyed 70 olive plants by incendiary pesticides [...] east of the town of Battir” (UNESCO World Heritage Centre, 2021).



Figure 10(left) Ministry of Tourism and Antiquities/ Palestine (2004) Palestine: Land of Olives and Vines – Cultural Landscape of Southern Jerusalem, Battir, whc.unesco.org/en/documents/209526.

Figure 11(right) Rishmawi, R. (n.d.) Palestine: Land of Olives and Vines – Cultural Landscape of Southern Jerusalem, Battir, Centre for Cultural heritage Preservation, whc.unesco.org/en/documents/129941.



Figure 12 UNESCO World Heritage Centre (2021). Israeli Occupying Authorities destroyed and bulldozed a paved road in Karm Hadidion area within the boundaries of WHP.

In December 2023 the settler outpost “Ain Bardamo/Battir” was positioned in its proximity, followed by attempts to establish further settlements (Peace Now, Combatants for Peace, & Emek Shaveh, 2024).

The site has been under threat well before 2024, as Israeli Finance Minister Bezalel Smotrich approved the establishment of the Nahal Heletz settlement in close proximity to the UNESCO Palestinian site. According to a warning by the NGO Peace Now, such an establishment would create an enclave-like situation, effectively preventing Palestinian residents from accessing their homes and land. This fear is grounded in numerous previous instances¹²⁹ where Israeli settlements expanded beyond their initial borders, even when those borders were established by the Israeli colonial administration itself.

The typical process for establishing settler outposts begins with a small section, after which the borders are expanded indefinitely. The most forceful action taken is the issuance of eviction orders by the Israeli Civil Administration, which pushes Palestinians—including lawful landowners—away. This practice “turns the illegal outpost’s settlers into a de-facto enforcer for the Civil Administration” (Peace Now, Combatants for Peace, & Emek Shaveh, 2024).

As reported by TheArtNewspaper, residents have already been denied access to their own property, such as Alice Kisiya, who was blocked from her own land by a new gate installed unlawfully by Israeli settlers (Geranpayeh, 2024). After this shocking discovery, Kisiya called the police and presented documentation attesting to her ownership. Nevertheless, she was orders to leave as the area had been designated a “military zone”. This was not the first time

¹²⁹The plan behind the establishment of the settlements is part of a cabinet decision containing the establishment of five new Israeli settlements; the “Sde Boaz” settlement, decided to be established in February 2023 was taken with the idea to create a “continuous Israeli settlement block[...]cutting through continuity of Palestinian areas” (Peace Now, Combatants for Peace, Emek Shaveh, 2024). What is furthermore striking is that the Oslo accords forged a mentality which is still very much in place according to which “Palestinian construction harms nature, but Israeli construction does not” (Peace Now, Combatants for Peace, Emek Shaveh, 2024).

her family's property had been seized: their restaurant, located on the same land, had been destroyed four times, most recently in 2019.

An Israeli, using forged documents, attempted to claim the area, prompting a legal case to establish the Kisiya family's right to ownership and exclusive use. Although the case was won by the Kisiya family, further attempts to seize their property have continued, as shown by recent events in 2024.

The claim used by Israeli forces remains always that of military imperative or security concerns on the basis of which military zones need to be built up, strangely enough in private Palestinian property or at least complicating extensively the access to such properties.

UNESCO had adopted a management conservation plan—which is being implemented—to contrast imminent threats posed by the Israeli Administration; the Palestinian Ministry of Tourism and Antiquities (MoTA), Battir Municipality, Beit Jala Municipality, Husan Village Council, the Ministry of Agriculture and the Environment Authority and the local communities are implementing such plan.

However, the site and the implementation of the conservation plan are constrained by Israeli restrictions that prevent farmers from restoring terraces and watchtowers.

This threat must be considered holistically, alongside the damage caused by the “expansion of settler bypass Road 60 in the buffer zone of the Site” (Peace Now, Combatants for Peace, & Emek Shaveh, 2024), as well as the imminent risk of expansion of the Har Gilo settlement. Unlawful actions such as these “pose an imminent threat to an area considered to be of the highest cultural value to humanity” (Peace Now, Combatants for Peace, & Emek Shaveh, 2024). While the ICJ has issued a non-binding advisory opinion stating that Israeli forces within occupied Palestinian territory are in breach of international law and should refrain from such unlawful behavior, UNESCO's attempts to protect these sites seem ineffective in light of Israel's continued pursuit of its cultural genocide plan.

4) Sant Hilarion/Tell umm Amer in Gaza is a monastic site dating back to the fourth century, located in the coastal dunes of the Nuseirat Municipality.

The site's uniqueness lies in its foundation in honor of Saint Hilarion-the Gazan Father of Palestinian monasticism (Hunter, 2023)- and its status as the first monastic community in the Holy Land (with the earliest buildings dating back to 400 CE).

Due to its strategic position between Asia and Africa, the site served as both an informational and recreational hub, likely functioning as a landmark for pilgrims and merchants travelling throughout the Mediterranean, Lebanon, Syria, and Egypt (UNESCO, n.d). The Tell is composed of five churches, baths, sanctuaries, mosaics and a crypt.

After being damaged by an earthquake in the seventh century, the site was abandoned until archaeological research began in the 1990s.

The first steps toward international recognition began in 2012 with its addition to the Tentative World Heritage List. In December 2023, UNESCO's Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict decided to grant 'provisional enhanced protection' under the 1954 Hague Convention and its Second Protocol.

Its inscription in 2024 was the result of an emergency procedure that simultaneously designated it as both an Endangered Site and a World Heritage Site, thus recognizing its value and the urgent need to protect it from ongoing threats: the World Heritage Committee meeting in New Delhi, enacted the emergency inscription procedure to allow the site access to "enhanced international technical and financial assistance mechanisms" (UNESCO, 2024).



Figure 13 (left) UNESCO Ramallah Office (2022). Floor mosaic inside the Monastery of Saint Hilarion, [image] © UNESCO whc.unesco.org/en/documents/207538. Figure 14 (right) Elter, R. (2022) The Saint Hilarion Monastery, view of the crypt chapel from the East, [image] © Elter whc.unesco.org/en/documents/207531.

With violence escalating since 7 October 2023, international attention increasingly focused on the Tell. A UNESCO representative, in an interview with MailOnline, noted that concerns from NGOs about the site's safety predated the Hamas attack (Hunter, 2023).

In December 2023, at its 18th session, UNESCO's Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict granted the site provisional enhanced protection- the highest level of immunity under the 1954 Hague Convention and its Second Protocol (ArtNewsPaper, 2023) - due to concerns that further violence might destroy the buffer zone, adjacent areas, and un-excavated heritage. Prior to this action, the site was inscribed on the World Heritage List in Danger through an emergency nomination at the 46th session of the World heritage Committee (Decision 46 COM 8B.5).

In November 2023, the Euro-Mediterranean Human Rights Monitor (2023) reported damage to the Tell from an Israeli attack, although neither the organization nor other sources provided further information or photographs.

In July 2025, after reviewing a report on the state of the monastery (which had been on the Endangered List since 2024), the World Heritage Committee recommended a joint monitoring mission by the World Heritage Centre and ICOMOS (to be carried out when circumstances on the ground permit) to assess its conservation status and develop a corrective action plan. On that occasion, the Committee further requested parties “to refrain from any actions that could harm or adversely affect the integrity and authenticity” (UNESCO Executive Board, 2025, para. 44) of the property.

Another document—a letter from the Permanent Delegation of the State of Palestine to UNESCO (2025) - expressed concern for the monastery in light of the threats it faces, “despite its recognized status under both the World Heritage Convention and the 1954 Hague Convention”(Permanent Delegation of the State of Palestine to UNESCO, 2025). The increased violence has already “devastated the surrounding area, causing damage to the sites setting and buffer zone through nearby bombardments, population displacement, and the establishment of makeshift shelters: [all] these conditions have led to the suspension of all conservation, monitoring, and protective measures by the State of Palestine and international experts”(Permanent Delegation of the State of Palestine to UNESCO, 2025). The inability of independent experts to access the area to document and assess the current state of conservation further complicates matters.

Luckily the core of the Monastery has not been subject to direct targeting, still the risk is very high with possible illegal excavations and looting and the heritage at stake extremely relevant.

Ultimately, the Permanent Delegation of State of Palestine, has requested that UNESCO (2025) call for action from the international community to reaffirm the status of the monastery and to “request Israel to refrain from any actions that could harm [...] or affect [the site] and to comply fully with its obligations under the 1954 Hague Convention, its Second Protocol, 1972 World Heritage Convention and relevant UNESCO conventions”.

3.3.2 Religious Sites under threat

The targeting of religious sites by Israeli forces has intensified since Hamas’s attacks on 7 October, though this does not imply that such attacks were unprecedented before this date.

Although Israel continues to justify these action by claiming the supposed presence of Hamas tunnels beneath mosques, a claim that not only cannot be verified in every case and which Israel has rarely supported with fact-based evidence, but also does not justify whatsoever the targeting (unless for military imperative).

The IDF has provided such evidence for only a few cases (Bellingcat on Scrippsnews, 2024).

The cases considered here involve either the total destruction or damage of religious sites including mosques, Christian churches and cemeteries.

According to research by Bellingcat and Scrippsnews, more than half of the sites they analyzed were religious sites: 100 mosques were either damaged or destroyed (10 of which were caught on video), and 43 had “only” structural damage within a 50 to 100 meter radius. In addition, 21 cemeteries were either damaged or destroyed by airstrikes and ground forces, in some cases being completely wiped away, as happened with the Al-Tuffah Cemetery. When questioned about these actions, the IDF claimed that they do not “target in no way cemeteries as such [nor]has no policy of harming or desecrating cemeteries” (Bellingcat on Scrippsnews, 2023), adding that “exceptional incidents are reviewed”. However, the systematic nature of these actions, together with related public discourse and images posted by IDF soldiers, starkly contradicts this official position.

In its claims against Israel for genocide, South Africa cited an average of 318 Muslim and Christian religious sites destroyed or damaged by Israeli forces (International Court of Justice, 2023).

The ministry of Religious Affairs in Gaza reported in October 2024 that Israel had already destroyed 79% of mosques within the Gaza Strip (Majed, 2024), amounting to 814 out of 1,245 mosques flattened, 148 damaged, 3 churches destroyed, 19 out of 60 cemeteries allegedly targeted deliberately.

There are numerous examples of the consistent targeting of Palestinian religious symbols and sites, but one practice stands out in the patterns of cultural genocide: since the early 2000s, and inspired by the words of Israeli politician and then police minister Gideon Ezra, there have been suggestions to bury Palestinian suicide bombers with pig skin or blood, thereby “making the body ineligible for martyr status¹³⁰” (CNN, 2001).

In a 2025 post on X¹³¹ (2025), Dr Perlmutter, an American volunteer doctor, denounced the treatment of a colleague—an orthopedic surgeon—who was subjected to abuse by Israeli forces after refusing to falsely admit affiliation to Hamas. The abuse included crushing his fingers, threatening his wife with gang rape, and ultimately being raped by a female IDF soldier using a probe soaked in pork blood. The practice of using pig blood in the burial of Palestinians, or in acts of physical and sexual violence (Novic, 2016), is aimed at spiritually destroying the targeted group and constitutes “willfully causing great suffering” (Art. 8(2)(a)(iii) ICC). In the case of burial practices, this violence extends beyond the deceased to their family and the wider community, amounting to a form of symbolic torture specifically intended for Muslim Palestinians—targeting them on the basis of their cultural and religious identity.

¹³⁰Although suicide is not condoned in the Koran, some believers have argued that, when carried out for a greater purpose—such as symbolically defending national borders or confronting an enemy perceived as threatening one’s religious identity—it may be justified, to the point of making them martyrs.

¹³¹[@DropSiteNews](2025, March 26) Rape practice by IDF soldier through insertment of probes soaked in pork blood. Video interview, X, <https://x.com/DropSiteNews/status/1905012018421100695> [last accessed 18 May 2026].



Figure 15 Anadolu Agency (2024). Girl in front of destroyed mosque [image] <https://www.aa.com.tr/en/middle-east/israel-destroyed-79-of-mosques-3-churches-in-gaza-during-its-genocidal-war-against-palestinians-says-ministry/3352251>.

The spiritual sites considered here have been selected for their cultural significance and the severity of the attacks directed against them.

Attacks on religious heritage are not a novelty for Palestinians; for example, in 1967 and 1969, up to 14 mosques and religious sites were “blown up with the excuse of needing to extend the wall of the Holy Buraq” (Zayad, 2018, p.91).

-The Great Al-Omari Mosque, located in the heart of Gaza’s Old City, is both the city’s oldest and largest mosque-built in the Jabaliya area over 700 years ago-and continues to serve more than 1,000 Gazan worshippers (Hunter, 2023). The mosque covers an area of 4,100 square meters. Its central location has made it a site of continuous religious significance: it was originally the site of a Philistine temple, later a Byzantine church in the fifth century, repurposed as a Muslim mosque in the seventh century, transformed into a cathedral by Crusaders in the twelfth century, and then reconverted into a mosque by the Ayyubids. Between the fourteenth and seventeenth centuries, the Mamluks and Ottomans transformed its architectural elements, adding Italian Gothic and Mamluk style elements (Silk cities, n.d.).

On the Northern side of the mosque, there is a courtyard covering approximately 1,900 square meters (Heritage for Peace, 2023).

The mosque has endured centuries of violence, beginning in the early 1900s when British forces, opposing the Ottomans, fired upon the structure and caused significant destruction.

Even before the recent escalation of violence, the structure suffered damage from an IDF attack in 2014 (Hunter, 2023)

On 8 December 2023, a heavy aerial bombardment caused a substantial part of the mosque to collapse—specifically, the modern wing and most of the roof—leaving only the lower half of the minaret intact and a few exterior walls standing (BBC, 2023).

The mosque's library may also have been ruined in this attack; fortunately, a 2022 digitization project preserved an imprint of its contents, though "digital files can't replace the material significance of the original manuscripts" (Informed Comment, 2024).

As a result of these attacks, Palestinian authorities have decided to include the Omari Mosque on UNESCO's Tentative List.



Figure 16 (left) International Aid Campaign Global, (2025, February 7). The walls of history stand in ruins, yet the echoes of faith remain unshaken. The Great Omari Mosque, a witness (...) [photograph] sourced via Instagram. <https://www.instagram.com/p/DFxYm6kp4>

Figure 17 (right) BBC, (2023). The mosque's damaged medieval walls are seen in footage verified by the BBC [image] <https://www.bbc.com/news/world-middle-east-67664853>



Figure 18 TRT World, (2025). Drone footage of the Great Omari Mosque [screenshot from video], YouTube <https://www.youtube.com/shorts/v-TT-lkbHTM>



Figure 19 Majdi Fathi, (2025, March 1) A Palestinian boy reads the Koran outside the al-Omari mosque in Gaza City, on the first day of the Muslim (...) [photograph] Sourced via Instagram.
<https://www.instagram.com/p/DGqOailNem/?igsh=MWplc3FIdmF3eTVzdw==>

For Isber Sabrine, the President and Co-Founder of Heritage for Peace, is the Mosque “very close to the daily life of the people [implying] that [its] destruction [...] is also the destruction of the life of the people” (Bellingcat on Scrippsnews, 2024).

-The Church of Saint Porphyrius

The Church, built in the 1150s, is the oldest Christian—specifically Greek Orthodox—church in Gaza, located in the Zaytun quarter (Hunter, 2023). Its name commemorates the fifth-century bishop of Gaza, whose tomb is situated in the northeastern corner of the site. It is reputed to be the world’s third oldest church.

On 19 October 2023, an Israeli air attack struck a building within the church complex, killing 17 people and leaving others trapped under the debris (Vatican News, 2023).

The targeted building, which was connected to the church, collapsed from the force of the explosion. This Orthodox Church has long served as a safe haven for civilians seeking shelter during conflicts (Hunter, 2023), and during the ongoing genocide, many people were taking refuge in the targeted building-resulting, according to the Palestinian interior ministry, in their immediate death or serious injury.

As Lelila Molana-Allen reports, “this was a sanctuary for hundreds of Palestinian Christians and Muslims. But, for many, it became a tomb”(PBS News Hour¹³², 2023).

In response, the IDF claimed-consistent with their usual rhetoric-that there was a Hamas command center near the church, while completely disregarding both the historical significance of the site and the presence of unarmed civilians, including children, seeking shelter within the complex and its vicinity.



Figure 20 PBS News Hours, (2023). The state of things following the Israeli airstrike on the Church of Saint Porphyrius [screenshot of video reportage].

In response to these attacks, The Greek Orthodox Patriarchate stated that “targeting churches and its affiliated institutions, in addition to the shelters they provide to protect innocent citizens [...] constitutes a war crime that cannot be ignored” (Vatican News, 2023). Given the severity of the attacks and systematic targeting of religious symbols - Muslim, Christian, and others - by the Israeli administration, the Palestinian Authority has, as a precaution, proposed the Church of Saint Porphyrius for the UNESCO Tentative List.

-Holy Family Catholic Church, the only Catholic church in the Gaza Strip, was deliberately attacked on 17 July 2025 (Permanent Delegation of the State of Palestine, 2025). The strike resulted in the deaths of three Palestinians and injuries to eight others. According

¹³²PBS News Hour (2023) *War in the Holy Land*. [video] <https://www.pbs.org/video/war-in-the-holy-land-1697834937/> [last accessed 19 May 2026].

to the Permanent Delegation of the State of Palestine (2025), the attack is “not an isolated incident, [but rather] part of a sustained pattern of destruction and desecration targeting churches, mosques, cultural centres and sacred institutions across Gaza [constituting as such] a crime against people, a crime against heritage and a war crime”. In response to the attack, The Patriarchs and Heads of the Churches in Jerusalem (2025) issued a written statement denouncing the crime, emphasizing that “Houses of worship are sacred spaces that should be kept safe” in accordance with their protection under international law. The Higher presidential Committee for Church Affairs in Palestine (2025), also condemned the attack, describing it as further “indication of a systematic policy of desecration, targeting both civilians and houses of worship without regard for international law”.

-Al-Batch cemetery (Tuffah neighborhood)

Crimes perpetrated by the Israeli military-such as bombing, bulldozing, and desecrating Palestinian graves in Gaza-are not new (Humaid, 2026); nonetheless, the ongoing violence in the al-Batch cemetery is particularly noteworthy for its exceptional cruelty. The relevance of including the destruction of cemeteries in the analysis of cultural genocide lies in the fact that burial practices-how a community buries, mourns, grieves, or even celebrates the passing of loved ones-are deeply cultural. Such practices serve as symbolic expressions of a people’s way of life, reflecting the transition from life to death and embodying the collective identity and values of the community.

Palestinians are forced to mourn twice when the bodies of their loved ones are taken away. Fatima Abdullah (2026), a Palestinian widow, powerfully shared to Al Jazeera that “we, the people of Gaza, didn’t even have the luxury of mourning properly and now they’ve taken away the graves of our loved ones after death”. Fatima’s husband, Mohammed al-Shaarawi, was killed by an Israeli drone in December 2024, and buried in the al-Batch cemetery. Believing that the remains of Ran Gvili, the last Israeli captive in the Gaza Strip, were likely the same cemetery, Israeli forces examined “250 graves [...] using heavy military machinery and bulldozers[resulting in] the exhumation of both old and recent graves, the destruction of many tombstones, and a significant alteration of the cemetery’s landscape”(Humaid, 2026).



Figure 21 Abdullah, F. (n.d.). The grave of Mohammed Al-Shaarawi, Fatima Abdullah's husband, at al-Batch cemetery in the Tuffah neighbourhood, east of Gaza City [image] <https://www.aljazeera.com/features/2026/1/29/even-the-dead-were-not-spared-israelis-gaza-desecration-compounds-grief>

-Al-Dhilal mosque (and its adjacent Bani Suheila cemetery) in Khan Younis

Amnesty International (2024) investigated what appeared to be the intentional destruction of both of the spiritual sites. Through the analysis of a video published on X, the NGO was able to determine that the destruction of the mosque—apparently caused by manually laid explosives—occurred between 2 and 4 January 2024. Further research by Amnesty, supported by satellite imagery, showed that between 3 and 8 December 2023, the IDF was levelling the area and constructing defensive barriers around the neighbourhood adjacent to the mosque and cemetery. It appears that the destruction of the cemetery began in mid-December 2023 (Bellingcat, n.d.) with bulldozing continuing until early January (CNN, n.d.). The justification for the attack was the alleged presence of Hamas tunnels beneath the mosque. In a CNN video interview with an Israeli army commander, the tunnel was shown on camera, while the mosque appeared collapsed in the background. Nonetheless, although Israel claimed the destruction of the two religious sites as intended to target the tunnels beneath them, it appears rather contradictory that the only structure left standing at the site was not the cemetery or the mosque, but the tunnel itself, which remained intact.

3.3.3 Other cultural sites

The scope of cultural genocide is not limited to religious and UNESCO-listed heritage; it extends much further, as illustrated by the following instances:

-Anthedon Harbour, the first known seaport of Gaza, holds great symbolic and historical significance as a place where people from the whole Mediterranean would gather to commerce, fostering cultural diversity and prosperity. Recognizing its importance, Palestinian authorities sought to include it on the Tentative List for Potential inscription as a UNESCO World Heritage Site (Bellingcat on Scrippsnews, 2024).

The Harbour is located in the northern Part of Gaza and reflects the different influences experienced by the city: including those of the Neo-Assyrians, Babylonians, Persians, Greeks, Romans, Byzantines and early Islamic from 800 BC to 1100 AD (UNESCO, n.d.).

The site, as described by UNESCO¹³³ (n.d.), comprises "a variety of elements which spread in the area from the seashore, including the underwater archaeology, to the inland [such as] the ruins of a Roman temple and a section of a wall [...], as well as Roman artisan and living quarters, including a series of villas, testifying of the city of Anthedon [...] mosaic floors, warehouses and fortified structures". The site was submitted to the Tentative List in April 2012 for its archaeological, architectural and historical significance-especially for Mediterranean culture-as it clearly represents the ancient trade routes linking the West with the East.

Reports by Forensic Architecture (2022) have highlighted the destruction caused by repeated bombings by Israeli forces over an extended period-specifically in the years 2012, 2014, 2018, 2021-documented through photographs. The first photograph, taken by Palestinians on their phone in 2018, shows bombs landing directly on the site.

¹³³<https://whc.unesco.org/en/tentativelists/5719/> [last accessed 19 May 2026]



Figure 22 Shehab Agency, (2018). [image] Smartphone clip filmed by Palestinians during the 2018 Israeli military incursion, shows bombs landing on the surface above the site, <https://forensic-architecture.org/investigation/living-archaeology-in-gaza>.

Following satellite images (Fig. 24, 25, 26, 27) denounce the craters all around the archaeological site which have been caused by Israeli bombings in 2012, 2014, 2018 and 2021.



Figure 23 (left) CNES Distribution Airbus DS/Spot Image, (2018). Analysis of a 2012 satellite image (red circles indicate bomb craters or other evidence of damage) [image], Forensic Architecture, 2022.

Figure 24 CNES Distribution Airbus DS/Spot Image, (2018). Analysis of a 2014 satellite image (red circles indicate bomb craters or other evidence of damage) [image], Forensic Architecture, 2022.



Figure 25 (left) CNES Distribution Airbus DS/Spot Image (2018). Analysis of a 2018 satellite image (red circles indicate bomb craters or other evidence of damage) [image] Forensic Architecture, 2022.

Figure 26 (right) CNES Distribution Airbus DS/Spot Image (2018). Analysis of a 2021 satellite image (red circles indicate

bomb craters or other evidence of damage) [image] Forensic Architecture, 2022.

-Archaeological Site of Tel Rafah

The archaeological site of Tel Rafah is located in the southern city of Rafah, adjacent to the Egyptian border, and covers an area of 150 dunams. This tel is of significant historical value, dating back to both the Greek and Roman eras. Its richness is primarily due to its strategic location as a meeting point for international routes connecting Asia and Africa, making it a hub for both global and local trade between Palestine and neighboring countries. The tel contains an exceptionally rich assemblage of archaeological artifacts buried beneath its surface, including coins, pottery, and other objects, uncovered during excavations in 2010, as well as architectural remains from buildings that once stood in the surrounding area.

According to UN reports (Tastan, 2024), the site has been heavily damaged, primarily during IDF incursions into Rafah, when adjacent areas of the archaeological site were converted into military zones. Nonetheless, the available information regarding the attacks on Tel Rafah is limited and does not include any images.

3.3.4 Educational erasure or scholasticide

Another phenomenon within the realm of cultural genocide is the destruction of all aspects related to education¹³⁴—including schools, educational centers, books, universities, libraries—as these institutions store and transmit the means through which education is promoted.

It is crucial to state that the violence specifically targeting children, students, teachers, leading academics, and school personnel is not addressed here¹³⁵—not because such annihilation is less important, but to maintain the research focus specifically on cultural genocide.

The systematic targeting of educational buildings has resulted in “728,000 school-aged children and youth have been out of formal schooling for more than two years [leaving] children with disabilities [completely excluded from any] formal education” (The World Bank, The European Union, the United Nations, 2026). The severity of the educational gap reached a point where, in 2023 and 2024, the

¹³⁴Such actions already constitute crimes under the World Declaration on Education for All (1990) and the Convention against Discrimination in Education (1960) (Permanent Delegation of the State of Palestine to UNESCO, 2025).

¹³⁵“As of 26 August 2025, the Palestinian Ministry of Education and Higher Education (MoEHE) in Ramallah reported that at least 17,085 students and 739 education personnel have been killed, in addition to 1,261 university students and 226 higher education staff” (UNESCO Executive Board, 2025).

entire school year was suspended in Gaza, preventing 39,000 twelfth-grade students from sitting their *tawjihi* (matriculation) exams (Amnesty International, 2024).

Prior to the intensification of violence in the Gaza Strip, the “education sector achieved high participation” (The World Bank, The European Union, The United Nations, 2026), despite limited resources-often supplemented by NGOs and UNRWA. Thanks to the efforts of UNRWA, Palestinians are among the most literate populations in the world, with 90 percent of the population able to read and write. As Rula Jebreal (2025) observes, “the real inheritance which Palestinian parents leave to their sons and daughters is not houses or land, but education and hope [as] the strongest arms to aspire to a more dignified future.” No one can take away the Palestinian love for education.

The numbers speak for themselves: in 2023, prior to Hamas’ attack, enrollment in basic education reached as high as 97 percent for children, though participation declined for older students (The World Bank, The European Union, The United Nations, 2026).

UNESCO’s Executive Board (2025, September 25) has highlighted on the basis of satellite images by the Education Cluster that “nearly 91.8% of school buildings will either need full reconstruction or major rehabilitation work to be functional again (518 out of 564). Four hundred and thirty-two school buildings that previously served approximately 469,222 pupils and 17,564 teachers were “directly hit,” while 86 school buildings previously serving 94,431 pupils and 3,574 teachers are classified as damaged. [What regards] campuses of the tertiary education Out of the 38 campuses analyzed, 11 campuses belonging to eight institutions have been destroyed, 14 campuses belonging to 9 institutions have been severely damaged, and five campuses belonging to five institutions have sustained moderate damage.”

It has often been the case that soldiers have publicized acts of vandalism targeting educational institutions (Amnesty International, 2024), as though reverting to an era prior to the formulation of international law-when the principles of *vae victis* prevailed.

Damages inflicted solely on educational facilities amounts to “US\$1.08 billion, with more than 1,300 buildings destroyed and more than 880 partially damaged [as of April 2026, resulting in an actual] collapse of Gaza’s education[al] system depriv[ing] an entire generation of learning, safety, and stability” (The World Bank, The European Union, The United Nations, 2026).

The scale of destruction is such that the American Historical Association accused in January 2025 Israel of committing scholasticide (Jebreal, 2025).

Actual examples of this systematic destruction include the Al-Kamiliyah School, which appears to be the only remaining historical school in Gaza, constructed around 1237 AD (Heritage For Peace, 2023);

-Yaffa school: as denounced in April 2025 by the Permanent Delegation of the Palestinian State at UNESCO, the school was the object of a military attack on 23 April 2025. Since the

characteristics of biological genocide intersect with those of cultural genocide, the attack also involved, as can be inferred, the destruction of tents placed around the school grounds to shelter displaced civilians. This assault resulted in the deaths of at least 27 civilians. The Permanent Delegation of the Palestinian State at UNESCO (2025) in front of the burnt down classrooms recalled the sanctity of education institutions and that their targeting during times of armed conflict must be severely restricted in light of their special protection;

-Al-Mughraqa campus of Al-Azhar University: from the gathering of satellite images Amnesty International (2024) was able to denounce its destruction which seems to have taken place between 26 and 28 October 2023 and 31 October 2023 (bear in mind that Hamas's attack occurred on October 7th of the same year, indicating that the initiation and escalation of violence against educational centers coincided with the onset of Israel's genocidal response to Hamas). A detailed analysis by Amnesty International in its report *You Feel Like You Are Subhuman* reveals that the IDF destroyed two of the three campus buildings using manually laid explosives in December 2023. Visual evidence analyzed by Amnesty shows that, as early as November 2023, Israeli forces were already in control of the campus, with military vehicles visibly present. These images and videos, published by the Israeli military itself, indicate that there was no imminent military necessity to destroy the heritage site, as IDF control had already been established. The act of filling the campus with landmines on 7 December was documented on video, further supporting Amnesty's argument regarding genocidal intent. This is reinforced by footage in which Israeli soldiers can be heard screaming "this is the explosion before redemption," thereby making explicit the intentionality underlying these actions;

-Al-Azhar University: as denounced by Amnesty International (2024) a video, posted on 5 January 2024, was published online by IDF soldiers themselves showcasing a soldier in front of the university saying "for all those asking why there's no education in Gaza, oops, we dropped a missile on you. What a bummer. Yo, what a shame. This way you won't be engineers any more".

All four of Gaza's universities (Al-Aqsa University, Al-Azhar University, Islamic University of Gaza, Al-Quds Open University) have been targeted, "destroying campuses for the education of future generations of Palestinians in Gaza" (ICJ, 2023).

-At the end of 2024, the Israeli Knesset approved two laws prohibiting UNRWA's activities in Israel and forbidding Israeli officials from having any contact with UNRWA. For most Israelis,

East Jerusalem is considered part of their territory, even though it is regarded as occupied internationally-and thus, UNRWA is prohibited from operating there as well (Jebreal, 2025). The campaign of scholasticide intensified on 18 February 2025, when Israeli forces and East Jerusalem administrators evacuated an educational UNRWA center, using tear gas and stun grenades against the 350 students present (Jebreal, 2025);

Further attacks have targeted books, libraries, bookshops, publishing houses, archives (ICJ, 2023)- a practice commonly described as a “war against the minds”. Most significantly, Israel destroyed Gaza’s Main Municipal Public Library in a targeted bombing in December 2023. The library, which opened in 1999, covered 1,4000 square meters over two floors with an additional 900 square meters of garden (Institute for Palestine Studies, n.d.).



Figure 27(left), [Photography of the Municipal library], (n.d.). [image] from <https://gazaculturalsector.palestine-studies.org/en/node/4890#>

Figure 28(right), [Photography of the Municipal library after military targeting], (n.d.). [image] from <https://gazaculturalsector.palestine-studies.org/en/node/4890#>

Targeting educational systems, along with the individuals who guide and inspire students-such as teachers, professors, and doctors-amounts to annihilating the “future academic and cultural potential” (ICJ, 2023). Such actions effectively deprive oppressed populations, including Palestinians, of the very means through which they strive for self-determination (Al-Haq, 2022).

3.4 Destruction of Intangible Heritage

This brief overview highlights the systematic nature of cultural genocide perpetrated by the Israeli administration, which extends beyond the present and into the past, manifesting as a slow, ongoing

extraction of Palestinian ICH. Such intangible elements, often the most delicate and difficult to safeguard because of their dynamic and evolving nature, are particularly vulnerable. The following chapter will be devoted entirely to the crucial, yet frequently overlooked, domain of culinary heritage in Palestine.

It is no surprise that UNESCO (2025) felt the urge to underline that the conflict and its related “destruction of cultural spaces, displacement of practitioners, and loss of community cohesion” “has severely disrupted the practice and transmission of intangible cultural heritage”. To protect Palestinian Living Heritage, the Specialized Agency has been conducting a remote assessment of the current status of intangible cultural heritage; this assessment will be finalized after the draft is reviewed.

While the notion of cultural genocide is already in itself complex and widely debated in academic circles, the targeting of Living Heritage as part of a genocidal project makes the issue even more intricate. The difficulty arises from the context in which the concept of genocide was developed; as Moses (n.d.) notes, “since Lemkin seems to have equated national culture with high culture”, cultural genocide is often understood as referring mainly to the destruction of material property and the cultural products of elites.

In this sense, the application of the notion of cultural genocide has traditionally focused on the destruction of “elite institutions”.

Nevertheless, the list of Intangible Cultural Heritage of Palestine given visibility by UNESCO includes up to nine elements: the Palestinian Hikaye inscribed in 2008, the Art of Embroidery in 2021 with the Arabic calligraphy in the same year, The knowledge and skills around date palm in 2022, the dakbeh (traditional dance) and the art of engraving metals in 2023, the tradition of Nabulsi soap making and the ritual of Henna in 2024, ultimately in 2025 the Arabic kohl. A brief analysis will follow on several elements highlighting the complexity of coexistence with Israelis, which, as will be shown, often results in the appropriation and repurposing of the traditions themselves.

3.4.1 Tatreez as the art of embroidery

The tradition of Tatreez consists of “hand-stitching patterns and motifs with brightly colored thread onto clothing [such as] the thobe, [which is] a traditional, loose-fitting dress worn by Palestinian women” (Al-Jazeera, 2021).

The clothes on which the embroidery is realized “usually consist of a long dress, trousers, a jacket, a headdress and a veil, each of [which] is embroidered with a variety of symbols including birds, trees and flowers (UNESCO, n.d.).



Figure 29 Nasir, T.T. (2019) [photography of embroidered fabric], [image], sourced from <https://ich.unesco.org/en/RL/the-art-of-embroidery-in-palestine-practices-skills-knowledge-and-rituals-01722>.

While inscription on the various UNESCO World Heritage Lists comes with strict management and monitoring guidelines, the inscription of living heritage—due to its ever-changing nature—is more symbolic and “political”, especially when it occurs during times of conflict. UNESCO uses this tool to emphasize that the traditions of a people are relevant for all humankind and that their existence is of outstanding significance, deserving greater visibility.

This position is confirmed by the reaction of the former Prime Minister of the Palestinian Authority Mohammad Shtayyeh¹³⁶ (2021) who thanked UNESCO for “protecting Palestinian identity, heritage and narrative, in the face of the occupation’s attempts to *steal* [emphasis added] what it does not own” when the tradition of *tatreez* was officially inserted in the List of ICH of Palestine. The path to achieving this recognition was guided by former Minister of Culture Atef Abu Saif and spanned two years (Al-Jazeera, 2021).

¹³⁶Former Prime Minister of the Palestinian Authority on the enlisting of Palestinian embroidery as ICH recognized by UNESCO necessitating further visibility (2021, December 15) <https://www.facebook.com/Dr.Shtayyah/posts/4605659082834760> [last accessed 21 May 2026].

“What our grandparents and forefathers created and left for us in heritage consisting of beauty splendor and roots that are deeply fixed, is the best evidence that we are the people of this land” (Saif, n.d.): it is precisely because of these deep roots that Israel systematically targets all forms and expressions of Palestinian heritage.

The practice originated in rural areas for private use; however, the Nakba revolutionized the production process behind *tatreez*, forcing “women¹³⁷ [away] from their self-sufficient livelihoods”. As a result, women were compelled to produce these textiles to support themselves (Ra’ad, 2010), which is one reason why *tatreez* is now commonly found even in cities (Al-Jazeera, 2021).

There have been numerous instances where Israelis have attempted to present Palestinian embroidery as their own. For example, during the Miss Universe 2021 marketing campaign (sponsored by the Israeli Ministry of Tourism) contestants posted pictures on social media wearing Palestinian embroidery. which external viewers perceived, in this way, as Israeli (Al-Jazeera, 2021). Events like this demonstrate that the various forms of cultural genocide enacted by Israel involve not only the state and its representatives, but also, at times, ordinary Israeli citizens themselves, whose actions are supported by state policy.

The ongoing appropriation of Palestinian embroidery has, in turn, inspired its use as a form of resistance; images of women wearing embroidered clothing have often appeared in posters conveying political messages (Ra’ad, 2010).

Even abroad, due to the influence of the Palestinian diaspora, embroidered dresses have been used in artistic and political representations, making “women’s bodies sites of active political agency” (Ra’ad, 2010). This phenomenon goes hand in hand with broader movements for female emancipation and underscores the role of women in political resistance.

3.4.2 Palestinian Dabkeh

The Dabkeh refers to the traditional Palestinian dance which includes both a vocal melody and musical accompaniment; the individuals-and their relative roles-involved in the performance can be

¹³⁷The tradition is passed down from mother to daughter.

numerous including the dancers, the *zajal*¹³⁸ singers, *yargul*¹³⁹ players, *yargul* makers, researchers and collectors (UNESCO, 2021).

As specifically outlined in the Intergovernmental Committee 2021 Decision to inscribe Dabkeh, the knowledge and skills associated with this heritage are “transmitted through one-on-one learning and training, and by participating in social celebrations and summer vacation activities”. In times of intense violence - such as the ongoing genocide - these occasions and spaces cease to exist, or at best are maintained under extreme conditions, making it nearly impossible to sustain, experience, or transmit the heritage.

The tradition is performed by eleven dancers who “stand in a straight line or semicircle, clapping hands to indicate cohesion [...] jumping and hitting the ground with their feet” (Zayad, 2019). Although there are many professional performers, Dabkeh also has a spontaneous quality, involving people of all ages and genders gathering in public squares.

The inscription in the ICH List was inspired by the fact that the “Dabkeh dance and music produces a strong sense of local and cultural identity for Palestinians [which, in and of itself represents] a means of expressing cultural identity and celebrating daily occasions and it increases social ties between people” (UNESCO, 2021).

When the tradition was inscribed in 2021, UNESCO experts understood it to be well safeguarded by the communities and widely practiced. However, periods of extensive violence have rendered such claims immediately tenuous, making the value of this inscription even more significant-as a reminder of traditions that, while still present, can no longer be lived as a priority under current circumstances. In fact, Dabkeh has come to play an almost renaissance-like role, embodying the persistence, endurance, and faith that characterize Palestinians. Numerous videos circulating online show groups-large and small-gathering amidst landscapes of debris to dance Dabkeh, reaffirming their connection to one another and to their heritage even in the most challenging of times.

The force of Palestinians personified in the Dabkeh is identifiable in the texts of the *zajal* accompanying the moves which “express emotions related to [...] courage, strength and love” (Zayad, 2018).

¹³⁸*Zajal*, also known as *zajjal*, is a form of Arabic strophic poetry.

¹³⁹*Yargul* is a musical instrument made out of parallel bamboo pipes.



Figure 30 (left) [@alhelou.y], (2025), [Palestinian Dabka performance in the rubble in Gaza, during the wedding ceremony of 54 couples], [image] Instagram. <https://www.instagram.com/reel/DRxjLc0DOII/?igsh=emk5b2gyN2J2N3kw>.

Figure 31 (in the middle) [@shady_sopoh] (2026). [Graduate and Dancers dancing Dakba during ceremony for wedding and graduations], [image] Instagram. <https://www.instagram.com/reel/DUoG6kLjFEp/?igsh=MXy0ZTc4am5lZml4bQ==>

Figure 32(right) Ibid.

The question remains: why does the attention to the notion of cultural genocide remain so limited even today? One cannot justify this neglect with the so-called “sequenced approach”, which prioritizes physical destruction as the only “critical” concern during genocide, thereby leaving the cultural manifestations of the Palestinian people largely unnoticed; in doing so, the international community is effectively “silencing Palestinian voices and agency, *museumifying* them in the past” (Braverman, 2021, p.13). As has been repeatedly emphasized, Lemkin envisaged cultural genocide as an integral part of the concept. Given the extensive policy and legal frameworks in which cultural genocide occurs, it is puzzling why this notion is still not recognized as *delicta juris gentium*, especially as system attacks on culture continue with the inertia of the international community, despite the “transnational danger” (Moses, n.d.) these attacks pose. After all, cultural heritage is a strength for all humankind.

Furthermore, the system depends on state participation, yet enforcement is weak because “states can simply choose to not participate” (Zayad, 2018).

This, combined with the essentially reactive rather than proactive nature of international law (Zayad, 2018), leads to the actual annihilation of entire heritages—such as what is happening in Gaza and to Palestinian heritage in general—while violations and legal obligations continue to be debated rather than enforced.

Professor W. Schabas (2025), in considering the ongoing genocide in Gaza, has observed that there seems to be “an impetus for the [International] Court [of Justice] to develop a more flexible [and progressive] approach to its understanding of genocide”, a trend that is evident in the Advisory Opinion on Israel’s occupation in Palestine issued in July 2024.

The cultural (and biological) genocide that Israel has perpetrated gradually over the past century - or at least laid the groundwork to justify - and more aggressively since 7 October 2023, leads the Palestinian artists Rana Bishara (n.d.), who combines artistic production with activism, to express what is profoundly felt by much of the population: “In Palestine to look is to see only the decaying skeleton of a Palestine that once was, now grisly and grim, its flesh and soul torn apart by clusters of ghastly concrete and the cruelty of those settlers dwelling within”. If the flesh represents the most cruel ways in which Israel reduces Palestinians - where families of the deceased are forced to search for the scattered remains of their loved ones after bombings - then the soul is embodied in the culture that is violently and systematically targeted, yet still endures, like the roots of the olive trees in Palestine.

Taken together, this chapter has shown how the deliberate erasure of Palestinian tangible and intangible heritage - archaeological sites, places of worship, archives, libraries, schools, and living practices - constitutes cultural genocide in the fullest Lemkinian sense. This erasure operates alongside the physical destruction of Palestinian lives, yet it remains analytically distinct from it: the first targets the conditions for a group’s collective existence, the second its members’ biological survival. Chapter IV narrows this lens to a single, telling domain. It traces the long process by which Palestinian culinary heritage has been appropriated and rebranded as “Israeli” cuisine, showing that, where tangible heritage is marked for destruction, food is instead absorbed and recontextualized - an appropriation that is itself a technique of cultural genocide.

Chapter IV

Gastronomic erasure and rebranding

As for any kind of society, “the cooking [for Palestinians] is a language in which it unconsciously translates its structure - or else resigns itself, still unconsciously, to revealing its contradictions” (Levi-Strauss, 1996).

The academic shift toward the focusing on culinary heritage, identified within the realm of intangible heritage, is known as food studies and has been temporally situated around the 2000s¹⁴⁰ by the sociologist and anthropologist J.P. Poulain.

Indigenous cuisine have increasingly been recognized more and more for their cultural significance, as demonstrated by UNESCO’s enlisting of three national cuisines and up to other fifty culinary practices in light of the acknowledgement that “traditional culinary practices are an important part of intangible heritage” (Ohinata, 2025).

The growing interest by International Organizations, such as UNESCO itself, for local cuisines represents the reflection of a people’s cultural identity and as such it requires means and attention to be preserved, passed down through generations and protected in case of violence and globalization forces which might undermine the very differences converging the cuisine into an unicum, melting point, of so-called ‘international cuisine’.

The urgency which is felt internationally to give the proper attention to such intangible heritage “suggests that we feel, or at least fear, that they are about to vanish” (Poulain, 2017).

When the culinary heritage of a people - such as the Palestinians - is targeted, their very identity is fundamentally undermined.

It might be criticized that discussing the “theft of national dishes” seems disconnected from reality when millions of Palestinians are living in refugee camps experiencing extreme famine with a constant fear of airstrikes. However, as will be demonstrated in further analysis, culinary appropriation is a well-defined component of the Israeli colonial and genocidal agenda.

The actions revolving around food structure are the way in which a society is organized and how it identifies and expresses its own identity to the external world. Consequently, the eating practices

¹⁴⁰The foundational phases leading up to the emergence of food studies took place up until the mid-1960s, when the culinary realm began to be examined through a sociological lens as a way to interpret social phenomena. Around 1965, the field of food studies itself began to crystallize as an area of academic inquiry (Poulain, 2017).

have been identified by sociologist and philosopher E. Durkheim (1895) a “social fact” and by E. Morin (1951) a “total human fact” (Poulain, 2017), thus as something which embodies both “more than the biological infrastructure on which it is based” (Poulain, 2017, p.16) and more than the mere action, dictated by natural necessity, to fulfill itself: eating represents a social act and event [representing] the place of sociality, sharing and conviviality” (Poulain, 2017, p.16) for that and of that specific people.

Another concept that should inspire this analysis is the notion of “foodways,” which contextualizes “food beyond itself [by focusing on] the social contexts that make food and make food meaningful” (Gaul & Pitts, 2022): the meaning of food, in this sense, arises from the *terroir*, the stories carried by the hands and hearts of those who prepare it.

The comprehension of this chapter needs to be filtered by the idea that cultures are a mixture of identities and of their encounters, contributing to the enriching of one another which requires to “remov[e the] monolithic narratives of exclusivity and the establishment of a mood of mutuality” (Ra’ad, 2010, p.121), nonetheless this approach does not intend to justify - rather the opposite actually - any type of appropriation, re-narrativization, or rebranding of one’s culture without the acknowledgment of its origins and its creators, keeping always in mind that intangible heritage is alive and ever evolving.

In the subsequent paragraphs, the genocidal attacks that have occurred since the Nakba will be examined, specifically those targeting Palestinian-owned land and thereby undermining both food production and the preservation of Palestinian intangible culinary heritage.

As Poulain (2017) observes, the “biotope in which the group of individuals has settled” is fundamental in determining both food consumption and production. For this reason, Israeli conduct has focused on targeting the biospaces - through the destruction of trees and wild plants, as well as by limiting access to these resources - thus placing the survival of Palestinian cuisine itself at risk of annihilation. Food symbolizes not only a representation of a people, but also a means to express one’s profound identity, even more importantly in times of conflict and political struggle; in such context, the local cuisine, as underlined by El Masri, becomes a tool to maintain, thus reflecting, the deep connection with their ancestral land (Rotz et al., 2024). As a matter of fact, “in dramatic moments is the maintenance of traditions, the last tie between people, community and separated families, giving [meaning and] resilience to the people¹⁴¹” (Montanari, Petrillo, 2024, the author’s translation).

¹⁴¹Original quote: “[...]in momenti drammatici il mantenimento delle tradizioni rappresenta un ultimo legame tra persone, comunità e famiglie divise, da senso di resilienza al popolo” (Montanari, Petrillo, 2024).

On the basis of the latter, several Western-settler and colonial empires or administrations¹⁴² have targeted firstly food as a way to “undermine Indigenous peoples and their connection to the land” (Rotz et al., 2024): the Israeli administration has in fact been targeting violently and systematically the agricultural sector through firstly the expropriation of the land privately owned by Palestinians by promulgating the Absentee’ Property Law (1950) and secondly by targeting the production of olive oil, citrus fruits, the foraging of spontaneous herbs such as *za’atar* by imposing new military areas preventing Palestinians from accessing such land, using pesticides on vast areas of cultivated land, criminalizing foraging, or even deliberate pollution of water sources¹⁴³ (Rotz et al., 2024).

The desire for Israelis to feel, and be recognized, as real ‘natives’ has pushed them to “take over whatever they want of local resources and land, to which they themselves are not natural, [while at the same time] destroy[ing] what Palestinians have and how they live [in order to annihilate any] remind[er] that the Palestinians are the owners of the real nativity” (Ra’ad, 2010, p. 145).

The concept known as food sovereignty remains something crucial for the Palestinian resistance (Rotz et al., 2024) as it highlights how the gradual, often overlooked undermining of a people's sovereignty - including the literal poisoning of their roots to the land - serves to weaken their resilience and self-determination.

The systematic confiscation and appropriation of the “Indigenous food systems in Palestine [...] by Israel is part of a broader pattern observed throughout” (Rotz et al., 2024) the whole Region.

While it is common and no surprise that by the encounter of different people the “borrowing and exchange” (Ra’ad, 2010, p.124) of cultures can take place as transculturation (something which Lemkin himself thought of as positive even when perpetrated by colonial powers when in the light of

¹⁴²Colonial powers did often use the introduction of legal tools, the seizing of territory, the weaponization of food production and control of the resources (imposing blockages) and land theft to achieve their colonial project (Rotz et al., 2024).

An example of a settler colonial empire applying this very same, with its differences, scheme is Canada around the end of the nineteenth century against the Indigenous population.

¹⁴³The matter of “water justice” (McKee, 2021) remains a persistent issue in Palestine.

The Alliance for Water Justice in Palestine (2024) has published a report to denounce the severity of the water crisis, which preceded the genocide when up to “ninety percent of Gaza’s water supply [came] from the Coastal Aquifer Basin [...] run[ning] along the eastern Mediterranean coast from Egypt through Gaza and into Israel” (Hall, Kirschenbaum, Michel, 2024). The available water is brackish and contaminated “due to seawater intrusion, overextraction and sewage and chemical infiltration”; consequently Gazans rely on very limited desalination units, while the 10 percent not coming from the Basin Aquifer comes from three Israeli pipelines.

The direct consequence of the total blockage imposed by Israel is that the access to all the just listed water spruced dropped by ninety-five percent following 9 October 2023. Constituting an actual public health disaster since the contaminated water is causing numerous deadly infections. Once again is the management of the water resources and infrastructure necessary managed by the Israeli administration, which might constitutes an attack to the means which guarantee not only physical survival but also economic (breaching Article II(c) of the Genocide Convention as it inflicts conditions calculated to cause the physical destruction of the people).

a cultural evolution and development) to “facilitate life and mobility [...] open[ing] the world to interconnected growth” (Ra’ad, 2010, p.124) with benign intentions, an exemption is when such “borrowing” unfolds into appropriation without acknowledging the actual source of such heritage and even presenting them as their own.

The complexity of this appropriative process lies in “demonizing the source” (Ra’ad, 2010), an action that serves to “deflect from the act of appropriation [...] plagiarism or theft” (Ra’ad, 2010, p.125).

The Israeli relationality to Palestinian intangible heritage, and more specifically cuisine, is based and inspired by Zionist rationale where the assumption is that the indigenous community are the Jews, while Palestinian and Arab people “just happens to be there”: as such Palestinian’s native identity is denied, thus they are represented as culture-less.

Nonetheless, the difficulty in constructing the Israeli historical myth lies in the fact that, while Israelis are conscious of their “return” to the Holy Land—legitimized by biblical narratives¹⁴⁴—this alone does not provide a sufficient basis for claiming an authentic historical identity or genuine relationship with the land. For these reasons, Israelis are obsessed with establishing a connection to the past.

The strength of Israeli cultural propaganda - and its food washing - lies in its reliance on biblical references, which foster emotional attachment and justification among much of the Western world. In this sense, Jewish Zionism “tries to concretize past imaginaries (negated by recent findings), while also relying on the inability of native Palestinians to construct a useful past and to realize the depth of their culture in the present chaos” (Ra’ad, 2010).

Biblical referencing reinforces images with powerful symbolic meaning, such as the “Exodus,” a Covenant involving a “Promised Land,” the “Diaspora,” and now the notion of “return” (Ra’ad, 2010). However, these mythical references remain just that – myths—as numerous scholars have demonstrated that the Israelites were never in Egypt, as narrated in religious mythology, and that consequently, the conquest of the Holy and Promised Land did not take place (Ra’ad, 2010): the totality of these narratives go under the name of “culinary tropes¹⁴⁵”, which appear to be more powerful¹⁴⁶ than the actual history of Palestinians.

¹⁴⁴in Genesis 1:28 the following is said “God said to them, ‘Be fruitful and multiply, and fill the earth and *subdue* [emphasis added] it; and have *dominion* [emphasis added] over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth” (Brown, 2009). The significance of subdue has been often interpreted wrongly, not understanding the word how it was intended, which was to subdue violently, if and only if the given population is hostile; Zionists have been utilizing such interpretation to justify their colonial strategy (Ra’ad, 2010).

¹⁴⁵Ra’ad’s (2010) choice to identify the process of culinary appropriation and foodwashing with the creation of culinary tropes since these narratives aiming at the construction of the Zionist identity do are constructed to emotionally involve the majority of the West and Israelis by “embed[ding] patterns of thinking by association and repetition, often with the intent of forbidding questioning”.

¹⁴⁶The power of the “culinary trope” is understandable through M. Billig’s (1995) notion of “banal nationalism” according to which “nationhood is most powerfully reinforced through small and mundane repetitions” which is how the Zionist culinary appropriation is visible to external consumers.

This leads to the “tragic irony that, in building their national myth, they are able to subvert the more benign, natural identity that is genuinely rooted in the land”- (Ra’ad, 2010) such as the Palestinian identity; the process of appropriating Palestinian cultural expressions, including culinary, is something which gradually intensified following 1948, in fact prior to the Nakba “it was not unusual for Zionists to acknowledge native Palestinian culture” (Ra’ad, 2010) or trying to emulate it (with acknowledgment).

In this framework, Israel has since the Nakba “destroyed or damaged 6,000 hectares of agricultural land, including 60,000 olive trees - [including secular ones] - ,as well as citrus, banana, almond, and other non-fruit trees” (Rotz et al., 2024).

The totality of such destructive actions is part of genocidal plan consisting of the introduction of a Western and Israeli centric agricultural model which not only excludes the necessities of the Palestinian market, but “replaces the diverse and intergenerational food system” (Rotz et al., 2024, p. 52) of Palestinians. It will be subsequently evidenced how the attacks on the food system at large and the cuisine both in Palestine and abroad, constitute one of the many colonial tools which Israel employs to succeed in the cultural genocide of Palestinians.

In response to such colonial and extractivist approach and the role that the “acts of eating [holds as] a basis for collective identity” (Poulain, 2017, p.155), Palestinians, like other oppressed populations, have appealed, in Palestine and abroad, to forms of resistance involving the organization of social eating events focusing on Palestinian cuisine, exhibitions, the foraging of *za’atar* in spite of persistent violence, the production of olive oil and vines etc...

Following 1948, numerous Palestinians were forced to seek shelter in neighbouring countries where the smell and taste of their traditional ingredients and recipes functions as a way to keep the cultural memory alive of their hometown; although Palestinians were welcomed during their flee from Israeli violence the persistent feeling was that of exclusion. Since no one was actually granted the status of citizenship, everyone was permanently assigned the “refugee” status (as in Israel the most “positive outcome” would be that of being able to achieve Israeli citizenship); in response to “this double exclusion” (Rotz et al., 2024, p.54) and the state of the “local [Palestinian] identity in jeopardy, cooking and table traditions are the favored areas of resistance” (Poulain, 2017, p.16) as a means to survive oppression, in light of the way food, flavors and aromas are associated with memory (Ra’ad, 2010).

Y. El Masri (2024) has outlined how in the context of refugee camps, and the insecurity it represents, women are the pilaster of the mediation of cultural memory sharing stories through the action of food sharing: numerous children of the Palestinian Diaspora have only seen either the refugee camp or the State in which their families were forced to live, for which the culinary practices and recipes represent “emotional access and connection to the land and culture” (Rotz et al., 2024, p.55).

Whereas the appropriation of Palestinian owned land undermining the agricultural and fishing sector¹⁴⁷, the pollution of water, the introduction of military checkpoints and separative walls is something which is being perpetrated since the twentieth-century, since October 2023 the severity has increased with Israel's use of famine as a weapon: the ICC Prosecutor Karim A.A. Khan KC has, in light of the evidence collected and examined, underlined that it has reasonable grounds to believe that the Israeli Prime Minister, B. Netanyahu, and the Israeli Minister of Defence, Y. Gallant, both bear criminal responsibility for the war crime of starvation of civilians as a method of warfare contrary to Article 8(2)(b) of the Rome Statute.

In accordance with the Prosecutor's investigation, sustained by interviewing of survivors, authenticated videos, photos and audio material, satellite imagery and statements from the alleged perpetrators (ICC, 2024), the Israeli administration imposed a total siege over Gaza through the closing, on 8 October 2023, of the three borders crossing points of Rafah, Kerem Shalom and Erez "for extended periods and arbitrarily restricting the transfer of essential supplies [including food and the] cutting of cross-border water pipelines from Israel to Gaza—Gazans' principal source of clean water—for a prolonged period beginning 9 October 2023 "(ICC, 2024)¹⁴⁸.

On 18 March 2024 António Guterres, UN Secretary-General, on X¹⁴⁹ claimed that "Famine in the northern part of Gaza is imminent [seeing a total of] 1.1 million people in Gaza [...] facing catastrophic hunger [constituting] an entirely manmade disaster"; the ICC ruling "fully recognized the use of food as a weapon in the military invasion and genocide" (Rotz et. al., 2024) rendering the Israeli administration in breach of the Rome Statute.

Spanish Prime Minister Pedro Sanchez (2026) has denounced the use by Israel of hunger as a "very cheap weapon [...] to win a war by starving an entire people into submission" explicitly recalling the 20,000 attacks against markets, farmland, and food distribution systems occurred in the last eight years (Donmez, 2026).

¹⁴⁷Following the failed 1993 Oslo Accords with its consequent land appropriation, was cultural heritage not the only victim in the cultural realm to be seized and exported unlawfully being further subjected to a process of Jewish narrativization: the land in the West Bank which was seized constituted farmland for its 90 percent undergoing from that moment on direct exclusive Israeli control, on top of the construction of the separation wall which was constructed divided Palestinian owned and managed pastureland from farmland and villages completely disrupting the "social links which are forged and maintained" (Poulain, 2017) around food production and consumption.

What regards the fishing industry the systematic destruction has "resulted in the collapse of the fishing industry" impacting the livelihoods of Palestinians; fishers have been reporting attacks both onshore and at sea (UN, 2025), fishing vessels have been damaged, other than landing sites and actual ports. Although the severity of attacking the fishing industry has increased intensively since 7 October 2023, the blockade of Gaza in general "has been taking place since 2007 [...] when approximately eight-five percent of fishing areas along the Gaza Coast were off-limits to Palestinians, with those who enter unauthorized zones facing risks such as gunfire, imprisonment, and the confiscation of their boats (Amnesty International, 2022).

¹⁴⁸International Court of Justice, (2024, July 19). *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly*. Unofficial Press Release.

¹⁴⁹Sourced from <https://x.com/antonioгутеррес/status/1769827656940278191> [last accessed 1 June 2026].

As aforementioned, under the conditions of famine in which Palestinians have been living, it might seem futile to deal with the importance of local cuisine and culinary heritage, nonetheless it is specifically for this very reason that such argument is crucial as exemplified by the numerous Palestinian women reminiscing their favorite recipes, ingredients and ways of cooking during displacement in refugee camps in order to not lose their ancestral connection: the Indigenous cuisine remains the last bulwark to directly both access their own cultural identity and to attempt to achieve one's sovereignty (Rotz, et al., 2024).

In light of the aforementioned role of culinary heritage as a tangible narrator of ancient history and manifestation of that given culture, here Palestinians, it is crucial to, following the last chapter focusing on, what Stamatopoulou-Robbins (2021) has called "the story of eruptive violence perpetuated by bombs and bulldozers", underline the pervasive and more gradual and subtle violence (Braverman, 2021, p.19) regarding the deprivation of the soil to produce the crops and the appropriation of the very recipes and ingredients.

4.1 The invention of Israeli cuisine from cultural Zionism to global rebranding

At the early construction stage of the Israeli State, the cultural and symbolic means to lay the foundations of the state started to emerge; a local cuisine rooted into biblical nostalgia was among them.

Among the early Zionists the idea that "if there is no society without a language, nor is there any which does not cook in some manner at least some of its food" (Levi-Strauss, 1996) was strongly supported.

When the Herzlian desire to construct an exclusively Jewish State in Palestine started to be more and more concrete from the 1917 Balfour Declarations the practical migration of Jews from the whole world initiated having as final destiny the so-called "Holy Land" supposedly waiting for their "return"; the multi-culturality of those People signified that in many cases their cultures had actually nothing in common, other than being part of diaspora, living in a few years an exacerbated persecution and a more or less dominant Jewish origin. The new generation of Jewish Israelis had a backstory of perhaps preparing schnitzels, boiled potatoes, smoked hering (Mintz, 1996) and eastern and western European cuisine in general.

The book "How to cook in Palestine" (1936) represented a tool to aid housewives to adapt to the "differences in climate and the necessary adjustments arising" (Meyer, p.7) from the prior cited differentiated geographical origins: the housewives are called European, an aspect which itself underlines the early understanding and acknowledgement (now not likely to be found) that the founders of the Israeli State were not indigenous at all, but that they were rather coming from entirely different territories. The challenge for these women was that, as the author underlined, they had to detach from their "cooking habits acquired by many generations in their respective countries" (Meyer, p.7) due to a new habitative context, biotope and *terroir*¹⁵⁰. It follows that, while Zionist women were seeking to "free [their] kitchens from European customs not applicable to Palestine," (Meyer, p.7) embracing their role as the creators of the new Israeli state - one dish at a time - Palestinian women, to this day, continue to cook those very same dishes as a means of expressing their identity and deconstructing the artificially constructed Israeli narrative.

The conception by the W.I.Z.O. (Women's International Zionist Organization) shared at upper State levels, that the cuisine and the domestic sphere, managed by female figures, was crucial for the construction of the Zionist State culture is further evidenced by excerpts from the book such as defining newly founded Israel as "old-new homeland" where the "statement that the way through the heart is through the stomach [...] is particularly applicable".

After a brief introduction on what the book represents and for whom and in which contexts it needs to be contextualized in, the author enumerates a series of recipes useful for the new *terroir*; what is striking is that the usurpation of Palestinian culinary heritage is no way hidden as the following phrase demonstrate: "once we learn how to take *advantage* [emphasis added] of the natural resources of Palestine and in addition utilize our knowledge of European cooking" (Meyer, p.8). The idea of taking "advantage" is reiterated numerous times throughout the text showcasing the Israeli extractivist framework, typical of settler-colonial states.

Taking advantage of the Palestinian heat and nature meant also the actual appropriation of their cuisine - by learning it - (Ra'ad, 2010) through a westernizing process (which is up to this date very present¹⁵¹) of re-contextualizing that very same Palestinian cuisine as Western, civilized, organic and healthy: "all natural products are, for reasons of health, very important [...] therefore natural products of Palestine are suggested for recipes" (Meyer, p.8).

¹⁵⁰In this context is "terroir" understood as chef Fadi Kattan (2026) described it, meaning a word originally coming from the wine world, which gradually shifted to the point of inglobing, other than land, the knowledge of the people of that territory, their savoir faire and their traditions (Tarwida, 2026).

¹⁵¹Israel is constantly associating itself with the vegan and health trends for example through the heavy marketing of hummus in western markets and most importantly the production by Redefine Meat of 3D printed plant-based meat. While for Redefine Meat the threshold of what is ethical is the killing of animals, the brand has been supported by the Israeli Government; this actions justifies the Palestinian genocide through a covert narrative, while the branding is based on being compassionate, progressive and aligned with animal (and human) rights (Fat Gay Vegan, 2025).

A dominant brand within the production of cellular meat agriculture market is Aleph Farms which's mission is, indeed, to be inspired by nature "to design new ways to grow animals' products, starting with [their] new take on steak" (Aleph Farms, n.d.).

Palestinian cuisine is particularly rich for its use of spices and fresh wild herbs such as mint, cited for its health benefits and cheapness; Meyer (1936) questions why such herb should only be used by Arabs and not planted in Jewish colonies, suggesting that Israeli housewives could plant such herbs in their own vegetable garden to enrich each dish (ironically have the foraging of wild Palestinian herbs such as *za'atar* and *Arum palaestinum* been criminalized very often with the justification of environmental reasons).

The worth which the members of the WIZO were recognizing in vegetarian Palestinian dishes and recipes was not granted keeping in mind the original creators and bearers of such heritage, but simply because Israelis had discovered it and were perfecting, westernizing and making it flourish.



Figure 33(left) Berger (1962), The water tower. Vintage Israeli JNF children poster, Israel, 1962, 49 x 34 cm, [zincographic print, Poster]. farkash-gallery.com

Figure 34 (right) Shamir Brothers (1949), "We shall pave the way to the end"Mapai, 50 x 70 cm [zincographic print, Poster]. farkash-gallery.com

While Fig. 34 represents a biblical and idyllic context in which children are letting, on the basis of the Zionist understanding, the land flourish with greenery and water management, Fig. 35 represents an image appealing particularly to those who saw themselves reflected in a more aggressive narrative of "land purification" and militarization, thereby satisfying a specific collective imaginary - ultimately, two facets of the same phenomenon.

When suggesting how vegetables should be cooked, two aspects are worthy of mentioning: firstly, that the healthiness of the ingredients remain the guiding motif to re-brand Palestinian cuisine as Israeli, since “stewing preserves to a greater degree [...] all the nutritive qualities”, secondly “in a hot country such as *ours* [emphasis added], vegetables should only be prepared by stewing” (Meyer, p.48). The Palestinian Land at this point of the narrative of the book had already become “theirs” taking even more agency away from Palestinians in the description of a programmed appropriative and culturally genocidal project targeting culinary heritage. This aspect is demonstrated by the persistent absence of Palestinian people, while occasionally it is used to describe some ingredients or dishes.

A whole chapter (“Cooking with Oil”) is dedicated to oil, which considering the role of olive oil for Palestinians is even more important. While women in their domestic sphere were proposing the Zionist culinary movement praising oils made out of Palestinian trees, with the knowledge of Palestinian olive oil producers but produced by Israeli firms, the Israeli Administration was slowly uprooting numerous secular olive trees.

While most Kosher families, prior to their arrival in Palestine used to be more familiar with butter, lard or margarine, the new biotope women noticed the advantages of oil which was not only very cheap and easily available but also with low percentage of water; the author acknowledged that they had to be “thankful for it and *take advantage* [emphasis added]” (Meyer, p.25).

Under the chapter “main-dishes” the author invites housewives to present each vegetable dish -“rich in vitamins, minerals and other nutritive substances¹⁵²”- accompanying it by another dish; to this regard “*people in this country* [emphasis added] use legumes, as they are both satisfying and cheap” (Meyer, 62).

Palestinians become a complete cultural absence since they are reduced to simply the “people in this country”: since culture in general, more specifically culinary heritage, “constitutes a visible expression of human identity [...] depriving [Palestinians] of their culture is tantamount to emptying them of the very substance that forms the backbone of their right to self-determination” (Forensic Architecture, 2022).

The continuous cultural and mythical legitimization according to which Israelis were constructing the Zionist narrative allowed for the total *tabula rasa*, at least on paper¹⁵³, of Palestinian cuisine through appropriating it as Israeli.

Another interesting aspect of the cited phrase is the introduction of legumes: at the time, they were not widely recommended due to their difficult digestibility. This stands in stark contrast to the current

¹⁵²The health benefits of the rebranded Palestinian cuisine are underlined throughout the whole text.

¹⁵³Although cultural genocide has been ongoing since the early twentieth century, chef F. Kattan has notably emphasized that Palestinian “food is alive”-a fact that demonstrates, in his words, “this is the battle we won, where food hasn’t become something that only historians write about. It’s alive” (Tarwida, 2026).

marketing of hummus as an exclusively Israeli product - a trend likely exacerbated by the growing demand in Western markets for vegan, protein-rich, ready-to-eat dishes. When talking about what bakery dishes to introduce to the kosher table, it explicitly states that the various cakes made with baking powder were long produced in Palestine.

To conclude, there is a reiterated acknowledgment, in contrast with the contemporary lack of Israeli chefs to acknowledge the origins of the dishes they often claim as their own, of the fact that there is both a pre-existing culinary heritage of the peoples living in the land¹⁵⁴, that they are new to the land and re-turning as justified by biblical mythology; the role of the Jewish diaspora converging into the newly founded state was that to “take advantage” of the local Palestinian *terroir* with the arrangement of a slow genocidal plan.

Although such a book may seem merely a practical guide for housewives to fulfill the domestic role which they ought to fulfill according to societal norms, it has been evidenced, throughout the analysis, that the female role was instrumental to the Zionist colonial strategy: Zionism aspires to completely erase the culture and identity of Palestinians, through the operation of cultural appropriation and erasure as “a tool to further its settler-colonial agenda” (Observer Diplomat, 2025). The main strength of the Israeli state, which determines both its internal stability and its standing in the eyes of the outside world - particularly in relation to the West - lies not primarily in military force, but rather in cultural domination and the deep-rootedness of its oppressive policies: food, as a crucial part of the cultural identity of Palestinians, “became a critical battleground in this struggle for control” (Observer Diplomat, 2025).

Through mass culture, like the song “Shir HaFalafel” (1950s), the project of culinary Zionism is further demonstrated: in the song by D. Almagor and M. Wilensky the national dishes for which a people is known are sung, like Macaroni for Italian, frogs for the French; coming up with their idea of Israeli delicacy claiming that only they have falafel, because it is their national food (Hebrew Songs, n.d.). The song additionally boasts about the streets being characterized by the fragrance of the sesame, pepper and oil of falafel and about the difficulty in making falafel; The labels or slogans such as “made in Israel with love” still do not fully capture the intent to replace Palestinian culture, because foodways are not just about flavors and taste - they are also about experiencing the love and history of the people who prepare the food.

¹⁵⁴The explicit recognition that Palestinians are the actual bearers of such intangible heritage is unpresent; by omitting any mention of Palestinians, the text seems to deprive them of their agency and, consequently, of one of the key avenues for expressing both agency and identity-namely, their culinary traditions.



Figure 35 [@Pasha Shlaky] (2026, May 12). [Israeli food logo coming from Facebook group on Israeli food.], [image] Facebook. <https://www.facebook.com/photo/?fbid=10164193764872277&set=p.10164193764872277> [last accessed 20 May 2026].

Figure 36(n.d.). [Online shopping section of the Israeli Brand “Galil”], [screenshot by the author of website] galilbrands.com/our-brands [last accessed 20 May 2026].

Simple appropriation was not sufficient; it was necessary, for the realization of cultural genocide, to erase and rebrand Palestinian heritage entirely.

In the aftermath of the Second World War, as previously mentioned the practice of colonialism was not respected as before, Israel went through (on top of physical violence) appropriating Palestinian cuisine utilizing “food [...] as an important part in the construction of a new Jewish and later Israeli identity” (Ranta, 2015, p.623).

Today, the results of this deliberate plan are evident in the ongoing dehumanization of Palestinians in Western media and in the lack of acknowledgment or reference to the legitimate creators of the cuisine served in the much-celebrated “Israeli” restaurants across the West. This process was driven, in part, by an enduring sense of inappropriateness or a lack of true ownership—an ongoing fear among Israeli society that could only be alleviated through a genocidal plan of total cultural erasure and rebranding, aiming to manipulate their own minds and the ones of the rest of the world. Hidden beneath the systematic storytelling - and the widely embraced narrative of the Jewish Diaspora arriving in an “unflourished desert” - there lies an “unconscious nagging that [Israelis] do not belong and that aspects of the native culture are seen as more legitimate than their imported ones” (Decolonize Palestine, n.d.). Israelis continue to feel, under the surface, “a feeling of inadequacy, a lack of real cultural depth which is expressed externally as a pathological withholding of any acknowledgment: the very elements that Zionists crave to appropriate have their source and reality built into the historic presence and accumulated living of the local Palestinian and regional populations” (Ra’ad, 2010, p.130).

Through the meticulously orchestrated rewriting of history, cultural zionism has been reframing Palestinian foodways as Israeli, exemplified by the marketing of hummus, falafal and *za’atar*; while it is true that cuisines are intangible and as such subjected to, as defined by UNESCO itself, external

influences which might lead to transformation and developments over time and that “recipes are portable” (Dickie, 2023), “external Israeli influence” coincides with not only a “culinary theft” but an “ideological [genocidal] plan to further the Zionist project of erasure and appropriation” (Observer Diplomat, 2025).

The role of cuisine for the cultural identity of Palestinians has increased in its relevance in light of the persistent oppression where many of the Palestinian Diaspora, prevented from going back home, and the first generations of those expelled from Palestine who were never able to live their heritage in their hometown, find connection to their roots through food; “Palestinians are in a constant state of existential panic, subject to erasure” (Atalla, Barahmeh, 2023) to the point that even Palestinian foodways might constitute a problem for the Zionist power since it stands in stark contrast with the exclusively Israeli culinary realm.

Israeli chefs play a crucial role in the narrativization of this heritage, presenting it on their menus without any acknowledgment of its Palestinian origins.

In this way, if the land, the churches, the trees and their fruits, and even the cuisine are all defined as Israeli, on what can Palestinian claims to sovereignty be based upon? The annihilation of all things Palestinian through genocidal practices serves to legitimize the Israeli occupation (Observer Diplomat, 2025).

On the other hand, the paradox remains that, although there is a perceived “moral” imperative to annihilate Palestinian traditions, Israelis also need these very traditions, as they are so deeply entangled in their own claims of nativity (Ra’ad, 2010).

This process can be justified by Mendel’s and Ranta’s (n.d.) understanding of the creation of Zionist food culture according to which Israeli food culture was based on fascination with, leading to adaptation, imitation and appropriation of, Arab-Palestinian culinary elements, while, on the other hand, Israeli food culture went through a process of de-Arabization’ (Ranta, 2015)’, thus rendering “Palestinian” a cultural absence (Forensic Architecture, 2022), rather than presence.

The convergence of the Jewish Diaspora into Palestine makes it easy for Israelis to claim that their cuisine is a diverse melting pot, where diversity and inclusivity are key concepts. Meanwhile, Palestinian cuisine is reduced and homogenized - stripped of its rich regional varieties and “mosaical nature”- and reimagined as a monolith. At best, Israelis categorize Palestinian cuisine under the umbrella term “Levantine Cuisine”; otherwise, it is simply presented as Israeli.

This leads us to the topic of the creation of “Levantine cuisine,” another branch of cultural appropriation that forms part of the genocidal project implemented by the Israeli administration since the early twentieth century, at the expense of the Palestinian people and their intangible heritage.

Fadi Kattan (2026), a Franco-Palestinian chef originary from Bethlehem, has shared his idea on the podcast Tarwida (2026) entitled “Food is Political” according to which there is no such thing as Levantine cuisine, since it is a colonial word of French origin where Le Levant identifies where the sun rises (with Rome as standing point so east from Rome). The area which is covered is very

extent¹⁵⁵ and if already Palestinian cuisine is indefinitely extended and diverse due to the multiple terroirs¹⁵⁶ and as such impossible to homogenize, the term is furthermore improper due to the hidden colonial tropes justifying its use: Israeli chefs use the terms Levantine, Middle-Eastern and Mediterranean¹⁵⁷ (Ra'ad, 2010) cuisine to appropriate the different people's heritage disguising their origin. Kattan (2026) claims that the battle is ongoing and that while some victories can be claimed here and there, Palestinians "should be in [constant] state of being loud about the beauty of their culture".

The British and Palestinian Cheffe Joudie Kalla (2022), author of "*Palestine on a Plate*" (2016) and "*Baladi Palestine. A celebration of Food from Land and Sea*" (2018), was continuously said by several publishers, prior to her first publication, that the title "Palestine on a Plate" was problematic, although they regarded the content as interesting.

Most shockingly, the Cheffe was prevented from entering Palestine—since every border is controlled by Israeli authorities and by the IDF—specifically because of the publication of her book *Palestine on a Plate*. The book was labeled as antisemitic and as delegitimizing the Israeli people, simply because it did not mention Israelis (Afikira, 2022).

The action of homogenizing Palestinian foodways as part of the long-lasting cultural genocide is furthermore demonstrated by the double standard according to which one culture ought to be appropriated while others not: as the journalist Ali Abunimah has observed the Zionist cultural program had not envisioned the appropriation of other cultures cuisine (Decolonize Palestine, n.d.).

¹⁵⁵With the understanding of food as a foodways, the Palestinian culinary heritage does of course share some similarities with the neighboring countries such as the custom of shared dishes and bright salads of freshly harvested vegetables and *khubz* (flatbread) baked in the morning, alongside the floral and sour fragrance of seeds, sumac and za'atar (Atalla, 2023).

¹⁵⁶F. Kattan (2026) conceptualizes Palestinian cuisine by understanding it as a collection of distinct terroirs, each defined by its internal commonalities. According to this view, the Palestinian terroirs include the coastal region, the central area characterized by olive and almond cultivation, and the desert inhabited by nomadic peoples.

Palestine is an incredibly diverse state geographically characterized by numerous regional specialties as well as recipes that vary from one household to another.

As a result of forced displacement, ongoing violence, and the construction of walls, people have been obliged to leave their homes, carrying their terroirs and culinary traditions with them. Recipes such *Saya Diyit Samak* (fish and rice based dish) were re-adapted responding to a non-coastal terroir where dried fish (like cod) was available. The recipe, tailored by necessity, remains alive, in spite of the segregation of the regionalities and their culinary expressions.

The chef himself has shared how one grandmother from Yaffa, another from Bethlehem and another from a Bedouin family have all different ways of interacting with the same ingredients

Cheffe Mirna Bamieh has experienced the same phenomenon while travelling and asking Palestinians (especially the generations born prior to 1948) to share their stories through dear recipes; the Cheffe then gathers such heritage and elaborates social eating events and exhibitions recreating those very recipes on occasion of her project *Palestine Hosting Society* (Mishan, 2020).

¹⁵⁷The Mediterranean characterization is one of the safest ways to present Palestinian cuisine as it "invokes the familiarity and safety of Italy and Spain to deflect from negative Western stereotypes of Arabs (Mishan, 2020).

This is exemplified by the fact that Israelis do not claim Polish pierogi as their own, despite the Polish origins of many early Israeli settlers. One notable exception can be found in *How to Cook in Palestine* (Meyer, 1936), where, among the cakes, a small section is devoted to the Viennese Sachertorte, presented as a suitable option for the newly established kosher households in Palestine.

Ultimately, even if it were true that some recipes held sentimental value and were traditionally used by Jews¹⁵⁸ living in Palestine prior to the creation of the Israeli state and the Nakba, mere biblical references to the land can only attest the origins. What truly enables the development of recipes are the contextual and historical elements in which they evolve (Montanari, 2002). Thus, even if Israelis historically consumed foods like hummus, Zionists cannot be considered the true bearers of this tradition, as it is the Palestinians who have protected and transmitted this heritage for centuries, even under constant threat.

The depicted image by Israelis of the considered region is essentialist since “all Arab or Muslim majority countries across the Middle East and North Africa”(Decolonize Palestine, n.d.) are treated as a monolithic entity.

The name depends on the audience for which it is intended for leading “Levantine” as a preferable identification mark because it sounds both more exotic, sophisticated and it does not provoke any undesired reactions making reference to the Palestinian/Israeli conflict: while calling it Israeli, brings at this point, heavy criticism (even from part of an educated Western audience) for the act of cultural appropriation, *Levantine* sound conflict free (Soumaya Hhijazi, 2025).

Some Israelis (not Zionists) claim, to this regard, that kitchens may represent a neutral zone in which both cultures are shared and hatred and differences are put aside; for Chef Kattan (2026), nonetheless there cannot be such thing as a collaboration¹⁵⁹ between Israelis and Palestinian chefs without equality, since occupation is ongoing, accordingly “making peace around a plate of hummus is bullshit when no Israeli chef seems to be pushing towards recognition of the UN resolution starting by 194 with the right of return of Palestinian refugees” (Tarwida, 2026).

Israelis working in the HoReCa (Hotel, Restaurant and Cafe) sector insist that cross cultural culinary encounters have been “improving the inter-communal relations [while in opposite it] has been entrenching Israeli colonialism”(Gaul, Pitts, n.d.).

¹⁵⁸Za’atar, the Palestinian wild herb, has, for example, been claimed as Israeli on the basis of biblical references in which it is mentioned as “ezov”-a claim further supported by the fact that many Israelis are Mizrahim, or of North African origin. Nonetheless, these biblical references and the historical use of za’atar by Jewish communities-not by Israelis per se-do not in themselves justify claims of exclusive culinary sovereignty or the erasure of Palestinian tradition through the appropriation of these ingredients (Decolonize Palestine, n.d.).

¹⁵⁹Israeli and Palestinian collaborations in the kitchen can represent in different circumstances a food-washing intent where the Israeli cook mediates its own persona as a kind individual who loves Palestinians and their cuisine (Kattan, 2020).

Behind the stereotypical representation of an Israeli Jew and a Palestinian eating and cooking together hummus, as the perfect book-cover for a food bestseller in the West, there is a process of hiding and masking the violent dispossession presenting instead a homogenized a-political foodway: “food is political, how and where you eat is political” (Kattan, 2026).

The role of women returns as impacting severely on the construction of the Zionist cultural agenda, where often unpaid and exploited women represented “the key to the reproduction of Levantine cuisine” (Gaul, Pitts, n.d.).

4.1.1 Genocidal Gastro-diplomacy

Gastro-diplomacy refers to the “use of a country’s national cuisine to grow international relationships, [thus] improv[ing] its reputation and build on foreign policy goals” (Madanat, 2025). The increasing media coverage and access to free information made possible by the democratization of media, along with a loosening of US-driven narratives in the West, have enabled people to better understand the extent of the violence perpetrated by Israel during its colonial oppression in Palestine.

The Israeli administration has recognized that, in order to secure sympathy and support from the World, the Holocaust alone and US/British support were insufficient for most observers to justify its violent actions.

An additional image obstacle for Israel, has been the alignment of the Israeli Administration with far-right movements both local and US based; the file rouge of culinary zionism, as demonstrated by the analysis of “How to cook in Palestine” (1939), has been that of positioning itself with “Western” values of organicity, healthiness, veganism etc...nonetheless, “marketing can only help [Israel] so much when [it has] a rotten product” (Decolonize Palestine, n.d.).

When Palestinian dishes started to gain popularity in the Western world, Israeli brands orchestrated “aggressive sales campaigns” (Ra’ad, 2010, p.126) to declare that those products were instead an Israeli national food.

The colonization of Palestinian foodscapes, always part of the cultural genocide plan, is traceable in the West not only by viewing menus of so-called “Israeli restaurants”, but also by food products sold in supermarkets as Israeli.

To cite once again chef Fadi Kattan (2026), “the normalization of culinary Zionism is such that many people see no issue with going to an Israeli restaurant, because they do not even know that there is

actually no such thing as Israeli cuisine”: the blindness of the average consumer is an exact demonstration that Israel’s food washing process is functioning.

Using food tropes “may be the most effective form of propaganda, [since it] humanizes [on the one part, while on the other it], by extension, renders Palestinians invisible” (Mishan, 2020).

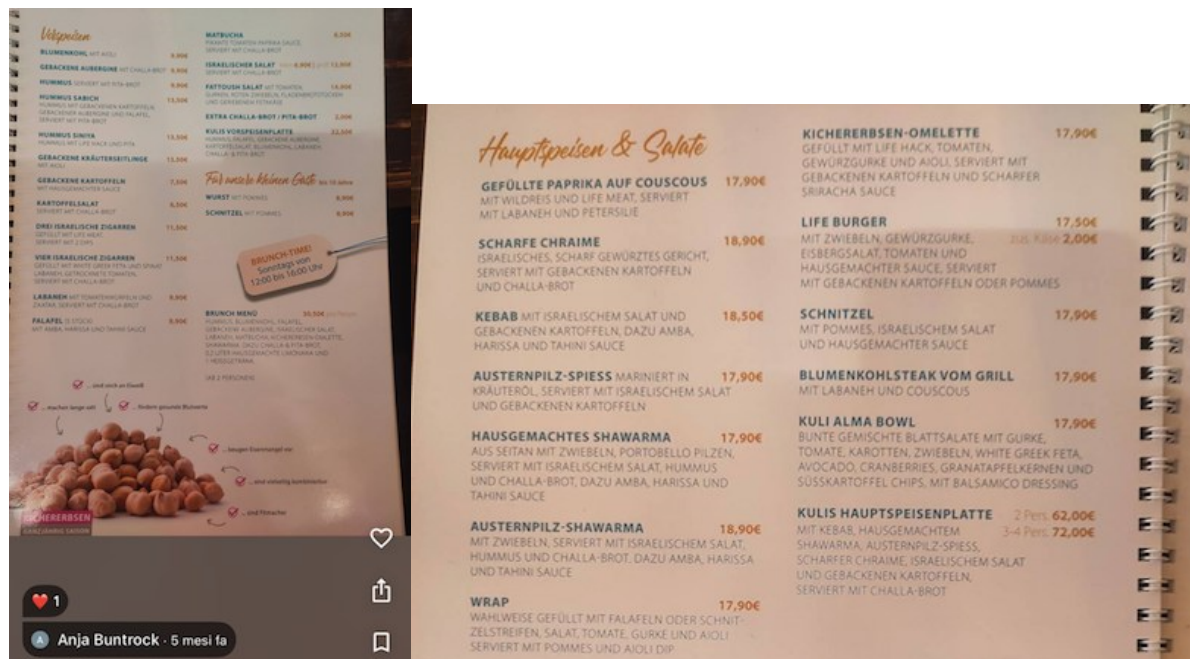


Figure 37 [@AnjaBuntrock] (2026, January). [Menu of Israeli restaurant Kuli Alma, based in Frankfurt], [image]. Google Maps. <https://maps.google.com?q=Kuli%20Alma,%20Zum-Jungen-Stra%C3%9Fe%2010,%2060320%20Frankfurt%20am%20Main,%20Germania&ftid=0x47bd0f890bf73ee5>

Figure 38 (left) Ibid.

The menu of the restaurant Kuli Alma (Fig. 38 and Fig. 39) showcases an offering of “Israeli salads¹⁶⁰”, “Jewish hummus”, “Israeli shawarma” all with greenwashing narratives where such dishes are healthy, vegan and light.

¹⁶⁰The “Israeli salad” (also known as Salad Katsuts) is one of the most popular dishes in Israel; it consists of chopped tomatoes, cucumbers, onions, parsley and sometimes mint and adorned with a lemon juice and olive oil dressing; the recipe of the salad, with each a slightly different twist to it, is included in every Israeli cookbook since the 1960s (Ranta, 2015).

PITOTES DE L'ATELIER tehina (GLT, GS) 6

HOUMOUS NATURE / BASSAR DE BOEUF (GS, FAC) 12/19

SALADE ISRAELIENNE 13

TCHOUTCHOUKA MAISON oeuf poché (O) / **supplément MERGUEZ** 14/19

SALADE DOUDOU 14
tomates, oignons, piments, herbes fraîches

WINGS BARBECUE (SJ, GS) 18

CHOUX-FLEURS PANÉS sauce maison (GLT, GS, FAC) 18

AUBERGINE AU FEU DE BOIS tehina (GS, FAC) 18

SCHNITZELONIM sauce cocktail (GLT, O, GS, FAC) 22

PITOTES FARCIES agneau et boeuf (GLT, GS, SJ) 26

AVOCADO TOAST 25
guacamole, saumon gravlax, oeuf poché, aneth (PSN, GLT, O, GS)

CARPACCIO DE BOEUF pesto basilic, roquette, noix (AS, FAC) 26

CARPACCIO DE ROSBIF
compté de tomate aux épices , tehina , capres , piment oiseau (FAC, GS) 28

ROUGETS FRITS sauce chermoula(PSN, GS, FAC, GS, O) 26

MERGUEZ DE BOEUF / VEAU 23 / 28

OS À MOELLE À LA BRAISE (GLT) selon arrivage 28

BRIOCHE BASSAR (GLT) 25

Rotisserie Broken Chicken Aioli, Za'atar, Spring Onion	16
Lamb Kabab Grilled Tomato and Onion, Tahini, Pickles, Spicy	17
Intimate Slow Cooked Beef & Roots, Tahini pickles spicy parsley	16
Female Chicken Liver Roasted with Spring Onion, Tahini, Spicy	14
OCEAN CREATURES	
Flah N' Chlpe Sea Bass, Fried Potato, Pickles, Aioli, Parsley, Champagne Vinegar	15
OUT-OF-THE-PITTA	
ONLY VEGETABLES	
THE ORIGINAL World-FAMOUS BABY CAULIFLOWER	13
Pitta Chip Salad Crispy Za'atar Pita, Tomatoes, Cucumbers, Fresh Herbs, Lemon, Olive oil, Tahini	12
Bag 'O Green Beans Lemon, Garlic, Vinaigrette	10
Run Over Potato Sour Cream, Dill, Olive Oil , Spring Onion	11
Batato Sweet Potato Caramelized in its own Honey, Sour Cream	8
NEW Ratatouille - Not the French one, but better!	
Fried and baked Aubergine, Courgette, Onion, Tomato Perfume, Tahini, Pickles, Egg Cloud, Spicy	17
THE BEST HUMMUS EVER!!!	
The best Hummus Plate That You Will Ever Eat! Tomato Seeds, Olive Oil, Spicy	12
Add 5 Falafel Balls Magic Mushrooms Golden Meat	16 16 18

Figure 40(n.d.) [Menu of Israeli restaurant, Miznon, based in the UK] [image] <https://miznon.co.uk/menu/>.

Vegetarian

All Vegetarian Sandwiches Come With Hoormoos, Israeli Salad, Lettuce And Tahina Inside A Fresh Pita. Substitute Your Salad For Any Of Our Delicious Salads For Only \$1 More. Add French Fries Or Pickles Inside Your Sandwich For \$1, Xtra Schoog And Tahina Sauces Are Available For \$0.50 Each. Just Happy Reminder All Of Our Salads And Some Of Our Soups Are Vegetarian As Well.

Health Sandwich	\$5.54
Sauteed eggplant with a hard-boiled egg, israeli salad, lettuce, humoos and tahina.	
 6 reviews	
Falafel Sandwich (NYC's Best)	\$4.61
Our falafel balls with humoos, salad and tahini inside a pita.	
Humoos Sandwich	\$3.69
Our delicious humoos, lettuce and israeli salad inside a fresh pita.	
 3 reviews	

All Made Fresh Daily.

Israeli Salad  18 reviews	Sm Lg	\$4.75 \$8.50
Babaganoush  5 reviews	Sm Lg	\$4.75 \$8.50
Moroccan Salad	Sm Lg	\$4.75 \$8.50
Tabouli  2 reviews	Sm Lg	\$4.75 \$8.50
Carrot Salad  1 review	Sm Lg	\$4.75 \$8.50
Cabbage Salad	Sm Lg	\$4.75 \$8.50

Figure 42 (right) Ibid

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The brand “Sabra hummus” was, up to 2024—when it was acquired in its entirety by PepsiCo—owned by the firm Strauss Group which appears to have been supporting financially and with care packages the IDF, specifically the Golani Brigade (Shiney-Ajay, McGinnis, 2018).

These intersections between the military realm and the cultural sector—previously highlighted in cases such as the Ministry of Culture narrativizing heritage through a focus on military action—are further demonstrated by images such as the following, where the last image can be interpreted as the exacerbation of appropriation of Palestinian cultural resistance where even the watermelon symbology (Fig. 46) , dear and representative for the Palestinian liberation, is represented as an aesthetic moment and eaten by an IDF soldier.



Figure 43(left) [@omerbare] (n.d.) [IDF soldier in front of a food platter of Palestinian dishes like falafel and hummus], [image], Pinterest. <https://pin.it/5F1hRCsPv>.

Figure 44 (right) [@omerbare] (n.d.) [IDF soldiers eating store-bought hummus], [image], Pinterest. <https://pin.it/6mVLstxbE>.



Figure 45 [@Myah Mogwai] (n.d.) [IDF soldier eating watermelon], [image], Pinterest.

At this point is “Israeli hummus” easily to be found in any major US city “grocery store, cafe and coffee shop” (Zayad, 2018) normalizing the omnipresence of cultural Zionism.

The reaction that such behaviour causes in Palestinians is foreseeable since it “somehow refreshes the trauma of [them] losing the land [and] of not having power over the[ir] existence” (Salman, 2019). At the same time the expropriation, by domestic laws, has enabled the marketing of Palestinian products as Israeli such as dates, Jaffa oranges, *za’atar* or spice mixes.



Figure 46 (left) Blass Rico (Richard) (1930s). The Key to Your Health Lies in this fruit, [Vintage Orange advertisement poster], 49 x 34 cm, [Lithographic Print Poster], farkash-gallery.com.



Figure 47 (right) @intermagazine_eg (Sculpture), Muoco Humberto (photographer). [Installation shots of glazed ceramic

oranges with archival Jaffa orange labels]. [image] Image sourced from Instagram profile @mirna_bamieh.

The images Fig. 47 and Fig. 48, with their powerful symbolic significance, highlight how the same ingredient is both appropriated - Jaffa oranges represent one of Israel's primary exports (Ranta, 2015) - and transformed into a symbol of resistance and the struggle for food sovereignty (Fig. 48).

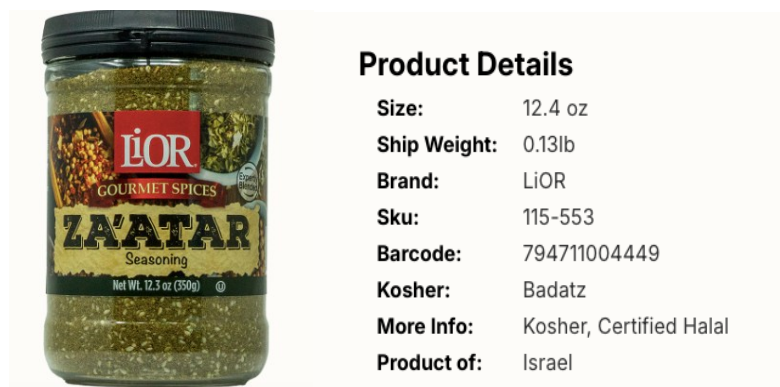


Figure 48(n.d.) [Za'atar jar as sold by the Israeli brand Lior] (a branch of the brand Galil), [image]. https://ourbasket.com/products/lior-zaatar-premium-seasoning?_pos=6&_sid=a090f728f&_ss=r

Figure 49 (n.d.) [The Product Details of Lior's Za'atar including the origin identified as Israeli], [image]. https://ourbasket.com/products/lior-zaatar-premium-seasoning?_pos=6&_sid=a090f728f&_ss=r

The products showcased in the images are branded as vegan, vegetarian and Israeli or Mediterranean demonstrating the claims stated throughout the text; *Za'atar* is specifically marketed as "Hyssop Aromatic, our authentic za'atar is a Middle Eastern spice blend [...] sprinkle it over hummus, Labneh or babaganoush!" (Galil, n.d.).

Galil positions itself as "your neighbourhood market, with *Mediterranean* (emphasis added) and *Kosher* (emphasis added) staples, hand-picked for your kitchen" (Galil, n.d.)

The narrativization proposed by Israeli restaurants serves as another, as will be evidenced in the paragraph dedicated to the categorization by the Michelin Guide, testimony of culinary normalized culinary Zionism (Madanat, 2025).

While Israeli restaurants present the "nonsense narrative of hummus as love, [demonstrated by publications like "Make Hummus not war" by Claudia Roden in 2012], and [that]food brings [Palestinians and Israelis] together, locking hostilities behind, there is [actually] violence": the image promoted is that of inclusivity, which is not in fact present.

As Chef Qais Malhas (2023) has said, they employ "pinkwashing and greenwashing, they love doing all these kinds of washing, because their laundry's very dirty" (Atalla, Barahmeh, 2023).

A recent phenomenon, denounced on “Everything is Political” by Palestinian author Jwan Zreiq (2026), which is worth briefly mentioning, is the Israeli trad-wife trend which glamorizes by appropriating and rebranding the Palestinian female-maternal domestic sphere by narrativizing it on social media by commodifying Palestinian traditions.

Specifically the influencer Ayala Ben Baruch is depicted while baking bread, picking olives and wearing modest embroidered dresses, selling the image that “Israeli settlers can be indigenous” (Zreiq, 2026). As underlined by Zreiq (2026) the media representation is a construct where the subject can both represent the settler and the native, by appropriating the visuality, the landscape, the colors, music, gestures around food, the “organic and slow lifestyle”.

As is visible in Fig.54, images shared by the influencer herself in 2022 showcase a completely different narrative which is the different coin of the same Israeli narrative; while today the narrative is that of an organic lifestyle based upon a slow motherhood, previously the military aesthetic was the dominant one.



Fig. (from left to right) 51, 52, 53, 54, all images sourced from the Instagram profile @ayala_ben_baruch [Instagram].

Figure 50 (2026, May 20) [Ayala Ben Baruch with her child using grape leaves to cook],
<https://www.instagram.com/reel/DYklzW1olZu/?igsh=MWg0M2Q1cDJ4bXI4MA==> [last accessed 11 June 2026];

Figure 51 (2025, August 6) [Ayala baking bread]
<https://www.instagram.com/reel/7DNA6AtEoXwl/?igsh=MT11aGRxN2tjcTNrMw==> [last accessed 11 June 2026];

Figure 52 (2026, May 20) [Ayala picking grape leaves]
<https://www.instagram.com/reel/DYklzW1olZu/?igsh=MWg0M2Q1cDJ4bXI4MA==> [last accessed 11 June 2026];

Figure 53 (2022, January 30). [Picture of Ayala with friend in military attire]
https://www.instagram.com/p/CZXixjOgEsz/?img_index=1&igsh=MW55Ymt3bWY2em-FnNQ== [last accessed 11 June 2026].

The comprehension of the power of gastro-diplomacy has reached recently governmental figures such as M. Izhakov, Israeli Ministry of Tourism Director General; the ministry travelled recently to the United States to host a series of meetings and events to “strengthen Israel’s position in the U.S.

tourism market” (Jerusalem Post Staff, 2026) which represents more than thirty percent of visitors. The touristic campaign sought to present Israel-note that this is in 2026, when, despite the formal introduction of a ceasefire, Israel had violated it “at least 3,005 times from October 10, 2025 to May 2026” (AJLabs, 2026) - “through the experiences of the people who live there, highlighting culture, gastronomy [...] local experiences” (Jerusalem Post Staff, 2026). Such storytelling facilitates the creation of emotional engagement between visitors and Israelis and ‘their *terroir*’, even though these elements are not genuinely Israeli but have been appropriated from Palestinians.

Similar stance had already taken place in 2010: the America-Israel Friendship League organized with the Foreign Israeli Ministry the “Culinary Press Delegation to Israel”: the event consisted of a group of experts of the HoReCa sector to bring the “sights, smells and tastes of Israel’s melting-pot kitchen to a wider audience” (Hartman, 2010).

The project was inspired by the desire to rebrand Israel as something “other” than the Palestinian-Israeli conflict; through such culinary delegations “a holistic understanding of Israelis and their DNA” could have been provided “to relate to Israelis on a human level”: the role of foodwashing in the culinary Zionist project is clearly evident in such a statement.

The gastro-delegates were accompanied in a tour of Tel Aviv led by chef Yisrael Aharoni, who presented Israel’s food scene as multicultural melting pot where cuisine is a terrain in which colonialism and the political nature of food is not even considered from afar: as already stated, food is political.

The chef reinforced the food washing by claiming that there is no other country which has the same variety reflected in Israeli cuisine (Hartman, 2010).

Tourist kiosks all over Israel promote for example “falafel as a traditional Israeli [delicacy, while Israelis] point out that no single group can own a method for ‘frying a mush of legumes’; the way out critiques for their appropriation is that of claiming that such dishes are either Middle Eastern and as such part of a shared heritage or as Hagay Nagar, Israeli co-owner of Hoomoos Asli in New York, says falafel has become an international food like a hamburger” (Kantor, 2002)¹⁶¹.

The issue with such definitions - aside from the exclusion of Palestinians from the narrative of their own heritage- is that a dish like the hamburger is in no way comparable to the secular tradition underlying Palestinian food-ways. While the hamburger is widely recognized as a Western American specialty, both its origin and the origins of the United States itself are relatively recent and most importantly the United States of America are not an oppressed people subjected in the past hundred years by occupation.

¹⁶¹Kantor, J. (2002, July 10). *A History of the Mideast in the Humble Chickpea*, The New York Times, <https://www.nytimes.com/2002/07/10/dining/a-history-of-the-mideast-in-the-humble-chickpea.html> [last accessed 28 May 2026].

To conclude on a slightly positive note, recent developments have seen a movement by Israelis and Israeli brands to acknowledge the actual origin of “Israeli food”: Ranta (2015) has identified this process as “Re-Arabization of Israeli food culture”.

In recent years Israeli menus have changed the naming from “Israeli salad” to “Arab salad”, still very vague and underlying an exotic culinary trope, as the phenomenon of “Re-Arabization” can be justified by the fact that when the “trade in food gr[ew], there has been a greater separation and distance between food grower or manufacturer and the purchaser of the food, [meaning that consumers have been relying] on food labels and marketing strategies” (Germov & Williams, 2017). Consequently, Israeli brands have been responding to marketing evolutions and trends like the Israeli brand Micki’s Salad selling “Arab hummus”, an action which is not inspired by ethical fervor but rather by market developments.

In contemporaneity, consumers “seek foods with qualities that reflect [...] commitment to [for example] social justice values [inspiring to positions itself as acknowledging the actual Palestinian or Arab origin] and nationalist sentiments” (Germov & Williams, 2017) - which on the other hand, inspires Zionists all over the world to acquire products branded and owned by Israelis.

In this context, a symbol on a food label, such as either the Israeli flag or organic labelling on one hand or Palestinian fair trade, “may communicate specific information about the product” (Germov & Williams, 2017).

The process of major transparency in the food labeling and in the HoReCa industry has been underlined furthermore by British-Palestinian chef Joudie Kalla who has seen, specifically in the UK, how consumers require a precise labelling of the ingredients and dishes giving people the credit for their past (Afikira, 2022).

Nonetheless, as already underlined, the “Re-Arabization” consists of an extractivist approach where Palestinian culture is seen only as a resource for tasty food “which has been de-politicized” and has been possible only since the “Jewish-Israeli society is now secure and confident in its political, social and cultural dominance over Arab-Palestinians (Ranta, 2015).

The reiterated absence of Palestinians in the narrativization of “Israeli cuisine” demonstrates both the destruction of the national pattern of Palestinians and the imposition of an Israeli one (Lemkin, 1944).

Discussing cuisine and ingredients remains extremely sensitive and must be approached with great responsibility, especially while entire families and their lives in Palestine are literally being buried under the rubble. Yet, as Chef F. Kattan (2026) has stated, it is precisely in light of the ongoing

genocide that we owe it to everyone who has disappeared and been silenced to continue this conversation (Tarwida, 2026).

4.2 The categorization of the Michelin Guide

In the afore-mentioned passage, the author has highlighted how culinary Zionism is omnipresent in so-called Israeli restaurants throughout the Western World: restaurants can be considered, in this sense, as the arenas of cultural Zionism explicating the characteristics of the cultural genocide planned (as opposed to restaurants which embrace the specificity of Palestinian cuisine, rather than presenting it under the broader nomenclature of Levantine or Mediterranean).

The paragraph intends to analyze the category of "Israeli cuisine", mainly in the fine dining realm to comprehend the message they vehiculate, which has been seen up to this point as an eloquent and redundant annihilation of Palestinians and their culture, as in the Gaza Peace Plan 2025.

The Michelin Guide¹⁶² has been representing an authority for food enthusiasts; if a platform like the Michelin Guide, representing and giving visibility to both haute cuisine and more "effortless concepts" like 'Bib Gourmands' or simply 'Michelin suggested', includes the geographical categorization of "Israeli cuisine" it reiterates the generalizations resulting from the culinary Zionist program, supporting the appropriation of Palestinian culture and not giving the latter proper visibility. The Guide represents a prestigious and trusted standing point and as such consumers rely upon its representation of authentic global cuisines.

The Michelin Guide operates on its website with the categorization on the basis of geography of origin of the restaurant, the numbers of Michelin Stars, the category of Bib Gourmands, and ultimately restaurants which's quality is guaranteed and as such simply suggested within the Guide. The paragraph will take into consideration the geographical distinction and more specifically the restaurants classified as either Israeli/Mediterranean/Levantine/Middle Eastern.

¹⁶²The Michelin Guide is the result of the natural development of what first was a guide to help motorists to organize their trips with maps, hotels, culinary suggestions and adventures. Starting from 1926 the Guide began to award fine dining restaurants with a star (at first), while in 1931 the three different stars were introduced, becoming the culinary global standing point is represents today (Michelin Guide, n.d.).

Selecting the 'Israeli' categorization on the official website of Michelin, a total of thirteen restaurants appear worldwide - in the areas which Michelin inspectors have covered up to this day - (it needs to be considered that Michelin does not operate in Israel).

In Paris the restaurants identified as Israeli and suggested are *Tavline* and *Tekés*, while *Alluma* is identified as Mediterranean.

Tavline (recommended) is proposed as a "slice of Tel Aviv, a taste of Morocco, a hint of Lebanon" (Michelin Guide, n.d.) where the hummus (present as always) is enriched with za'atar¹⁶³, the coffee and the beer are Israeli, as is proudly stated in the menu, while the tea was first presented simply as mint tea while now as Moroccan demonstrating probably the shift in the market that consumers necessitate major transparency (still avoiding the big elephant in the room: acknowledging the Palestinian origin of "Israeli cuisine").

Tekés (recommended) in Hebrew means "ceremony", thus the concept is that of a restaurant where musical and culinary experiences collide. The culinary proposal, mostly vegetarian (as underlined to appeal to the Western trend of greenwashing) is of Levantine traditions and influences from the Middle East (one might ask what this identification really means since they both very often overlap and coincide with appropriation of Palestinian culinary heritage, other than that of other culture like Greek, Lebanese etc...).

On the official website the restaurant present itself through the Israeli clichés on foodways already mentioned prior; "A place that explores our origins, a tribute to our traditions, through a vegetarian cuisine filled with humanity [...] other than an ode to plants and to the ancestral cooking methods of Jerusalem [...] reinvented" (*Tekés*, n.d.).

While the references to the origins, traditions and ancestrality reinforce the supposed authenticity of 'Israeli cuisine', mentioning the vegetarian allure positions the restaurant, as Israeli cuisine in general, with the "developed countries of the West".

Most striking is the characterization of a cuisine as "filled with humanity," which raises several questions. What does it mean for a cuisine to lack humanity, given that all cuisines are inherently products of human societies? Moreover, why is it necessary to assert such a stance? The implication seems to be that Israeli cuisine possesses a quality of humanity or human passion that is absent from others - such as Palestinian cuisine - thus suggesting a problematic hierarchy of value and authenticity.

¹⁶³While Israeli authorities have consistently been criminalizing Palestinians for collecting za'atar, in so-called "Israeli restaurants" (and in the domestic sphere) "they put it on top of their food" (Atalla, 2023).

Alluma's gastronomic proposal (recommended) is presented by Michelin (n.d) as Mediterranean with Israeli influences with, as recurrent, hummus and a "green positioning" with its biodynamic and organic wine list from Italy, Spain and Armenia (their origin is acknowledged). The vision is that of a restaurant "where every plate tells the story of a *free, unadorned Mediterranean* [emphasis added], guided by precision and soul" (Alluma, n.d.).

Doubts arise on the idea of a "free Mediterranean" while the restaurant proposes the cuisine of a State which has been depriving of its own freedom and sovereignty, even the foodways, another People with genocidal approaches and narratives since the last century;

The Berlin based, *Berta* (recommended) is proposed as an Israeli tribute to his grandmother Berta¹⁶⁴. The aesthetic of family values is further reinforced by the Guide's official commentary, which describes the restaurant as "a veritable celebration of family recipes from Jerusalem infused with the modern spirit of Berlin." (Michelin Guide, n.d.). The restaurant is perceived in this sense as both modern ("as the West") and of family values.

The website of *Berta*, portrays itself as a "tribute to roots, memory, and celebration, born from family stories and heritage [...] draw[ing] inspiration from the kitchens of our grandmothers, [other than being] rooted in eastern European traditions, forming a bridge to the tastes of Jerusalem" (Berta Restaurant, n.d.);

In Kraków *NOAH* - identified as Israeli - represents a place where a "delicious taste of Israel" (Michelin Guide, n.d.) is offered. The concept is always that of communal plates that are to be shared; what stands out are the hummus, the corn chicken with *za'atar* and the medjoul dates stuffed with ricotta and candied lemon. The dates represent another perfect exemplification of how Palestinian lack of sovereignty permeates the relation between Israeli and the soil, at the expense of the relationship between Palestinians and the same land: the majority of medjoul dates exported to the West are originary from Israel and the Palestinian occupied territories, while in some exceptions, in

¹⁶⁴While the following concept was originally applied by Dr. A. Grandi (2026) to Italian cuisine, it is also relevant to other culinary traditions, such as "Israeli cuisine". Grandi suggests that Italian cuisine and its identity, which are relatively recent in national terms, were constructed through the myth of grandmothers ("nonne") who filled the gap of historicity and nostalgia-elements upon which strong cultural traditions are typically based. Grandi argues that cuisine in Italy performs the same function as the Homeric epics did in the ancient Greek city-states (polis) between the fifth and sixth centuries BCE, when no shared communal identity existed. For the Greeks, the constitutive communal elements were language and the Homeric epics. Whether or not the hero Achilles actually existed is irrelevant; the epics functioned as guarantors of Greek shared identity, much as, according to Grandi (2026), grandmothers do in Italy. Similarly, as will be demonstrated through the analysis of various Michelin-cited restaurants, grandmothers-and women in general (see "How to Cook in Palestine" by Meyer)-play a crucial role in the construction of culinary Zionism and its representation to external consumers.

light of the novel customer necessity of major transparency some brands underlined their fair trade¹⁶⁵ and Palestinian origin (see Fig.55).

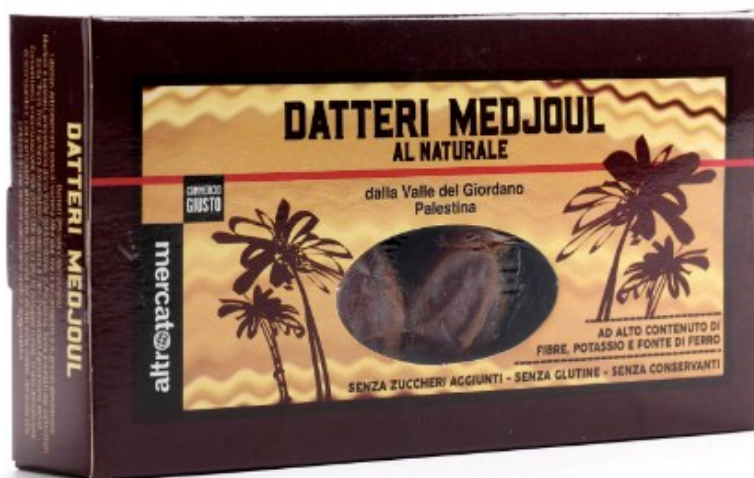


Figure 54 Altromercato (n.d.) [Medjoul dates from Palestine sold by Altromercato], <https://shop.altromercato.it/product/00000288/datteri-medjoul-al-naturale-palestina-200g?srlid=AfmBOoqm6QdIV6hODzPABBRytrRiqHab5L6p1oGPEG7HgJaQAZaHUKT> [last accessed 11 June 2026]

In the US, *Miss Ada* (Brooklyn), *Shmoné* (New York), *Zahav* (Philadelphia) (Fig. 57), *Dizengoff* (Philadelphia), *Safta* (Denver), *Ezov* (Austin), all classified as “Israeli”, while *Mutra* (North Miami) as Middle Eastern. The restaurants *Miss Ada* (a Bib Gourmand) and *Zahav* (suggested) both have as presentation images emblematic images often signifying culinary appropriation.

¹⁶⁵For example, the Italian organic supermarket chain NaturaSi has been selling Medjoul dates-particularly during the winter holidays-marketed as ethically produced. However, the production and sale of these dates is managed by three Israeli kibbutzim founded in the 1970s, which emphasize the importance of dates as a livelihood for their communities. Although members of the kibbutzim may oppose the current far-right Israeli government, the management of the land and date production by these communities has also involved land appropriation (as they escaped the Nazi persecutions). This reality deconstructs the attempted greenwashing narrative that supports the commodification and sale of “fair trade” products in Western markets.



Figure 55 (left) by Patrick Dolande (n.d) Miss Ada, [image] sourced from Michelin Guide app, <https://michelinguide.app.link/rbT6dmh1S3b> [last accessed 11 June 2026].

Figure 56(right) by Knoll Daniel (n.d.) Zahav, [image] sourced from Michelin Guide app, <https://michelinguide.app.link/8SeS5aSbN3b> [last accessed 11 June 2026].

Miss Ada (Fig. 56), showcases a vibrant image where a bowl of hummus is enriched by the so-called “Israeli salad” (Palestinian salad made out of fresh finely chopped vegetables), while *Zahav* similarly features hummus with smoked paprika topping and a “green hummus” in the middle of it adorned with some parsley, other than a plate with a pink dish (probably made out of beetroot) and a flatbread (Mana’eesh) with *za’atar*.

Among the staple dishes at Miss Ada are the “whipped ricotta with brown butter” and the hummus topped with lamb shawarma; all focused upon the idea that “sharing is the name of the game here” (Michelin Guide, n.d.).

Dizengoff’s (Bib gourmand) cover image on the Guide features a series of small plates reminiscent of Palestinian sharing culture, with what look like different types of hummus adorned with several types of spices, nuts, herbs and vegetables.

At *Zahav* the concept is based upon *salatims* and mezzes: the terms *mezzes/salatim* refers to a series of small “spreads, dips, and salads that are the preferred opening [...] for a meal [which,] like the many different ethnic groups and religions that live [in Israel] in close quarters” might seem like contrasting combinations, but actually manage to support one another (Sussman, 2018). The narrative remains that of de-politicizing food to the point that *salatims* are a communal foodway making you forget the political, ethical and religious happenings which have been ongoing for the past century. While the origin of the rice is identified as Persian, acknowledging correctly its provenance and the people who bear such cuisine, hummus appears in the recommended dishes to consume with *laffa* bread as if it were simply and historically exclusively Israeli.

Dizengoff (the casual sibling to *Zahav*) proposes the usual hummus, with *za’atar* chicken, several salads and colourful fruit based iced drinks. Their hummus has been praised since *Dizengoff* itself

opened in 2014 as Philadelphia's first 'hummusiya': their cuisine is perceived as customers share online that the cuisine is "modern Israeli flavours" which are being "elevated" (@thatjawnsfire, 2025), or "almost as good as eating in Israel" (@talkisraelcreators, 2025).

Shmoné (one Michelin star), in New York, is presented on the Michelin Guide (n.d.) as "neo-Levantine cuisine [where] seasonality, vegetables and shareability are the foundations of this ever-evolving menu". One of their specialities is the "Hot Jerusalem Bagel" served with olive oil and *za'atar*, which is underlined to be vegan reinforcing the narrative of Israeli cuisine aligning with Western and so-called "developed countries". The starred restaurant is actually identified as Israeli and Middle Eastern cuisine, although from the menu the dishes seem of international and fusion inspiration with *bruschette*, *lasagna* with black truffle, *farro risotto* (from Italy), lamb over *focaccia*, tomatoes with gazpacho (from Andalusia), spinach and pea based dish with *bottarga* on top (Sardinian, Italy) etc...

Safta (recommended), in Denver, uses as a cover picture of knafeh¹⁶⁶ (a Palestinian dessert composed of either semolina dough or pastry, fresh cheese filling, soaked in syrup) while subsequent presentation images in the Michelin app showcase a selection of *salatim*, especially hummus. The textual presentation underlines the origin of its name meaning grandmother in Hebrew playing with the nostalgic and historical aspect which the use of the "grandmother" suggests in our minds.

Ezov in Austin (recommended) proposes the narrativization of the "family-style Mediterranean/Middle Eastern restaurant" (Michelin Guide, n.d.).

Mutra (one Michelin star, as *Shmoné*) in North Miami has a presentation which resonates with the one of *Safta* since the Israeli chef Raz Shabtai supposedly named the restaurant after his grandmother. Among the dishes, the origin of the chicken is recognized as from Tunis (still these actions of acknowledgement are not per se to be considered as totally positive cases since there lies and exoticization behind).

It is apparent that, in spite of recent trends where Israelis do recognize the Palestinian origin of their culinary heritage, the US based restaurants enlisted in the Michelin Guide exempt from such introspective movement;

¹⁶⁶While knafeh is "incredibly Palestinian [other populations, like Israelis might] have connections to this food but claiming it is only theirs and not of the population they have cleansed is problematic": Knafeh remains firstly from Nables (Atalla, 2023).

In South America, the restaurant *Mishiguene* (Buenos Aires) is presented in the Guide as Israeli. The flavors encountered during the dining experience are the result of a contemporary reinterpretation of Jewish cuisine, where the chef draws on “childhood memories that demonstrate the imprint of an immigrant population marked by history” (Michelin Guide, n.d.).

This narrative-recurrent in the construction of cultural Zionism and foundational to Israel’s genocidal and substitutive framework-was not observed in the other restaurants considered. The characterization of the Jewish population as being in a state of perpetual exodus, with the diaspora as a core element of identity (Ra’ad, 2010), is used by *Mishiguene* to frame its culinary offering as the product of immigrants and victims of a global system marked by racism, in which Jews have historically been persecuted. While this aspect cannot be denied-and there is no intention here to do so-it should be noted that past exoduses, however numerous, do not justify the current displacement of Palestinians, nor do such narratives nullify the actual origins of the cuisine.

The word “mishiguene” means “crazy” in Yiddish, a term often used by grandmothers (thus returning to the motif of family and maternal figures) to describe mischievous behavior in her children or grandchildren (Mishiguene Restaurant, n.d.).

On the restaurant’s official website, the origins of the Yiddish language are explained as “a dialect that developed during the Ottoman Empire when Jewish slaves were brought from ancient Israel to what was then Germany” (Mishiguene Restaurant, n.d.). Once again, this narrative introduces the history of antisemitism, serving almost as a form of victimization and justification for present circumstances, based on the notion that Jews were expelled from “ancient Israel.” The website further claims that “from the beginning of time, the Jewish people migrated across the globe, fleeing wars, persecution, and socioeconomic crises [...] becoming as a result essential carriers, bringing with them recipes, customs, and traditions.” Ultimately, the most prominent trope is invoked: that of the female figures, as the restaurant expresses its desire “to bring to the present the recipes of the past-those of our mothers and grandmothers.”

Although the Michelin Guide represents an indisputable reference point for so-called foodies and identifies itself as internationally oriented and culturally open, it completely omits the geographical categorization of Palestinian cuisine while prominently featuring Israeli cuisine. The Guide exemplifies the phenomenon of culinary Zionism that is omnipresent in the West: even without conscious awareness or the fervor of Zionist ideology and Israel’s cultural genocidal framework, Western consumers are presented with a monolithic reality during their culinary experiences, where only Israeli cuisine is acknowledged.

This narrative does not recognize the very existence of the cuisine that inspired-or was appropriated for-many of the widely celebrated “exotic,” “family-oriented” (with an emphasis on the allure of grandmothers), “authentic,” “organic,” vegan, and vegetarian flavors, while Palestinian cuisine is rendered nonexistent and not even contemplated. In contrast, other world cuisines, aside from Israeli, are acknowledged as sources of inspiration.

As Poulain (2017, p.14) observes, “the domain of fine cuisine, which had long kept regional food cultures at distance, has now begun to view them as fresh sources of inspiration”-yet in this context, the regional food in question-that of Palestine-has been depoliticized, removed from its historical and cultural context, and rebranded as Israeli: “Palestine is trendy only when it is made palatable, when it is made in an inoffensive version [...] that is extremely sexy, as long as it doesn’t pose any worrying questions” (Kattan Karim, 2020).

Furthermore, when a restaurant aligns itself with the Michelin Guide, which symbolizes culinary excellence, customers internalize this association through instrumental learning, “relying on it as a quality signal” (Lau, Lee, & Phau, 2026). As a result, Western consumers-and not only them-internalize both the persistent cultural absence of Palestinians and the supposed magnitude and legitimacy of Israeli cuisine.

4.2.1 Palestinian restaurants

Although the Palestinian category under types of cuisines is not included among the Michelin’s classifications, some Palestinian restaurants are recognized for their significant flavours, under different identifications; in the most general sense, is Palestinian cuisine still rare in the West - at least under the same name - (Kattan, 2026).

An example of a Michelin recognized restaurant is Fadi Kattan’s *Akub*, in London, categorized as “International cuisine”: the name of the restaurant is inspired by the herb *akoub* which is a “spiky and edible plant” (Rubin, 2020) characterized by an umami flavour which represents for Palestinians a “vital part of their culinary, medicinal, and cultural traditions for generations¹⁶⁷” (Rubin, 2020).

¹⁶⁷ Israeli authorities have been declaring the harvesting of the herb illegal, since 2005 at the conclusion of the Second Intifada, to supposedly protect the endangered species; since 2020, Palestinian families are allowed to harvest only a small quantity at a time for “personal consumption”.

The Franco-Palestinian chef is of the idea that the best way to tell someone about Palestine is through food: invite the people to sit around a communal table and listen to the stories of displacement and occupation through the taste of Jaffa oranges and *za'atar*.

Still, his idea of Palestinian cuisine is that of with a modern twist as inspired by his own creative fervor keeping it alive and evolving (Tarwida, 2026).

For Kattan his daily routine starts always inspired by his mother's and grandma's way of cooking where the daily breakfast consisted of fried eggs with ghee and *summak*.

The inspiration for the chef to delve into the culinary world, after finishing his studies in Hotel management, was the French context where he became fascinated with the local focus to protect the origins of their National food: in that moment it became clear that Palestinian cuisine was not only un-represented, but also stolen and appropriated.

His first gastronomic experience started ten years ago and further developed into the opening of *Akub*, in London, and *Luff*, in Toronto. For the chef, the plates and its ingredients, accurately selected, tell the story of his People which as such represent a means to achieve sovereignty and do acts of resistance.

The gaze is completely shifted, whereas it is common to see social eating events and other events inspired by a necessity to react to Israeli violence and desired appropriation, Kattan (2026) wants merely to tell the story of Palestinians through food as one of the strongest elements of unity for Palestinians (Kattan 2026), because it is a fantastic and beautiful heritage.

Kattan utilizes precisely selected ingredients both from Palestine and from England, with full disclosure of its origin, as is part of his vision, to embellish an abundant *taw/a* - "a dining table with sharing plates offering the flavours and fragrances of the coast, the olives and figs of the Mediterranean terroir and the preservation methods of the desert (Akub, n.d.).

By the encounter of the different geographies of the ingredients, the dishes "embody th[e] permanent dialectics between the attachment to [one's] origin's [...] recipes, rituals and practices, and [the need to] ceaselessly explore [and] seek new tastes" (Boutaud, Becuț, Marinescu, 2016, p.1).

When Kattan (2020) speaks of his particular Palestinian dishes he shares the fact that even just the thought renders him emotional (and hungry) proving the fact that "eating particular foods serves not only as a fulfilling experience, but also as a liberating one-an added way of making some kind of a declaration. Consumption [...] is at the same time a form of self-identification and of communication" (Mintz, 1996).

The herb is vital for Palestinians not only for its culinary usage, but also for its "anti-inflammatory, anti-bacterial, and other pharmacological properties"; since the Second Intifada the "plant has become a sentimentally-charged icon for those seeking to reconnect with the Palestinian terroir" (Rubin, 2020).

4.3 Relationality between Land sovereignty and Culinary sovereignty under Genocide

The systematic appropriation of Palestinian land by the introduction of legal means has exacerbated following October 7, 2023, although actions deliberately targeting farmland, foraging and agricultural practices, the endemic species by substituting them with some more aligned with the Zionist narrative, have been going on since the past century; for Palestinians, laws are in this sense often regarded as the most lethal instrument used by the oppressor (El-Kurd, 2025).

The targeting of the Palestinian territory and its species, as has been emphasized before, is inspired by the Zionist claim “making the desert bloom” which sees the uprooting of Palestinian farmland causing the “disconnect[ion] [of] their story from the land” (Madant, 2025).

Prior to the intensification of violence in 2023, “the Gaza Strip’s agri-food system operated under chronic structural constraints with compounded damages and losses from previous [...] conflicts, high poverty and dependency on external supplies, long standing inputs and movement, and widespread reliance on humanitarian support” (The World Bank, The European Union, The United Nations, 2026, p.44).

In 2023 in fact eighty percent of the population were already relying for their regular food access on humanitarian assistance, while at the same the agricultural production (which persisted appropriative and destructive Israeli actions) was contributing to circa ten percent of the Gaza’s Strip economy, meaning that more than 560,000 people were dependent (to a greater or lesser degree) on agriculture, herding, or fishing for their livelihoods prior to the conflict (The World Bank, The European Union, The United Nations, 2026).

The annihilation of the lives of Palestinians working in the agricultural sector (producing those very vegetables and fruits grown locally) has been denounced by Amnesty International (2024), certainly since 2014 by the means of periodic spraying with herbicides the eastern perimeter of Gaza degrading extensively the land and food security for Palestinians.

It goes without saying that the production of crops of wild herbs (other than the farming and harvesting methodologies at large) is at the basis of the Palestinian foodways since “eating [...] connects humankind to nature [, and more precisely] the cooking and table traditions adopted by a society constitute a specific manner of regulating the relationship between nature and culture” (Poulain, 2017, p.28), which for its relevance in the Palestinian identity is worth stealing and erasing (Madant, 2025).

Land is at the center of the Palestinian struggle (Abu-Lughod, 2020, 2021) not only as is but also for the role that farming practices play for Palestinians in their connection with ancient times through specific farming methodologies and seasonal rituals (Ra'ad, 2010); such prominent significance is demonstrated by the way in which Palestinian land (and the relationality to its People) is narrativized in artistic and architectural production¹⁶⁸.

Nowhere is it more apparent that, as Rana Bishara claimed, "to belong is to feel a connection to the land, but when land is in dispute, so is one's identity" (Abu-Lughod, 2021, p.124).



Figure 57 (left) Rana Bishara (1999) Homage to Palestine [Cactus in a preserving jar]. Picture by the artist herself.

Figure 58 (right) BIG (n.d.) [Two Danish-Palestinian girls bringing Palestinian red soil as part of Superkilen in Copenhagen] <https://big.dk/projects/superkilen-1621> [last accessed 11 June 2026].

An additional issue of concern is that Palestinians have been separated by the construction of numerous walls and/or illegal Israeli settlements which has lead to both the division of agricultural fields managed by farmers and the "disconnection between different cities and regions [preventing

¹⁶⁸Two cultural projects are particularly evocative in this regard: Superkilen by BIG in Copenhagen (Fig.59) and the artistic photographs by Rana Bishara.

The Copenhagen-based Superkilen project is a park designed to represent the cultural diversity and richness of the neighborhood in which it is located. The art collective Superflex, in collaboration with BIG, selected five individuals to document the process of choosing an object from their hometown and bringing it back to Denmark. Superflex's (n.d.) objective was to "find the big picture in the extreme personal memory or story," which is why a glass of Palestinian soil—"a memory of a lost land"—was brought and emptied into the park by two Danish-born teenagers from the Palestinian diaspora who participated in the project. Through this initiative, they traveled to Palestine to gather red soil, symbolically bridging their two cultures. Bishara's photographs (Fig. 58), on the other hand, powerfully investigate and represent glasses of water containing cactuses, barbed wire or salt, referencing the conditions faced by Palestinian prisoners after a forty-day hunger strike in 2016, for whom hunger strikes become the last resort for freedom of choice. Barbed wire is a recurring symbol in Bishara's work, as it "is a ubiquitous part of the landscape of occupied Palestine" (Abu-Lughod, 2021, p.122).

them from] the physical [and knowledge] accessibility to [...] places produc[ing different] food practices” (Salma, 2019) effectively (although Palestinians persist with great force) “disrupting the oral traditions that keep the culture alive” (Mishan, 2020).

On top of that, the export of food products has been rendered purposely difficult by legal restrictions, power cuts and the planned slowing down of the movement of vehicles in ports causing spoilage; all this has been causing insecurity for Palestinians who rely on agriculture for their livelihoods, “which once made up a third of Palestinian gross domestic product but by 2018 had sunk to less than three percent” (Mishan, 2020).

The just described actions are all part of a systematic framework in which the way the environment is violently treated by the Israeli administration and the IDF is a direct extension and demonstration of “practices performed by a highly racialized society” (Braverman, 2021, p.8).

Israeli environmental officials have drawn a distinction between the Palestinian refugee landscape - described as unpleasant places in need of modernization and cleaning due to debris, a narrative that persists in the 2025 Gaza Peace Plan-and the biblical-like locus amoenus depicted as prosperous, green “Israeli landscapes” (Braverman, 2019). This power dynamic and the naively constructed greenwashing narrative are easily deconstructed, as the refugee camps so often disparaged by Israelis are, as Braverman (2021) notes, the direct result of dispossession by the Israeli State, which seeks to destroy Palestinian indigenous plants and replace them with European-like species.

Through the assessment by the World Bank, The European Union and The United Nations (2026) in the agriculture and food sector damages were reported to amount up to 1.44 billion dollars and losses of 1.46 billion dollars, resulting in the actual collapse of the food production and market infrastructure.

Al Jazeera has reported that “over 95 percent of Gaza’s agricultural land is now unusable” (Madant, 2025). It has been, furthermore, reported by the Food and Agriculture Organization of the United Nations (FAO) that by mid 2024 “more than a quarter [...] greenhouses had been damaged, as well as many hundreds of [...] poultry farms, sheep farms and home barns [due to] razing, heavy vehicle movement, bombing, and shelling” (Amnesty International, 2024, p.126).

Moreover, the relationality within Palestinian culture between land and foodscapes is perfectly encapsulated by the concept known as *baladi*: the term has acquired a distinguished meaning recently, around the 1930s with the Palestinian boycotting of Israeli products, when it started to be appropriated by Israelis through the Yiddish language which required its distinction. As *baladi* signifies local, authentic, artisanal, natural, without artificial additions, prior to the necessary

politicization (and the rise of industrial global products) of the term it was not used in the identification of vegetables or other foodstuff as everything was inherently like that, at least in Palestine (Grosplik, Handel, Monterescu, 2025).

Although comparable to the concept of *terroir*, now used extensively and not only in the wine production realm, it differs substantially from it, because the notion of *terroir* specifically refers to something which is geographically distinguished, for its soil, for the air, for savoir faire etc, while *baladi* is a concept which knows no geographical boundaries; in fact in Arabic “balad” refers to “place” in the most general sense (coming to signify in our days something which is intimately connected to the people and soil, which is a source of local pride and is not sophisticated. “*Baladi* is better conceptualized as the “place of taste” rather than, as *terroir*, “the taste of place” ” (Grosplik, Handel, Monterescu, 2025, p.5).

As every culinary strongly embedded Palestinian tradition, even the concept of *baladi* has been appropriated by the Israeli narrative, as it perfectly encompasses the chronicle of the native State known for its organic lifestyle, mirroring the political complex relationships between Palestinians and Israelis.

At the very heart of the concept of *baladi* is that it “functions [for Palestinians] as a fluid and generative category, shaped by shifting historical, political and economic conditions [...] through which claims to place, value, and identity are negotiated” (Grosplik, Handel, Monterescu, 2025), which is all in clear contradiction with the way in which Israeli brands have marketed and commodified the concept, as a way to prove their indigenoussness, actually within the industrial food production (Grosplik, Handel, Monterescu, 2025, p.9).

The reiterated violent and genocidal undermining, which has been taking place since the last century, against Palestinian land and food production has been inspiring the rise of food activists focusing on “rendered illegal foraging¹⁶⁹ practices’ and the organization of social eating gatherings and supper-clubs on Palestinian cuisine as a way to achieve food sovereignty through the utilization of one of the most emotionally charged means: culinary heritage.

¹⁶⁹While foraging- the act of searching for wild herbs, plants, mushrooms, algae, moss etc...in the respect of the surrounding natural ecosystem -is something which has become a culinary trend, especially inspired by Chef Rene Redzepi who introduced it within the haute cuisine realm, Palestinians are often forbidden from foraging their beloved plants (Meneley, 2021).

4.3.1 Trees as mirrors of occupation

Within the genocidal plan by the Israeli Administration to completely annihilate Palestinian culture and its creators and substitute it with the so-called Biblical culture, lies the theme of the destruction of olive trees and other endemic species which have been systematically substituted by mainly pine trees in order to completely modify the visual landscape and conformation of Palestine; Israel in fact “attempts to declare [Palestinian land as] its property by afforesting it, while pillaging Indigenous flora, because the latter may testify to a rich history of cultivation and the associated right for Palestinians to remain or return to their lands” (Sasa, 2023, p.225).

Sasa (2023, p.219) has identified the given Israeli actions under the name of “green colonialism” where the colonial framework leads to the creation of so-called protected areas and natural parks to “justify land grab, prevent the return of Palestinian refugees, dehistoricize, Judaize and Europeanize Palestine, erasing Palestinian identity and suppressing resistance to Israeli oppression”.

The Organization which has been invested with the actualization of this narrative is the Jewish National Fund (JNF) (1901) which was founded with the aim to purchase land in the Holy Land; while the Organization's biblical force is constructed on the false narrative to “safeguard nature, and second, to promote leisure, tourism, and other societal gains” (Sasa, 2023, p.220), over “240 million trees [were planted], most of which are pines [...] transform[ing] the Palestinian landscape” (Braverman, 2009, p.1) into a Europeanized version—reminiscent of the background of the newly arrived Israeli settlers, who, in the kitchens, on the other hand, decided to forget such past heritage and the persecutions related to it: in fact the pine has come to represent a Zionist symbol, tall, never ending, almost like the concrete walls obstructing Palestinian lives and their possibility to view the horizon, as opposed to olive trees which rooted strongly in the soil are able to resist high and low temperatures and are able to regrow after a multitude of violences.

The JNF constructed its identity as a devoted steward of the environment in the Middle East, capitalizing on the Western environmentalist narrative that only Westerners, with their “developed” knowledge, are capable of rescuing land from desertification. This image was reinforced by the depiction of Jewish youth working the land on donation boxes distributed to Jewish households worldwide (Sasa, 2023). Such representations align with Israeli advertisements (see Fig. 34), where young children, through an idyllic narrative, mediate the expropriation of Palestinian land and its transformation for agricultural use.

To summarize, the planting of pine trees, after the uprooting of Palestinian olive trees, substitutes the relationship which Palestinians have had historically with the tree and the food-ways associated

to it, but also oughts to symbolize a constructed biblical *locus amoenus*; “olive trees and pine trees [...] perform a pivotal role in both the Zionist and the Palestinian national narratives” (Braverman, 2009, p.1).



Figure 59 Bonnie Scheinman, KKL-JNF (n.d.). [Girl planting a tree as part of the project “Donate a tree in Israel” to supposedly “nourish your soul” and “leave a lasting green legacy” sourced from <https://www.kkl-jnf.org/tourism-and-recreation/plant-a-tree-israel> [last accessed 11 June 2026].

Braverman (2021, p.16) has analyzed this theme by identifying the “gray legalities [around the foundation] of national parks” perpetrated by Israel, as is common by settler colonial realities, under the realm of green militarism; the latter represents a crucial means for a state such as Israel which narrativizes itself extensively as aligned with Democratic, Western and Developed ideals (as has been demonstrated in the food realm, this is expressed with the vegan and vegetarian marketing of so called “Israeli food”).

The construction of such parks happens not for the actual noble respect of the endemic species, but rather by the eradication of those species which bear special meaning for Palestinians, the demolition of their houses, the construction of illegal settlements, other than the introduction of non-native species, both animals¹⁷⁰ and plants.

The numbers, as of 2023, regarding the created natural reserves and parks is 380 of the formers and 115 of the latter all strategically, in accordance with the Zionist genocidal plan, placed in the

¹⁷⁰Wild gazelles and other large endemic mammals have been living the disruption of their routine migration and movements in search of shelter and better fooding due to the construction of walls or the bulldozing of extended green areas to supplant them completely; on top of the endangering of the wild species, domesticated animals like donkeys, camels, goats and sheeps have reported to be confiscated (Braverman, 2021) by the so-called process of “elimination through milieu”(Masad, Ghantous, 2026).

areas¹⁷¹ which Israel has been trying to claim in breach of international law (Sasa, 2023); the discrepancy and inefficacy of international law's impartiality become evident when, under the guise of environmental protection or the preservation of local species and archaeological heritage, the lives of those inhabiting the area are rendered almost nonexistent—persistently the case for Palestinians, who continue to experience the dispossession of their property, as well as their flora and fauna.

The poor construct of green environmentalism falls short even more when, through legal means, land is declared expropriated in light of a supposedly environmental and ethical purpose and on the very same land Israel's Knesset discusses legal proposals, even if only proposals, to permit residential building within national parks, which fall under the jurisdiction of the Israel Nature and Parks Authority, in light of the morally superior necessity to protect and preserve the landscape and history; the proposal of amendment was particularly inspired to facilitate the further rootedness of the Silwan settlers and the Elad Association (a settlement enterprise in Silwan which is the actual promoter of the Bill) (Shaveh, 2018).

It is apparent that what is labeled as “degrading for the environment” is often anything that might subvert or challenge the Zionist status quo—namely, the very presence of Palestinians. The creation of parks and nature reserves, and the razing of Palestinian-owned agricultural or pasture-land, thus serve as carefully constructed and manipulative tools within the domain of green militarism.

The IDF has destroyed or damaged (even by the poisoning of the soil with white phosphorus) up to 800,000 olive trees – uprooted - (including secular ones) (Visualizing Palestine, 2013), citruses like cedars and oranges (like the famous Yaffa oranges both destroyed and rebranded as Israeli), bananas (as the orange both destroyed and promoted as Israeli), almonds, carob trees, olive vines, and other non-fruit trees, all under the guise of environmentalism; “the destruction of agricultural land [and enforced abandonment of the usage of traditional food crops] have been common practice in occupied Palestine since the time of the Nakba” (Rotz et. al., 2024, p.51).

¹⁷¹The areas in question are for example the symbolically loaded Jerusalem region, the West Bank, the Syrian Golan Heights, the North and South of 1948 Palestine (Sasa, 2023) all with the final aim to seize those lands and repurpose them in accordance with the cultural genocide substituting the local Indigenes.

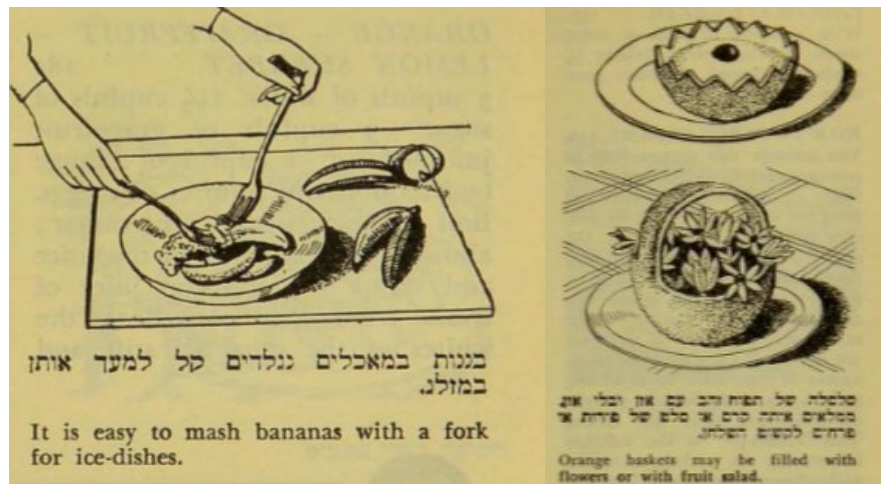


Figure 60 (left) Meyer (1936). [Instructions on how to use bananas in cold desserts] sourced from “How to cook in Palestine”.

Figure 61 (right) Meyer (1936). [Instructions on how to make orange baskets] sourced from “How to cook in Palestine”.

The plants which the JNF planted were non-native evergreens-as anticipated, mostly pine trees - which disrupted the whole ecosystem by acidifying the *terroir* and consequently complicating the feeding of animals, other than being a fire hazard in such a warm climate (Lorber, 2012).

The establishment of “natural parks” within the domain of Israeli green militarism has meant concretely a narrative where the presence of Palestinians had to be framed as “incompatible with nature conservation efforts, [hence the construction of these separative green areas which have] cut off 113,000 farmers from their lands” (Amnesty International, 2022).

It is crucial to bear in mind that the actions constituting the century-long cultural genocide have been possible through the enforcement of Israeli domestic legislation: the Absentee Property Law (1950) tactically expropriated Palestinians from their land which prior to such action was used for agricultural purposes (in strict contrast with the idea that before the re-turn of the Jews the Land was infertile and uncultivated), where instead Israelis-after having learnt the Palestinian *terroir* and its qualities-decided to introduce (a part from the parks, illegal settlements and pine trees) “capital-intensive models of agricultural production [...] with citrus production becoming especially prominent” (Rotz et al., 2024, p.49).

The latter in fact demonstrates that “landscape is always intricately imbricated with law, and is [...] co-produced by regulatory regimes to form ‘lawscapes’ (Braverman, 2021, p.18).

In fact, western environmentalism, as defined by Sasa (2023), distinguishes itself by the systematic “weaponisation of ecological discourses and practices for the achievement of white supremacist [...] and capital aims, [validating this claim on the basis of the supposedly] intrinsically environmental irresponsibility” of the indigenous population.

Framing Palestinians - inspired by the Anti-Arab bias, and *terra nullius* trope, and as such rendering Palestinians naive - is consistent with the self-entitlement, resulting from Israeli propaganda,

according to which Israelis (also private settlers in breach of law) felt to appropriate the land and supposedly let it flourish.

Furthermore, especially from the 1970s there has been registered (worldwide) an exacerbation of what can be identified as “cementification”; for the Israeli Administration concrete has been constituting an essential means through which to “transform the desolate landscape into a thriving modern metropolis” (Braverman, 2021, p.20), a narrative which aligns with how Kushner (2026), President Trump’s son in law, described the 2025 Gaza Peace Plan outlining a “new Gaza as hope, a destination, an industry, a place where *the people there* [emphasis added] thrive and find employment” (Metro TV, 2026).

A part from the continuous de-humanization of Palestinians which are talked about as objects rather than the subjects, and as needing aid in reaching their own prosperity (which seems to be a concern for the US), the plan lets the organic Israeli narrative fall for the “not-very-biblical infatuation for concrete” (Braverman, 2021, p.20): in fact what Braverman (2021) anticipated a few years ago—it needs to be reminded that the ongoing genocide is a slow cultural genocide which has initiated up to last century—that the way in which the colonial administration of Israel transforms the landscape is a “recast of a marketable Zionist commodity” which with the 2025 Gaza Peace Plan oughts to be for the Western tourist gaze at large.

Nonetheless, even with the so-called Peace Plan it does not seem enough for Israel to be seen in “its true light as a callous occupying power” (Khalidi, 2024, p.169).

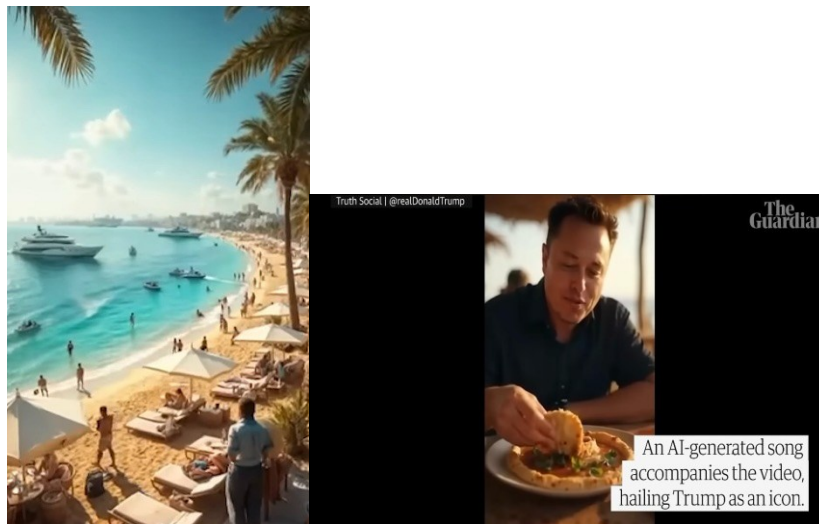


Figure 62 (left) [The so-called “Gaza Riviera”].

Figure 63 (right) [AI generated Elon Musk which appears to be eating hummus].

In this context the touring of “the city of David National Park in East Jerusalem is presented as a recreational, rather than a political, act” (Braverman, 2021, p.17) aligning with the movements cited

above of gastro-diplomacy where the Israeli administration and Organizations in general are majorly focused onto the tourism marketing of a prosperous and culturally rich must destination.

Thus, green militarism in Palestine serves as yet another means to obliterate Palestinian identity and the living species that have given rise to the remarkable fruits and ingredients of Palestinian cuisine-elements that nourish the very soul of the Palestinian people.

Parks and green areas become an effective methodology for concealing the destruction perpetrated by Israel against Palestinian culture, to the extent of greenwashing the Nakba and exposing new generations of Palestinians to this altered, "israelified heritage".

The application of the concept of green orientalism is particularly fitting here. As seen in the strictly culinary realm, Israel markets itself as sustainable and progressive, in stark contrast to the portrayal of Palestinians as irrational, unproductive stewards of the land-supposedly turning "desert" into fertile ground-and as lacking both culture and land (Sasa, 2023).

4.3.2 The role of the production of Palestinian Olive Oil

As has been anticipated in the above paragraph, part of the cultural Zionist framework was the destruction, uprooting and substitution of Palestinian olive trees.

The landscape in Palestine is defined by the very ancient olive groves which "paint the hills in silvery-green hues, [whereas] their gnarled trunks tell stories of generations past" (Olive Odyssey, n.d.).

Braverman (2009, p.3) underlined that, although olive trees and olive oil have always represented for Palestinians a deep significance, it has gained increasingly symbolic resonance up to the point of becoming "embodiment of Palestinian nationhood" as the result of the "brutal targeting by the State of Israel and by certain Jewish Israeli settlers".

Especially after the second Intifada (between 2000 and 2005), with a form of "re-rulization of the land, Palestinians started to visualize their oil as a potential export product with sense of pride (Meneley, 2011); this process is demonstrated by the formation of "several oil cooperatives, organized by the Palestinian Agricultural Relief Committee and Palestinian Fair Trade Association [committed] to produce extra-virgin fair-trade Palestinian olive oil for export to the UK, EU, US, Canada, New Zealand and Japan" (Meneley, 2011, p.281).

When food production is attacked, the consumption of the same is hindered (Poulain, 2017) rendering the production and consumption of olive oil something to hold onto for Palestinians; olive

trees are even often personified as children or people who have been targeted during military actions.

Olive oil is extensively used within Palestinian cuisine and seen as having soul nourishing characters (in line with the Palestinian belief according to which “certain vegetables cause certain moods and states of mind” (Canaan, 2005) where it “provides embodied memories and represents a source not only of family pride, but also of health, as [it is] a nutritionally rich fat” (Meneley, 2011, p.281), and as such often used even in traditional medicine as a moisturizer for skin and hair (Olive Odyssey, n.d.).

The “green-gold” is used in the kitchens throughout the whole day making an appearance in “over 100 traditional dishes, from the morning’s *zeit wu za’atar* to the evening’s *musakhan*” (Olive Odyssey, n.d.) making it a “fundamental thread woven throughout Palestinian cuisine” (Akub, 2026); olive oil is fundamentally celebrated in many Palestinian dishes (Kattan, 2026).

It is also crucial to highlight the social dimension and communal gatherings that traditionally accompanied the harvesting of olives and grapes (Canaan, 2005). This aspect is frequently emphasized by contemporary Palestinian olive farmers (as will be discussed subsequently), who recall that, prior to the Nakba, olive harvesting was intertwined with social interaction, music, food, family, intergenerational exchange, and the sharing of traditions; Poulain (2017) recalled Alfred Radcliffe-Brown’s (1922) understanding that “the most important social activity is the getting of food” which aligns with the role played within Palestinian culture of the harvesting ritual.

This stands in stark contrast to the present-day context, where harvesting is controlled and managed by Israeli authorities, marked by violence, militarization, dogs set against Palestinian farmers (Meneley, 2011) and strict time constraints.

The systematic targeting of olive trees includes furthermore denying the access to Palestinians to the land in which the trees are situated, other than denying permits or delay permits in order to either cause tardiness of the sending of the oil from the ports, leaving the containers under the sun and thus causing almost certain deterioration and going rancid of the oil, with the idea of persuading the individuals involved within the production and exportation-whose livelihoods depends on the green gold - to delve into something else.

Yet, many farmers remain firm on their tradition in light of the beauty of a symbol such as the olive tree is its steadiness and its “act of rooting [...] to the land [...] embody[ing in this way] Palestinians” (Braverman, 2009, p.4).

The exportation process remains something extremely uncertain due to the full control of airports, seaports (usually Haifa or Ashdod) and highways by the Israeli government (Meneley, 2011); in each

of these sites checkpoints are distributed or might even appear (temporary checkpoints are called “flying checkpoints” by Israel).

After the second Intifada (2000) Palestinians started seeing within the olive oil production a way to vehiculate food sovereignty and extensively land sovereignty.

Israel puts into place several modalities through which the olive oil sector is endangered such as when in 2023 (prior to the exacerbation of violence and the initiation of physical genocide) “these restrictions reached new heights, leaving about 50% of Palestinian farmers unable to harvest their trees, according to estimates of the Palestinian Farmers’ Union” (Btselem Information Center, 2024). When the IDF is endowed with the role of checking in on the land where olive trees are intended to be targeted by Israeli settlers, the former requires to access the soil in advance pushing away the actual owners and often even preventing them from having the proper time to harvest the olives which are then left to be harvested in just a few days, in the best case scenario.

Nonetheless, the occasions in which even IDF soldiers concur in the violence are not exceptions, for example the head of the ‘Awarta village council, Sa’ed ‘Awwad has shared that the access to the village requires, due to the vicinity to and the Israeli settlement of Itamar, prior coordination with the IDF; in 2024 the residents were given the possibility to harvest only in one day from 8:00 A.M. On the same scheduled harvest morning, did the residents discover not only that the starting time was pushed back two hours but that, arriving at the site, settlers were stealing olives with the attentive surveillance of IDF soldiers (Btselem, 2024).

The requirement by the Israeli Administration of coordination, documentation, certificates to access the already Palestinian owned land is the demonstration of the systematic policies which form and legalize the cultural genocide of Palestine; the marketing by Israel of itself for the external, non-Palestinian gaze is formalized and rendered possible through legal tools, criminalizing ex-post Palestinian culturally rooted behaviour.

On top of the tactic bureaucratization of accessing what represent for Palestinians a long-standing tradition centered around the land, the regulations include the identification not only in which days access is possible, but also the specific time frame (which has been underlined can be on purpose delayed or anticipated to create inconveniences around what is already an arduous work under normal circumstances) and the persons who are allowed such access: usually the permission is granted only to immediate family “who cannot provide enough labor to pick the olives in a timely fashion”, which is why groups of international volunteers have been travelling to aid and put mediatic pressure on Israel’s modus operandi (Meneley, 2011, p.277).

It is often overlooked, but a bottle of olive oil represents a highly time-sensitive process: olives must be picked, transported to the mill, and pressed all on the same day (Meneley, 2011)—a task made nearly impossible by the continuous presence of Israeli checkpoints.

Although the underlying purpose is always that of substituting everything that represents and traces back to Palestinian culture, the formal justification which is given by the Israeli Administration is that of security concerns, either for the construction of separative walls, to secure roads, create space for checkpoints, watch towers and security fences around Jewish settlements (Braverman, 2009) or for the construction of infrastructure such as bypass roads (Meneley, 2011). These constructions, rather than facilitating agricultural production for Palestinian and Israeli farmers, entrench the difference and rights which are granted on paper to the latter and not to the former; the infrastructure serves as a further obstacle for the olive oil production for Palestinians (Meneley, 2011).

One of the most impressive uprooting projects has been the targeting of the trees which took place between 2002 and 2003 to construct the Separation Barrier, for supposedly security purposes; this concrete colossus (in contrast with the Israeli locus amoenus narrative) “stretches over 125 kilometers and consists of an electrified fence with roads, trenches, and barbed-wire fences on each side, [where] the barrier’s width ranges between 50 and 100 meters” (Braverman, 2009, p.15).

The extension and severity of the targeted trees amounted to 12,600 trees being uprooted in the village of Qafeen alone, on top of the 100,000 trees enclosed on the Israeli side of the wall, where access to the former owners are not allowed (Meneley, 2011).

It has been noticed by some critics that the wall, rather than separating Israelis from Palestinians, is an action intended to separate Palestinians from their land deliberately imposing food insecurity (Meneley, 2011).

When Meneley (2002) briefly interviewed an Israeli girl in the early 2000s—who, along with six others, was in court for allegedly attacking Palestinian olive farmers in the village of Sinjil (north of Ramallah) and damaging their trees—she learned directly from the young defendants that the trees were targeted for what they symbolize: the rootedness of Palestinians and their culture in the land. Their actions were justified by the recurring Herzlian narrative that Israelis are the legitimate owners of the land, and therefore of the trees, where the act of uprooting is not an end in itself but a prelude to replanting or seizing them.

In relation to such a false narrative where the national security supposedly depends upon the presence or absence of Palestinian olive trees, the tree becomes for its longevity and physical durability, the perfect impersonification of Palestinian against Israeli settler occupation.



Figure 64 Visualize Palestine, (n.d.). 800,000 Olive Trees Uprooted, 33 Central Parks, <https://visualizingpalestine.org/visual/olive-harvest/> [last accessed 9 June 2026].

The claim according to which “food is something we incorporate, it enters the body of the eater and becomes the eater himself, participating both physically and symbolically in maintaining him as a complete being and in the construction of his identity” (Poulain, 2017, p.28) has been inspiring olive oil consumers internationally to balance their own choices on the basis of ethics and politics: in fact, “the pain and suffering of the Palestinian people is given as a reason for consuming Palestinian olive oil” (Meneley, 2011, p.276).

The marketing of several food items, including olive oil, have been becoming increasingly focused upon the place of production, its origin, the soil, the climate and the savoir-faire associated with it, making food a “material vehicle of national identity” (DeSoucey, 2010, p.448).

The olive oil production and circulation is not exempt from the just described gastronationalism inspired marketing, whereas for example Italian olive oil from Tuscany, Puglia, Umbria are immediately identifiable for their origin from the label; nonetheless, since Israel reiterates in every field possible a narrative of a culture-less, and sovereignty-less population, according to which supposedly the land is Israeli and not Palestinian¹⁷², Palestine in the Israeli unsoftened narrative stays a non-place.

The exportation abroad, to the North Atlantic¹⁷³ and Japanese high spending markets, represents one of the few ways for Palestinian olive farmers to sustain their now-life threatening work in the olive oil production.

The marketing and the consumption of the oil vehiculate the difficulties, also emotional, which farmers had to undergo in order for the bottle to be dressing your salad; this aspect pushes the consumer towards an empathy based consumption.

¹⁷²Several Instagram users comments under the video advertisements of the Palestinian olive oil Olive Odyssey further demonstrate this rooted idea; some comments cite directly the bible claiming how many times the word Israel (@orliasherof), or that the land in the video supposedly “looks like Israel” (@elazar_k) or some even claiming that the stories shared in the videos are fake and that “in Israel there are people who are unnecessary and you are one of them” (@yosefbenmoshe_).

¹⁷³The marketing within the US market is focused upon a narrative of a loving gesture of picking olives in a mystified unidentifiable place in the “Middle-East” (Meneley, 2011) because claiming its Palestinian origin might nullify the underlying de-politicization of food (Ranta, 2015).

The oil is positioned in a high spending market and labelled for its extra virgin quality (often organic); the price range for cold pressed olive oil might be around even up to 60 euros a liter. With such prices the consumer of course expects a quality product, although the consumption is majorly influenced and inspired by sympathy for the Palestinian cause (Meneley, 2011).

Extra Virgin olive oil is identifiable as such only if unrefined, containing high quantities of phenolic compounds (positive for one's health) and it is often characterized by a pungent aroma and bitter taste (Science Direct, n.d.) which makes the back of the mouth, the soft palate and the tonsils stimulated by intensive salivation.

More precisely the extra-virginity of an oil is determined by a chemical test for its acidity level which has to amount to less than 0.8 percent (Meneley, 2011).

Nonetheless, the dependance from the external market subjects the production to specific parameters, such as the extra virgin label, which have to be consistently met and are confirmed by external experts (undermining, to some extent, its *baladi* nature).

Boycotting Israeli brands¹⁷⁴ has been part of the same coin movement where brands such as Coca-Cola, McDonalds and brands selling dates produced in Israeli have been severely impacted by the refraining from purchasing of many ethical purchasers.

The very marketing of the Palestinian olive oil is centered around the fact that it provides an ethical alternative and supports the livelihood of people living under occupation trying to make a living (Meneley, 2011) by the foreign export.

An example is the Single Estate of Extra Virgin Olive Oil called Olive Odyssey which narratives on its social media platforms (Instagram) and humanizes the farmers behind the hard work which is expressed in an ingredient often so very overlooked in everyday cooking and life; Ayda Saadeh (2026), for example, a farmer and herbalist from the village of Biddu, (northwest of Jerusalem) shares her relation with the harvesting of olives, the production of olive oil and with Palestinian soil. In her land, 350 olive trees grow behind the separation wall, an area which in Ayda's words "we can't always access". She furthermore underlines how access is granted only during olive season, time in which the IDF tries to push the farmers away to prevent them from going back. To these violent actions, she answers that "even if we go and there are no olives left, we will still go [because] land is love". Ayda remembers how prior to Israeli settler occupation olive season was a social and

¹⁷⁴Boycott movements targeting Israeli productions have taken force starting from, for example, the Boycott, Divestment and Sanctions movement "founded by a consortium of Palestinian activist groups [...] gaining momentum [...] since the Israeli incursion into Gaza [between] 2008 [and] 2009, which resulted in the death of over 1,300 Palestinians" (Meneley, 2011, p.276).

identity moment where they would take food and drinks to alleviate the harsh harvesting process (Olive Odyssey, 2026).



Figure 65 Olive Odyssey (2026) Meet the farmer: Ayda Saadeh, image taken by the author from video advertisement [Instagram]. <https://www.instagram.com/reel/DZKUtdUNJtW/?igsh=bTJsYmZpaGs3Z2k4> [last accessed 11 June 2026].

The production of olive oil is already a complicated and uncertain matter since it depends on the harvest of each year and usually works on a biennial cycle (Braverman, 2009) -usually during fall for a period of two months - ; it is crucial to understand that the harvesting might take up to weeks. Furthermore, the oil needs to be consumed preferably within a year or two avoiding the exposure to light, heat and air (Meneley, 2011).

In its landmark 2020 ruling in the case of “Lhaka Honhat Association v. Argentina,” the Inter-American Court of Human Rights held that the food sources of indigenous communities must be protected and respected to ensure their “cultural survival.” It is hoped that this precedent could serve as customary law in the near future to support claims of cultural genocide against Israel, particularly when the targeting of Palestinian olive trees and wild herbs directly undermines the “cultural survival” of Palestinians.

The cultural genocide targeting the Palestinian food-scapes through the destruction and appropriation of the olive trees is represented perfectly in the harmonious poem by the Palestinian poet and writer Mahmoud Darwish (1964) “If the Olive Trees knew the hands that planted them, Their Oil would become Tears.”

4.3.3 The criminalization of foraging wild herbs

The realm of Palestinian wild herbs is another sector which has been the object of ongoing Israeli violence; when herbs (and food in general - as anticipated -) like *za'atar*, *akkoub*¹⁷⁵ (gundelia) and *Arum Palaestinum* (loof) "enter the body of the eater, they become the eater himself, participating [...] in the construction of his identity" (Poulain, 2017, p.28).

The action of foraging wild herbs has been holding for Palestinian a dominant role in the intergenerational construction of cultural identity, which has been enforced even more as a response to introduction of persistent "criminalization as a particular technology of elimination" (Braverman, 2021, p.17) - if, and only if, done by Palestinians.

The Israeli Administration, firm representative of the green orientalism construct, has thus been banning the foraging of it and consequently criminalizing foragers who continue to do so¹⁷⁶ justified by the - false - narrative of an imperative necessity to protect the ecosystem's health and that of the land; meanwhile several Israeli brands have been producing and selling worldwide the rebranded "Israeli *za'atar*" marketing it as a trendy superfood (Karim Kattan, 2020) for the western "health addicts", erasing its Palestinian origins (Decolonize Palestine, 2025).

Za'atar as *akkoub* are not only lived by Palestinians as a crucial ingredient to their foodways but are what makes a household Palestinian (Eghbariah, 2020).

The former refers to both the wild herb, a wild thyme - also known as Syrian oregano, Lebanese thyme, biblical hyssop, *organum syriacum* (Torrez-Gonzalez, 2026) - and to the mix of species in which the herb constitutes the base as the staple in Palestinian cuisine; the spice mix is unique to each household, as cuisine is always personal and alive, although usually it includes sesame, sumac, olive oil, and salt. The pivotal role which olive oil plays in Palestinian cuisine is once more demonstrated whereas "zeit [oil] and *za'atar* are the flesh and blood of historic Palestine" (Abu-Lughod, 2021, p.137).

¹⁷⁵Akkoub is a seasonal herb characterized by a distinguished earthy flavor and antibacterial properties (Rubin, 2020) and it requires a lot of hard work to clean out all the thorns (Kattan, 2020); after it is cleansed it needs to be cooked shortly after (Eghbariah, 2020), often by frying the core with eggs or meat (Rubin, 2020). The harvesting season of *akkoub* has been traditionally associated with festivities and family gatherings demonstrating the social role which food so often plays (Poulain, 2017).

Akkoub was inserted in 2005 Ariel Sharon, in the role of Israeli Prime Minister in the "endangered list", criminalizing its foraging.

The herb has been less targeted by the Israeli Administration, as demonstrated by the fact that in 2020 the foraging has been partially rendered legal: into open spaces the limit is of 50kg per harvesting session, while within nature reserves it is 5kg per person a day. Nonetheless, after the plant is cleaned from its thorns the edible part which remains (on the basis of the legally allowed quantity) is nearly nothing (Kattan, 2026).

¹⁷⁶People who continue to forage the wild herbs, often called guerrilla gardeners, in spite of the legal restrictions, often do so as a sign of protest against these genocidal legal provisions aiming at annihilating Palestinian heritage.

Torrez-Gonzalez (2026) has investigated the history of *za'atar*, underlying its longstanding prestigious role in Palestinian culture; *za'atar* is a free-growing perennial plant which grows up to a meter tall with a hairy square-shaped stem and fuzzy and spear-like leaves.

Za'atar has been cited numerous times inside of ancient cookbooks, such as "The book of Dishes" (كتاب الطبخ) written by Ibn Sayyār al-Warrāq (Iraqi culinary author) in the tenth-century where the herb (under the name of *saatar*) is indicated as a "typical garnish and essential herb for both daily and festive dishes" (Torrez-Gonzalez, 2026); in the thirteen century cookbooks the usage of the herb increased both in the kitchen and as an ingredient for purification rituals and medicine (as olive oil) representing the washing away of one's sins (as documented in the Book of Exodus, De Materia Medica, Tibbe-e-Nabawi) (Torrez-Gonzalez, 2026).

In particular with the Second Antifa (2000-2005), the role of the Palestinian soil gained much momentum and consequently even *za'atar*, by its direct legal and both physical and cultural targeting by the Israeli Administration, started to be represented in the cultural realm as a the mirror of the Palestinian state of oppression (Fig. 67).



Figure 66 Nabil Qutaineh, [Embroidered endemic Palestinian plants realized by artist Shereen Quttaineh]. sourced from https://www.instagram.com/p/C_704pvNJYj/?img_index=3 [last accessed 11 June 2026].

The laws which have been mobilized by Israel are not based upon scientific claims - as is demonstrated by the the double standard according to which Israelis are allowed to commercialize and consequently harvest sufficiently enough quantities for such a scope, the herb - but rather as a means to claim land and cultural memory as their own (Eghbariah, 2020).

The policy of pseudo-protecting the environment (Kattan, 2020) while actually undermining a beloved tradition which ties Palestinians to their land (Abu-Lughod, 2021) initiated when, during the British Mandate, the narrative of the demonization of the Palestinian black goat was implemented: the goat was compared to the European white goat, and as such considered unworthy of such prominent space in Palestinian agricultural activities.

The role of the black goat is crucial for the foraging of *za'atar* because the harvesting requires its presence, demonstrating furthermore the intricate relationality between Palestinians and the local

ecosystem (Torrez-Gonzalez, 2026); the goats would trim the herb the just amount to allow for its consistent regrowth and freshness.

In fact the “Black Goat Law” (1950) was implemented by the Israeli Administration, with the justification (not supported by any scientific evidence) that they were overgrazing the land and in that way damaging the newly planted pine forests. The Act formally criminalized the herding by Palestinian farmers, providing for the substitution of the black goats¹⁷⁷ with Swiss white goats (Torrez-Gonzalez, 2026).

Quod erat demonstrandum, since the balanced triad forager-goat-*za’atar* was disrupted, the quality of the *za’atar* decreased as a direct result of the “Black Goat Act”.

In 1977 Ariel Sharon, at the time time Israeli Minister of Agriculture, enlisted *za’atar* as both protected plant and a “contraband commodity” (Torrez-Gonzalez, 2026) “under the pretext of nature protection and scientific expertise” (Eghbariah, 2020, p.109); *za’atar* represented in this way, the first edible plant which’s foraging was prohibited in Israel and Occupied Palestine.

The supposedly scientific claims upon which the criminalization (foraging, possession and trade) was based, were that the picking would decrease the abundance of the plant (Eghbariah, 2020), or that with the “invention of the fridge [families] are enabled to pick more than the amount needed for the season and freeze it for the summer” (Yaniv, Dudai, 2014, p.11): the core of the matter was the continuation of implementation the cultural and physical genocide in order to target every single expression of Palestinian identity, including the flora and fauna. It stays that no actual corpus of scientific evidence has been presented in order to justify the enlisting as endangered species what regards to both *akkoub* and *za’atar*: this fact has been noted by Israeli organizations devoted to the ecosystem, such as the Nature and Parks Authority, and independent Israeli scientists (Eghbariah, 2020).

In truth the foraging process is based upon a selective and respectful picking of the plants, without sabotaging its integrity.

Supposedly, both *za’atar* and *akkoub* appear to be in danger of extinction “due to commercial gathering” (Yaniv, Dudai, 2014). In fact, since the herb is identified as “one of the typical plants of the Land of Israel” the extensive commercialization lies upon Israel which exports it “to neighboring Arab countries” (Yaniv, Dudai, 2014, p.9).

As the foraging becomes de jure a criminal offence, the penalties introduced range from three year prison sentence to fines.

¹⁷⁷During the 1980s the Green Patrol of Israel exacerbated its violent targeting against the black goats resulting in a population which was 220,000 goats to 2,000 in 2013 (Torrez-Gonzalez, 2026).

De facto, in conjunction with the criminalization of the foraging tradition, Israelis were prompted to, on a Herzelian note, reconstruct their own *za'atar* foraging traditions by domesticating the wild thyme and expropriating the land where it grew and was nurtured by Palestinian time-honored savoir-faire. While in academic texts *za'atar* is defined by its latin name as *Origanum Syriacum* or *Majoran Syriaca* and defined as used for a "famous eastern spice" (Yaniv, Dudai, 2014, p.14), in the market the branding is less nebulous, identifying it as Israeli.

Appropriating *za'atar* is the result of a recurrent settler and colonial habit where history is rewritten and culinary tropes are constructed; accordingly the herb is narrativized as "Israeli" referencing the Bible where the herb is cited as "ezov" (Decolonize Palestine, n.d.).

As aforementioned, *za'atar* refers to both the herb as retrievable in nature, and to the "spice blend": in the Bible the reference is merely to the plant (Decolonize Palestine, n.d.), thus the sudden ancient culinary tradition upon which the Israeli commercialization is based, appears carefully marketed within the genocidal plan of both annihilating, substituting, rebranding and greenwashing.

A striking example of Israeli commercialization of *za'atar* is the one carried out by the Ben Herut family since the initial cultivation in the 1980s; the brand started to work on the development of the blend and while unable, at first, to reach the right balance between the single ingredients, the characteristic flavour was reached by the interviewing of Palestinians who shared the precious recipe.

It is almost dystopic to think that, while the brand was able to reach the perfect equilibrium of aroma and flavour only thanks to the actual longstanding bearers of such tradition (Palestinians) - a fact which the founders of the brand itself disclose-, the intent was and is for people to say that *za'atar* is Israeli (supposedly the inspiration of the business was National pride) (Decolonize Palestine, 2025).

As claimed by Chef Kattan (2020) the problem is not that *za'atar* might be used in Israeli kitchens or by Israeli chefs, but rather that the origin is never acknowledged; the Chef (2020) underlined how the origin of Alba truffles is always underlined, as pepper from Espelette, even specifically associating the ingredient only with that territory and *terroir*, while Palestinian local ingredients become a recurrent occasion to erase Palestinianhood.

Some Israelis, supposedly inspired by noble intentions recognizing the damages caused by the legal persecution of Palestinian foraging, have been trying to domesticate the plant in order to sell large quantities, to render the "prohibited foraging" less necessary. Nonetheless, such an action, for some Palestinians, remains harmful since the herb is wild by nature, thus *baladi*, and by taking its essence away it loses the very value which it culturally represents for Palestinians (where the harvesting is part of the cultural heritage); farming and foraging has also represented a way to build and maintain "independence from the Israeli market, by the cultivat[ion of] a routine connection to the land" (Bishara, n.d.).

Palestinian Wild herbs have come from a sweet whisper of home, rooted into Palestinian memory, (Torres-Gonzalez, 2026), yet another symbol of Israeli appropriation and consequently a “sentimentally-charged icon” (Rubin, 2020) for the fight of food and land sovereignty.

4.3.4 Hosting as a device for Palestinian Food Sovereignty

Foodways and the enactment of foodways through sociality have been demonstrated to represent a “transformative capacity [...] for fostering empowerment, well-being, social participation [...] between host community and community of origin” (Arcadu, Tubertini, Reyes Espejo, Migliorini, 2025, p.1).

The ongoing cultural and physical genocide have demonstrated that the relationship of Palestinians with their foodways persists specifically as a form of resilience while they “continue to nourish their bodies and their culture despite the hardships they face” (Observer Diplomat, 2025).

The given paragraph will delve into the role of culinary gatherings focused upon Palestinian culinary heritage which allow the meditation upon the role of the Palestinian diaspora within the transmission of foodways, when threatened under genocide, and how it bridges the diaspora through flavours and smells to one’s hometown which one misses dearly.

While the false pretenses of peace negotiations, where Palestinians’s agency and voice lack, Palestinians develop in the everyday the preservation both of the culture surrounding endemic plants and food heritage as a form of activism (Abu-Lughod, 2021)

In the same context, events such “farm to table” have also reached an increasing relevance, as form of resistance against genocide, within the narrativization of Palestinian culture abroad (and not only) inspired by the close and strongly felt relationship between Palestinian soil, the fruits it gives and the dishes which carry highly symbolic significance.

A prominent figure is Mirna Bamieh who through her live art project Palestine Hosting Society (2017) has not only been showcasing the importance of hospitality in Arab culture but also how hosting is finally an active conduct, marking her as the hosting subject - not object-opposed to the feeling which Palestinians feel under occupation, a permanent guest-victim state in their own home (Goldman Kay, 2019). For Mirna, in fact hospitality represents her chosen instrument of food activism (Meneley, 2021).

In this sense, the narrative presented by Palestine Hosting Society is not one where the colonial and genocidal oppression are underlined (although references are made throughout), but rather the rich culinary heritage of Palestinians closely tied to the land as a means to assert control (Meneley, 2021), food sovereignty, agency and the power over their own story, excluding in this way the oppressor from the table and conversation.

When Israeli chefs and Israeli food brands promote Palestinian products and dishes as their own, they are not only appropriating but also crystallizing Palestinians in a permanent submissive position where they can not escape victimhood, since the product is sold as Israeli, the kitchen knife is Israeli and the pen which is rewriting Koscher cuisine is Israeli.

Mirna Bamieh's cultural events intends to mend "together webs of people distanced from each other against their will" (Meneley, 2021, p.218) within palestinian-hood imposed by the Israeli administration by building concrete walls (both figuratively and literally), by using "culinary endeavors [...] as a symbolic domain of agency and self-expression" (Arcadu, Tubertini, Reyes Espejo, Migliorini, 2025, p.12) speaking to the soul and story of each Palestinian participant and non (by sharing their recipes or story) recreating a sense of shared foodways.

Bamieh gives a voice to untold and forgotten Palestinian stories thanks to the preliminary research upon which she bases her hosting events: after she has settled on the theme of the project, she spends up to months to meet with the people who bear and preserve family recipes, which survived the continuous attempts of complete cultural annihilation, by interviewing them and sharing meals in the kitchen (it might be claimed that it is has been specifically culinary traditions one of the strongest forms of resistance anchoring Palestinians to their land permanently, even from abroad). The target reference (of the research) is mainly the pre-Nakba generation, who with the Diaspora brought recipes with them all over the world, which's recipes are gathered as a precious archive, which ought to be reactivated during the artistic and culinary performance (Goldman Kay, 2019).

It is almost dystopian and incongruous that, because recipes require neither permits nor passports, some traditions are still preserved by the diaspora as they pass through Israeli-imposed borders and checkpoints-while Palestinians themselves cannot travel as freely (Meneley, 2021).

Meneley (2021) has described the experience of one of Mirna's cultural events called "Edible wild plants table" (2019, April) where Palestinian foodways operate as a powerful, relational and transformative tool (Arcadu, Tubertini, Espejo, Migliorini, 2025).

The culinary gathering was intended to give back to the audience the unique notions which the artist grouped during her research regarding the foraging of wild plants and their preparation; whereas the land is striped away from Palestinians, there is a consequent dispersal of the knowledge of everything which is grounded in the soil, and since the "knowledge of plants is not bred in the Palestinian bone, but born out of Palestinian cultural heritage" (Mirna, 2021, p.217) there is an

imperative moral necessity to protect and pass down the knowledge still attentively maintained by older generations.

The gastronomic exhibit was hosted at the Palestinian Museum in Bir Zeit (near Ramallah) which with its extensive garden adorned with plants of apricot, pomegranate, cypress, olive, fig, oranges and wild herbs, aided in the reflection on the role of plants within Palestinian cultural memory and identification.

During the dinner a dish (impactful for Meneley after its description) was served where the herb loof (*Arum Palaestinum*) represented the protagonist; yet, the participants only discovered the riskiness behind its consumption after having taken the first bite.

Loof holds a very special place in Palestinian tradition because it requires careful handling and deep-rooted expertise since if eaten raw one's throat might even close up as an allergic reaction: these aspects were shared by the artist as a way to demonstrate (Meneley, 2021) that without the knowledge shared by female figures, who hold dearly such heritage, no one would have known how to transform the herb from a potentially dangerous plant to "a healthy dish [rich in iron and beneficial for diabetes] by an overnight soaking with salt and slow cooking with plenty of olive oil" (Meneley, 2021, p.1).

Exactly in the fact that immaterial heritage is subject to change, constantly recreated, sensible to the surrounding environment (potentially damaging, such as a colonial and genocidal third Party) and transmitted from generation to generation (UNESCO, 2003), there lies a high risk of losing these culinary traditions (based upon foraging customs) by the continuous targeting of the Palestinian flora and fauna; the Israeli unlawful occupation has been "breaking the flow of knowledge, including kitchen knowledge" (Martinović, 2024) in a genocidal framework where each deliberate attack against an element of the environment affects the others as a chain reaction.

The dinner brought participants (which were majorly Palestinians) to reflect upon activism through food and agricultural transmission, by a process of convivial and pleasurable pedagogy (Meneley, 2021).

The convivial nature was at the basis of the concept as inspired by the *taw/la* Palestinian landscape where sharing dishes and stories is a prerogative of the very enjoyment of the meal; many participants found themselves reminiscing old family memories (Meneley, 2021) through the re-activation by taste.

The dishes presented were sixteen - the tables were adorned by wild flowers, the silk napkins had printed *za'atar* plants, and some of the plates were made personally by Mirna - and were accompanied by the story telling curated by Mirna herself who acquired the role as a mediator to transfer this knowledge on the table (Meneley, 2021).

Independent initiatives such as the ones by Bamieh, while strengthening the bonds between Palestinians separated against their will and representing a counter narrative to the Israeli one-dominant throughout, above all, in the West - (Abu-Lughod, 2021), it creates a space where Palestinians share their most intimate identity through food as a common language (Boutaud, Becuț, Marinescu, 2016) meditating in a concealed manner on the responsibilities of the given land and food appropriation.

Since food is extremely politically loaded, especially in a place like Palestine, it can occur, as Mirna (2021) underlined, that, while some recipes are lost both due to the criminalization of the foraging of *za'atar* and *akkoub* and the disruption with the land, sometimes the smells and taste allow the reminiscence of painful past memories, which as such are pushed away.

So-called food activists are contrasting Israeli dominated tablescapes by introducing positive activities where foods and plants are lived as possible sites for repossession, momentary comfort, and national pride by utilizing the power of smell and taste deeply felt by displaced populations like Palestinians.

Several other examples are to be cited as showcasing the trend of agro-culinary and cultural events which use food as a medium through which individuals express and reaffirm their own identity, "rediscovering the value of their own culture" (Arcadu, Tubertini, Reyes Espejo, Migliorini, 2025, p.12); food in all these contexts, as a nostalgic element, becomes the "Palestinian terroir" of a new form of activism in the form of "farm to table" events, seed sharing gatherings, social eatings etc...

The Palestinian artists Rana Bishara, for example, represented a performance called "Zeit and Zaatar Communion/Ritual"- meaning, oil and *za'atar* - "which offered a visceral experience of Palestine (Abu-Lughod, n.d.).

The performance took place for the first time in 2006 and is a way of representing Palestinian struggle through its characteristic aroma and taste, thus olive oil and *za'atar*. The ritual is a way to entrench the close relationality between land (its dispossession) and Palestinian culture, reclaiming the dignity of Palestinians through artistic expression.

Furthermore, the organization Sharaka (affiliated with the Slow Food movement) organizes for example "*baladi* food events" underscoring how young generations of Palestinians engage with traditional cultural concepts such as *baladi* with desires of food and land sovereignty and healthy and ethical consumption (Groslik, Handel, Monterescu, 2025).

The *baladi* concept has been frequently utilized for the narrativization of the close relationship between food, land and politics under cultural genocide, as is demonstrated by campaigns such as "Stay Baladi" and "Baladi Rooted Resistance" where stories are shared to promote and preserve

Palestinian agro-culinary heritage: as Groszlik, Handel, Monterescu (2025) documented on occasion of an event organized by Sharak, a Palestinian farmer strongly claimed that “they will not conquer our stomachs and plates”, where “they” refers to Israelis.

Abroad, the Palestinian diaspora seeks to create community through foodways, like Sara Assad-Mannings, co-founder and owner of London based bakery, desires to achieve: the bakery is centered around the encounter of her dual British and Palestinian heritage and represent for her a moral responsibility for her community to transmit Palestinian cuisine as a vital tool in the journey of reviving Palestinian culture at large (Madanat, 2025).

Larissa Sansour, Palestinian and Russian London based artist, has been developing several artistic projects centered around food memory transmission as a way to challenge the dominant Israeli genocidal status quo (Abu-Lughod, 2021): The Travelling Kitchen, for example, is a project in collaboration with designer Ayed Arafah.

The project involves the travelling around the West Bank with a portable kitchen in the West Bank where she would host meals (Mishan, 2020) and “bring forth conversation[s] about bioheritage and engage people to take a deeper look into their personal stories and their relationship to what they eat” (Vivien Sansour, n.d.).

For Sansour (2026) preserving seeds of endangered Palestinian plants, a theme dear to her, is inspired by the fact that she wants to actually be able to taste her Palestinian history, and not just talk about it: such declarations demonstrate furthermore the prominent role of flavours and aromas in national cultural identity, especially when severely undermined.



Figure 67 Vivien Sansour (n.d.) [The Traveling Kitchen project]. <https://viviensansour.com/Traveling-Kitchen>.

4.4 The Hummus wars

Hummus is illustrative of the successful way in which the Israeli narrative has colonized (both figuratively and non) the western mind into thinking that it is the epitome of the Israeli dish.

While, as seen in the book "How to cook in Palestine" (1936), chickpeas were not greatly considered as legumes were hardly digested and as such not recommended in the newly appropriated, kosher diet; still, such declarations constitute crucial evidence as demonstration that legumes and chickpeas were widely used for the creation of mezzes in Palestine prior to the arrival of the Jewish Diaspora in Palestine. Nonetheless, from the 1950s onwards, due to the global industrial push and mass production, hummus was easily marketable as a Jewish-Israeli national dish (Ranta, 2015) both for its nutritious values (protein rich) and "veganess" (something which has gained momentum subsequently) and most importantly it is easily distributable in a plastic box and easy to store in the fridge allowing the new modern households the abbreviation of meal preparation; thus, the Palestinian origins were oppressed "allowing the item to be presented as a relic of biblical times" (Hirsh, 2011, p.620) through the careful marketing strategy construction and association of its "production, distribution and consumption to demarcate [...] the emotive power of [...] nationalist sentiments" (DeSoucey, 2010, p.432).

Furthermore, has hummus been branded as the perfect snack for people in the sport or health passionates, decontextualizing the role of hummus as a mezze within Palestinian social understanding of food consumption, and rather commodifying it as a fastly (even on the go) eatable and on your own western global dip: as a matter of fact the western foodways are focused upon individualism, as opposed to the communality and sharing principle (Poulain, 2017) as evidenced in Palestinian eating processes.

The nationalist sentiments, in this sense, constructed and shaped the successful marketing of hummus crystallizing it as an "institutionalized vehicle of national cultural identity" (DeSoucey, 2010, p.433).

As inspired by DeSoucey's idea of gastronationalism (2010) further researchers like Ichijo (2017, 2020) have delved into the analysis of the role of UNESCO as reinforcer of gastronationalism by the enlisting of certain intangible culinary heritages as requiring particular attention as they represent the essence of a people. This is in fact, what appears to be the reason why the enlisting of the Ukrainian dish "borscht" was enlisted as endangered intangible heritage by UNESCO in 2023, during the ongoing Russian/Ukrainian conflict: such an example is quiet fitting for the case of Palestinian hummus, since on top of the systematic appropriation in the global market as an Israeli

dish, annihilating Palestinian agency, in the current circumstances, under genocide, such an action, or at least the insertion by UNESCO into the tentative List might constitute a political message in the cultural realm against the continuous negligence of the international community before the physical genocide of Palestinians. For the purposes of this study, hummus will serve as a tool to identify the Israeli nationalistic construction around it and possible new horizons for Palestinian to regain agency over such an iconic and loved dish.

Contemporaneity has showed that numerous States have been implementing initiatives to allow the recognition by UNESCO of their own culinary traditions; in the context in which cuisines and table traditions have been increasingly been considered as elements to express one's profound identity, to narrate one's self and as "clear manifestation of a culture's fundamental values" (Poulain, 2017, p.22), a consequent question remains as to why, under the current crisis period of both physical and cultural genocide, hummus cannot be granted the status of endangered Palestinian intangible UNESCO heritage.

In 2010 Mediterranean cuisine was inscribed by UNESCO for its nature of identity binder and, as stated previously, borscht, after careful examination by UNESCO evaluators, has been enlisted in light of how the armed conflict has been threatening the vitality of the intangible heritage (Montanari, Petrillo, 2025).

Such a nomination is particularly powerful by virtue of the fact that food and some ingredients (as seen with Palestinian wild herbs) hold a special role as a means of salvation especially in time of conflict, oppression and violence: food becomes a tool to transmit one's prayers and hopes (Montanari, Petrillo, 2025).

In some way, the action of UNESCO nominating hummus as intangible Palestinian heritage would create a distinction (DeSoucey, 2010) between what is Palestinian and what is Israeli, excluding Israelis from claiming it as its own - as has been persistently done with several other ingredients and dishes by the Zionist myth making strategy.

As for now, the role of hummus within the global market allows for attentive consumers to identify how Palestinians and their longstanding rich food culture is positioned within the settler and genocidal Israeli narrative (Ranta, 2015); although food needs to be understood as a dialogue between cultures, and not an instrument of war (Nappini, 2025), tablesapes and foodways represent often extensions of political imbalances, yet with the recent trends kitchens have been representing the safe space in which Palestinians have been reclaiming who with anger, fear and who with joy and hope their own role within their own culture intangible heritage.

"You can take the recipe, you can copy the dish, you can even rename it, but you'll never recreate what makes it ours" (Sitti's House, 2026), that is the familiar love and ties to the land behind it.

In sum, this chapter has traced how cuisine - olive oil, za'atar, and above all hummus - has become a battleground of sovereignty, with Palestinian dishes appropriated and rebranded as "Israeli" national food even as the people who created them are dispossessed and erased. Culinary appropriation thus emerges not as a marginal cultural curiosity but as one further technique of cultural genocide, and as the mirror image of the physical destruction documented earlier: where bodies and buildings are destroyed, food is instead captured and renamed. The concluding chapter draws these threads together, returning to the central claim that the Palestinian case marks a turning point for the legal and conceptual understanding of cultural genocide.

Chapter V

Conclusions

This study investigated the ongoing - initiated at the beginning of the twentieth century - cultural genocide in Palestine, taking in particular consideration the appropriation, destruction and rebranding of Palestinian culinary heritage.

As has been underlined, it is common that Western States, in order to enforce their colonial and genocidal project, undermine both the agricultural and natural resources upon which a People's foodways are based and the very same recipes; by the means of green-orientalism (Sasa, 2023), greenwashing, and the construction of a State which has been granted a "civilizing" role "to justify [the] enormities [...] perpetrated against the indigenous people to fulfil their objectives" (Khalidi, 2020, p.10).

It has been demonstrated that both the destruction of tangible heritage and the appropriation and exploitation of culinary heritage and food sources have been used as the basis for Israel to construct its identity (Ra'ad, 2010).

Although it is the very nature of intangible heritage, and by extension of culinary heritage, that it is alive and fluid, the acknowledgment of who actually bears the tradition in the first place is crucial: one's culture is the actual means through which a people - here Palestinians - solidify their "branches on the ground and [their] roots in the sky" (Darwish, 1964), crystallizing the relationality between the People and their Land of origin.

Using the olive tree poem as a personification of Palestinians and their ties to the Palestinian soil is exemplificative of both the way in which Palestinians have been strongly opposing the Israeli colonial attempts to completely annihilate their culture, and the way in which Palestinians are extremely rooted in their cultural heritage; the latter aspect is evidenced by the Diaspora which, with fervor, continues to culturally resist by staging culinary experiences and culinary narratives in spite of the oppressing and overpowering Zionist narrative, especially in the West.

This is not to say that Palestinians are to be seen and considered as heroes and warriors able to overcome any kind of injustice and any attempt of genocidal appropriation or rebranding; this narrative coincides with the possible exoneration of our Western responsibilities, while being testimonies to the ongoing both cultural and physical genocide (Bennett, 2023).

Immaterial heritage, furthermore, is characterized by its participatory nature which requires actual participatory management and protection of the given heritage by the community which bears it;

Palestinians in this sense need to have the space to be able to narrate their own story which is why they have also grown very protective of it, since it tells their “story of oppression, resilience, resistance, power, unity and loyalty” (Madanat, 2025).

The necessity that Palestinians need to narrate themselves their struggle is in stark contrast with this very research conducted by a Western academic, thus requiring for the author herself a recurrent query of her own positionality with respect to the Palestinian cultural (and physical) genocide.

The research has showed that hospitality and the act of hosting function as predominant instruments of resistance for Palestinians, particularly in times of genocide. Through these practices, Palestinians actively counter cultural annihilation and appropriation, reaffirming their identity and agency in the face of ongoing erasure

The study has aimed at underlining the legal gap which the exemption of cultural genocide constitutes: it is necessary to frame the ongoing destruction of foodways and tangible heritage as a crucial component of the genocide perpetrated by the Israeli administration.

The past chapters attempted to underline the role of culture within the enforcement of genocidal policies and laws targeting the very roots of the identity of Palestinians; cultural genocide in this sense requires a careful reconceptualization.

Given that “the right to food is [...] a right to cuisine [...] the right to cuisine is a right to live” (Perullo, 2026, my translation), we must all gather towards the protection of Palestinian culinary heritage.



Figure 68 Majdi Fathi (2026, May) Palestinian sisters Lina Zeid (L) and Aya Zeid prepare food on the rooftop of their house to distribute among displaced (...), [Photograph] sourced from majdi_fathi https://www.instagram.com/p/DYCYDTCOhF/?img_index=6&igsh=MWptYnlmbjl0MGV-kag=

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